



Planning Committee

Wednesday 2 August 2023 6pm



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1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6.00pm.

The Presiding Member informed members of the public that the meeting was being recorded and streamed live on the internet. He/She further advised that while all care is taken to maintain privacy, visitors in the public gallery and members of the public submitting a question, may be captured in the recording.

2.1. Attendance

Cr Bryn Jones	Presiding Member/North Ward
Cr Geoff Graham	Deputy Presiding Member/Beaconsfield Ward South Ward
Cr Su Groome	East Ward
Cr Adin Lang	City Ward
Cr Ben Lawver	Hilton Ward
Mr Russell Kingdom	Director Planning, Place and Urban Development
Mr Graham Tattersall	Director Infrastructure
Ms Chloe Johnston	Manager Development Approvals
Mr Patrick Ford	Manager Strategic Planning and City Design
Ms Kayla Goodchild	Meeting Support Officer

There were approximately 8 members of the public in attendance.

2.2. Apologies

Mayor, Hannah Fitzhardinge
Cr Andrew Sullivan

2.3. Leave of absence

Nil

3. Disclosures of interests

Nil

4. Responses to previous questions taken on notice

Nil



5. Public question time

The following members of the public spoke against the officer's recommendation for item PC2308-1:

Mick Banovic
Mike Simun

The following member of the public spoke in favour of the officer's recommendation for item PC2308-2:

James McCallum

The following member of the public spoke in favour of the officer's recommendation for item PC2308-3:

Peter Nixon

6. Petitions

Nil

7. Deputations

7.1 Special deputations

Nil

7.2 Presentations

Nil

8. Confirmation of minutes

COMMITTEE DECISION
(Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

The Planning Committee confirm the minutes of the Planning Committee meeting dated 5 July 2023.

Carried: 5/0

**Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



9. Elected member communication

Nil

10. Reports and recommendations

10.1 Deferred Items

PC2308-1 DEFERRED ITEM - HERBERT STREET, NO. 21 (LOT 23), NORTH FREMANTLE – DEMOLITION OF EXISTING SINGLE HOUSE AND INCIDENTAL STRUCTURES (JZ DA0127/23)

Meeting Date:	1 August 2023
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Attachments:	<ol style="list-style-type: none">1. Demolition Plan & Structural Engineer Report2. Site Photos3. City of Fremantle Heritage Impact Assessment4. Asbestos Condition and Inspection Report5. Structural Integrity Report6. Certificate for Identification of Asbestos

SUMMARY

Approval is sought for the demolition of an existing Single house and incidental structures at No.21 (Lot 23) Herbert Street, North Fremantle.

The proposal is referred to Planning Committee (PC) as it involves the demolition of a dwelling located within the North Fremantle Heritage Area.

At it's meeting in July 2023, the PC referred the item back to the administration, to ensure consideration of late, additional supporting information provided by the applicant and to allow time for a site visit by the Committee members.

The application remains recommended for refusal.

PROPOSAL

Detail

Approval is sought for the demolition of an existing Single house and all incidental structures at No.21 (Lot 23) Herbert Street, North Fremantle. The property is not individually listed on the City of Fremantle Heritage List; however, it is located within the North Fremantle Heritage Area meaning development approval is



required for the demolition under the *Planning and Development (Local Planning Schemes) Regulations 2015*. There is no new development proposed in this application.

Development plans and structural engineer report are included as Attachment 1.

Site/application information

Date received: 20 April 2023
Owner name: Venera Milanja
Submitted by: Venera Milanja
Scheme: Residential R25
Heritage listing: North Fremantle Heritage Area
Existing land use: Single House
Use class: Single House
Use permissibility: N/A





CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal included the demolition of a dwelling in a Heritage Area. The advertising period concluded on 22 May 2023, and four (4) submissions were received. The concerns of the submissions are provided in detail below:

- Concerns related to the loss of character and identity of the Herbert streetscape which is known for its old heritage cottages and Inter-War style housing;
- Concerns related to the heritage significance of the existing Single house and its similarity to existing houses on Herbert Street;
- Concerns regarding proposed demolition construction and traffic management so as to not impact livelihood of adjoining neighbours; and
- Concerns with safe asbestos removal (if demolition is to be approved).

The matters raised within the above submissions are discussed in detail within the officer comment section of this report below.

OFFICER COMMENT

Background

The subject site is located on the northern side of Herbert Street. The site has a land area of approximately 412m² and is currently an existing Single House. The site is zoned Residential and has a density coding of R25. The site is not individually listed, however it is located within the North Fremantle Heritage Area.

The buildings within Herbert Street predominantly date back to the early 20th Century with some Inter-War infill. There is a mixture of houses constructed from limestone and timber.

The existing dwelling on site is on a steeply sloping lot on the east side of Herbert Street. The single storey, timber framed house is sited centrally at the front of the block with a red face brick retaining wall to the front boundary and matching steps and red painted concrete path leading up to an enclosed verandah at the front of the house.



The item was presented to PC in July 2023, with a recommendation for refusal. Prior to the meeting, the applicant provided an additional two reports to support their argument that the dwelling was not able to be conserved and should be demolished. The following officer comments was published with the late documents:

After publication of the agenda, the applicant has submitted a request to have the application for demolition withdrawn from consideration at this meeting. To support this, they have submitted an additional two technical reports:

- *Structural Integrity Report (West Coast Inspections)*
- *Asbestos Inspection Condition Report (West Coast Inspections)*

Both reports state that the place is in poor condition and significant works are required to ensure it is safe for occupancy. It does not conclusively say that full demolition is the only option. The level of significance of the place does allow for substantial renovations to ensure it is safe for occupancy and free of asbestos. As outlined in the report, the condition of a place and potential financial cost of repairs, is not a reason to support demolition of a place with heritage significance. No alternate heritage impact assessment has been provided for consideration. Officers do not require additional time to assess these documents. However, Council may seek further time to review the late additional information provided by the applicant.

These reports are included as attachments to this report.

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of the City's Local Planning Scheme No. 4 (LPS4) and relevant Council local planning policies.

Demolition requires careful consideration because it potentially removes all the heritage significance of the place, except for intangible historical and social values that are not dependant on physical fabric.

Clause 67(2) (k) and (l) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) require Local Governments to have due regard to the built heritage conservation of any place that is of cultural significance and the effect of the proposal on the cultural heritage significance of the area in which the development is located when making decisions on relevant applications.



Clause 4.14.1 of Local Planning Scheme No.4 (LPS4) also states:

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

(a) has limited or no cultural heritage significance, and

(b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

4.14.2 *In considering an application under 4.14.1, Council shall have regard to any heritage assessment required under the Planning and Development (Local Planning Schemes) Regulations 2015.*

This clause provides the authority for the decision maker to issue approval for demolition, only if it meets both of the triggers (part a and b) of the clause. If it does not, there is no ability for the Council to approve demolition to the site.

Heritage and Demolition

City officers have reviewed the demolition proposal, structural engineer report (Attachment 1) and have undertaken a detailed Heritage Impact Assessment (HIA), prepared in accordance with the Burra Charter and LPP 1.6, for which full details can be found at Attachment 2 of this report. The applicant has not provided their own HIA/

The following excerpt from City's HIA summarises it's conclusions:

21 Herbert Street is a largely intact Inter-War era timber house that has been modified in the Post-War era by replacing most of the external weatherboard wall cladding. While the replacement Brick-Clad wall cladding has reduced the heritage value of the place, this change is reversible, and the heritage value can be improved by the reinstatement of the original external finish to match surviving sections of original wall cladding. In its current form, 21 Herbert Street does not meet the threshold for inclusion on the Heritage List.

Despite the replacement of the external wall cladding, the scale, form and composition of 21 Herbert Street is still clearly legible, and the place contributes to the character of the largely intact heritage streetscape of Herbert Street which contains a mix of single storey



Late Nineteenth to early Post War era timber and limestone houses. 21 Herbert Street is a Contributory Place within the North Fremantle Heritage Area.

Information provided by the applicant has shown that while the house needs to be refurbished and repaired, it is not structurally unsound and is in reasonable condition for a house of its age and construction type. Both reports recommend the demolition of the house but this is based on the cost of removal of asbestos and refurbishment being more expensive than demolition and construction of a standard new home (\$250,000 allowed).

The removal of the intrusive, asbestos bearing 'Brick Clad' external wall cladding will remove the potential health risk and improve the contribution that the place makes to Herbert Street and the North Fremantle Heritage Area. The rear addition which contains asbestos bearing wall and ceiling lining has no heritage significance and can be removed with no impact on the heritage value of the place or its contribution to the Heritage Area.

As detailed in the HIA above, the property is deemed to have *some* cultural heritage significance (not limited or no significance) for the following reasons:

- The scale, form and composition of the existing Single House provides aesthetic value to the streetscape and contributes to the intact heritage streetscape of Herbert Street (comprising mostly of Late Nineteenth to early Post War era timber and limestone houses).
- The existing streetscape consists largely of houses that have a similar built form, style and material. Combined, these houses form an identifiable streetscape character.
- The existing Single house at 21 Herbert Street is an Inter-War timber framed house and is an example of the style of housing present within the North Fremantle Heritage Area, therefore is considered contributory.

In accordance with the requirements of CI 4.14 of LPS4, the demolition proposal for 21 Herbert Street is not supported as it is considered the existing house, being classified as a Contributory Place in the North Fremantle Heritage Area, makes a significant contribution to the locality of Herbert Street through the cultural significance of its built form and typology.



Notwithstanding the above, should Council determine that the place has limited or no significance AND that it does not make a significant contribution to the heritage of the locality, further assessment is also required against the criteria of LPP 3.6 Heritage Areas.

The applicant submitted a structural engineering report as supplementary information to support their application for demolition. The report clearly identifies there are no major structural issues with 21 Herbert Street and that it is confirmed to be 'safe and stable.' and recommends demolition only due to the costs of restoration compared with a new build. It is noted however, there are some areas of the house which will require refurbishment or replacements including the Brick-Clad external wall cladding, fit-out of bathroom, kitchen, and laundry areas. These alterations are likely to be possible, as they hold little significance to the overall heritage value of the house.

It is considered that these areas which are identified to be in poor condition within the submitted structural engineering report can be replaced or removed without damage to the heritage significance of the existing house. Therefore, it is not considered that the current condition of 21 Herbert Street is an acceptable reason for demolition (as prescribed in Cl 3.4.2 of LPP 3.6).

Further, LPP3.6 provides that demolition of a contributory place or removal of significant fabric within a heritage area is contrary to the objectives of the policy and will generally, not be supported. The policy adds that demolition approval of a contributory place will also not be considered on the grounds of economic or other perceived gain for the redevelopment of the land.

Demolition is therefore not supported.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil



OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, demolition of the existing Single House at No.21 (Lot 23) Herbert Street, North Fremantle, as detailed on the plans dated 20 April 2023, for the following reasons:

1. The demolition of the Single house does not meet the requirements of Clause 4.14 of Local Planning Scheme No.4 as it:
 - a) Is of "some" cultural heritage significance (i.e. is greater than little or no significance); and
 - b) Makes a significant contribution to the streetscape of Herbert Street and the North Fremantle Heritage Area.
2. The demolition proposal does not meet the relevant criteria of LPP 3.6 as it is classified as a Contributory Place to the North Fremantle Heritage Area and its loss would therefore reduce the heritage significance of the locality.
3. The demolition of the dwelling is contrary to Clause 67(2)(k) and (l) of the *Planning and Development (Local Planning Schemes) Regulations 2015(Deemed Provisions)* as it will have an adverse impact upon the cultural heritage significance of the North Fremantle Heritage Area.

COMMITTEE RECOMMENDATION ITEM PC2308-1 (Alternative recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the existing Single House at No.21 (Lot 23) Herbert Street, North Fremantle, as detailed on the plans dated 20 April 2023, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 20 April 2023. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. Prior to the issue of a Demolition or Building Permit for the development hereby approved, an archival record is to be made**



of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:

- a. A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.
- b. Digital photographs taken of the building (once vacated) to include:
 - i. a general/overall photo of the building to be demolished;
 - ii. photos of each of the four elevations;
 - iii. internal photos of all rooms; and photos of any special architectural features.

Advice note:

- 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.

**Carried: 4/1
For**

**Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groom, Cr Ben Lawver**

Against

Cr Adin Lang

The above item is referred to the Ordinary Meeting of Council for determination in accordance with the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.



10.2 Committee delegation

PC2308-2 PARRY STREET, NO. 26 (LOT 440), FREMANTLE - FOUR STOREY MIXED USE DEVELOPMENT (TOURIST DEVELOPMENT (8 UNITS) & 12 MULTIPLE DWELLINGS) (ED DA0098/23)

Meeting Date: 2 August 2023
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments:

1. Amended Development Plans
2. Site Photos
2. Amended Landscaping Plans
3. Sustainable Design Strategy
4. Design Statement and Assessment
5. Applicant Written Responses to DAC (DR1) Comments
6. DAC Comments Combined (DR1 & DR2)

SUMMARY

Approval is sought for a four-storey mixed use development comprising tourist development (8 units) and 12 multiple dwellings at No. 26 Parry Street, Fremantle

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

- Land Use
- Plot Ratio
- Boundary Walls
- R-Code Volume 2 Matters

The application is recommended for conditional approval.



PROPOSAL

Detail

Approval is sought for the erection of a new four storey (plus basement level) mixed use development comprising eight (8) tourist development units and twelve (12) multiple dwellings at a currently vacant site, No. 26 (Lot 440) Parry Street, Fremantle.

The proposed works include:

- Basement level: car parking (8 tandem bays) and storage areas
- Ground floor: car parking (14 bays including 1 ACROD bay), lobbies, landscaping communal amenities including: dining, kitchen, lounge, 'business centre' (meeting rooms), gym and swimming pool. (Note: all amenities and spaces are intended for the sole use of owners/occupiers/visitors of the units/dwelling, not for the general public)
- First floor: 8 x Tourist Development Units (4 x one-bed; 4 x two-bed) and communal, accessible garden deck
- Second and third floors: 12 x Multiple Dwellings (4 x one-bed; 8 x two-bed)

The applicant submitted amended plans on 23 June 2023 including the following:

- Lobby re-design (building entry closer to foot path / street edge, 'business centre' open to lobby);
- Operable walls to meeting rooms at ground floor for adaptable sizing;
- Increased landscaped areas on first floor garden deck (shade tolerant plants);
- Accessible units on first and second floors relocated to north-east corner of building to allow for increased park views & natural sun and daylight;
- Proposed ground connection/stairs to adjacent Queens Square park removed, small terrace now adjacent from common area;
- Increased setback of building street façade at south-west corner and material changes to façade elevation with brick and limestone cladding to street elevations;
- Introduction of perforated screen over entrance and levels 1-3 nominated as public art;
- Provision of car parking bay and aisles dimensions; and
- Revised landscaping plans.

Amended development plans are included as attachment 1.



Site/application information

Date received: 28 March 2023
Owner name: Mft Investments (WA) Pty Ltd
Submitted by: Stephen Hart
Scheme: Mixed Use (R35)
Heritage listing: Central Fremantle Heritage Area
Existing land use: Vacant
Use class: Multiple Dwellings, Tourist Development
Use permissibility: A, A





CONSULTATION

Internal referrals

CoF Heritage

26 Parry Street is a vacant site. The property is not included on the Heritage List, and it does not contribute to the heritage value of the Central Fremantle Heritage Area. Similar proposals for 4 storey mixed use developments to 26 Parry Street were granted planning approval in 2020 (tourist accommodation, multiple dwellings - DA0486/20), 2018 (tourist accommodation, multiple dwellings, restaurant, and lunch bar - DAP0001/18), and in 2014 (DAP005/14).

External referrals

Heritage Services (Department of Planning Lands and Heritage)

The application was referred to the state government's Heritage Services as the subject site is adjacent to two properties on the state register of heritage places: *Seven Terrace Houses* and *Fremantle Prison*. Heritage Services have advised that they have no objection to the proposal as the development is located an adequate distance away from the Fremantle Prison site and is not considered to affect the assessed heritage values of the registered places.

Fremantle Ports (FP)

The application was referred to FP as the subject site is located within Fremantle Port Buffer Area 2. No comments were received, and the City has therefore only recommended the standard Area 2 conditions and advice notes be imposed.

Design Advisory Committee (DAC)

The subject development was referred to the City's DAC as the development comprised a building height greater than 11 metres in accordance with LPS4. The application was presented the City's DAC twice, once on 4th April 2023 (DR1) and a follow-up review on 10 July 2023 (DR2) following some minor amendments to plans in response to DAC comments.



Following the initial DAC meeting on 4 April 2023 (DR1), on the 23 June 2023 the applicant prepared amended plans with the following changes:

- Lobby re-design (building entry closer to foot path / street edge, 'business centre' opened to lobby);
- Operable walls within meeting rooms at ground floor for adaptable sizing;
- Increased landscaped areas on first floor garden deck (shade tolerant plants);
- Accessible units on first and second floors relocated to north-east corner of building to allow for increased park views & natural sun and daylight;
- Proposed ground connection/stairs to adjacent Queens Square park removed, small terrace now adjacent from common area;
- Increased setback of building street façade at south-west corner and material changes to façade elevation with brick and limestone cladding to street elevations;
- Introduction of perforated screen over entrance and levels 1-3 nominated as public art;
- Provision of car parking bay and aisles dimensions; and
- Revised landscaping plans.

The applicant also prepared a written response covering letter to accompany the amended plans which can be found as an attachment to this report.

These amended plans were presented to the DAC on 10 July 2023 (DR2), where the Committee provided the following comments (see full details in attachments):



Design Quality Evaluation – DR2 – 10 July 2023	
Strengths of the Proposal	<ul style="list-style-type: none"> • Tourist accommodation and apartment dwellings in a mixed-use building on an important site in Fremantle’s city centre. • Units are generally well planned and include a good standard of amenity. • Provision of a Platinum Level Accessible Unit.
Principle 1 Context and character	<i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i>
Comment	<p>(a) The DAC remains deeply concerned about the disconnect between the strong context and character of this historical part of Fremantle and the proposed design.</p> <p>There is minimal Context and Character analysis, no comprehensive evaluation and, consequently, the design responds insensitively to the locality and site. The DAC strongly advises the Applicant develops a clear understanding of materiality, scale, local heritage and history of the place.</p> <p>For example, the design remains incoherent due to the very different characters for the public frontages to Parry Street and the Park.</p> <p>(b) The DAC remains deeply concerned about the planning of the development. As previously advised, reorientating the Level 1 courtyard to the north has many benefits including: reducing the building’s current large mass and heavy bulk; creating a valuable open deck with access to northern winter sun; expansive views for building occupants towards the Park; together with passive surveillance opportunities.</p> <p>(c) The DAC remains deeply concerned about the ground floor north-western corner and northern side of the building and its lack of interactivity with Parry Street and the Park. The internal office rooms are for private guests’ meetings only with no publicly accessible areas, and the narrow terrace of the central lounge has no meaningful connection to the Park.</p> <p>(d) The DAC advises relocating the western stair in-bound to release the space for a more appropriate habitable and active use on the Parry Street frontage.</p> <p>(e) The DAC advises relocating the carparking bays at the ground floor building interface with Parry Street to release the space for a more appropriate habitable and active use on the frontage.</p>



Recommendations	<ol style="list-style-type: none"> 1. Undertake a comprehensive Context and Character study to understand the qualities of the locality and to contribute positively to the sense of place. 2. Consider how the reorientation of the Level 1 courtyard to the north could unlock many benefits for the development of the site and relationship with the context. 3. Significantly improve the ground floor north-western corner and northern side of the building for opportunities for interactivity with Parry Street and the Park. 4. Consider relocating the stair to improve the activation of the Parry Street frontage. 5. Consider relocating the car bays abutting Parry Street to improve the street frontage with a more appropriate habitable and active use.
Principle 2 Landscape quality	<i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i>
Comment	<p>(a) As previously advised, the discretion sought for increased plot ratio and building bulk requires justification, including consideration of community benefit. The Applicant should consider the provision of increased true deep soil area at the ground level and particularly at the building interfaces with the public park and Parry Street.</p> <p>(b) The southern location of the Level 1 courtyard and the landscape quality remain concerning due to overshadow by the building itself.</p>
Recommendations	<ol style="list-style-type: none"> 1. Improve the potential community benefit by increasing the provision of quality landscape (deep soil areas) at the ground level interface with the Park and Parry Street. 2. Refer to Principle 1: Context and Character for further comments on the benefits of reorientating the Level 1 courtyard to the north.
Principle 3 Built form and scale	<i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i>
Comment	(a) As previously advised, the Applicant should consider minimising building mass and the perception of a heavy building bulk.
Recommendations	1. Minimise the building mass and perception of a heavy building bulk.
Principle 4 Functionality and build quality	<i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i>



Comment	(a) The DAC noted that the undercroft carpark includes openings on the southern side boundary. Provide clarification that potential fire separation issues have been managed.
Recommendations	1. Clarify management of any potential fire separation issues with openings proposed on the southern boundary.
Principle 5 Sustainability	<i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i>
Comment	(a) The DAC again suggests consideration of at least a 5-star Green Star rating for a building of this scale and function.
Recommendations	Consider raising the Green Star rating to five-star at least.
Principle 6 Amenity	<i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i>
Comment	<ul style="list-style-type: none"> a) Units 2 and 10 have 9sqm balcony area that is too small for the unit size and, therefore, should be increased. b) Units 16 and 20, in the south-eastern corner of the development, both have two internalized bedroom balconies at right angles to each other and, therefore, privacy and overlooking between balconies is a concern; consider a redesign or add privacy screens. c) Unit 18 has an internalized balcony into the Level 1 courtyard with little access to natural amenity and no views of the street or Park. d) Reconsider the poor relationship of the changing room that is directly accessible and visible from the dining area. e) The ground level floor to floor height of 3.15m remains unchanged and, as previously advised, is very low for a quality mixed-use building. f) Air conditioning condenser units remain on the balconies, which creates poor amenity and limits use of the balconies for unit occupants; these units should be removed from the balconies.
Recommendations	<ul style="list-style-type: none"> 1. Consider appropriate balcony areas commensurate with the unit size. 2. Consider the amenity of balconies, particularly to manage privacy/overlooking and access of natural amenity and views. 3. Consider improving access to the change room away from views of the dining area. 4. Consider raising the ground floor ceiling height for improved amenity.



	5. Relocate the a/c condenser units from the balconies.
Principle 7 Legibility	<i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i>
Comment	(a) Indicate a legible reception desk at the entry for tourists.
Recommendations	1. Locate a legible reception desk for guests.
Principle 8 Safety	<i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>
Comment	(a) Reconsider the basement design and the operation of the tandem car bays for improved pedestrian safety and access.
Recommendations	1. Consider the basement design and improved safety and accessibility for pedestrians.
Principle 9 Community	<i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i>
Comment	(a) The Applicant is reminded of the City’s Percent for Art Policy and the Guidelines therein.
Recommendations	None
Principle 10 Aesthetics	<i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i>
Comment	(a) The Applicant is referred to the DAC’s comments in Principle 1: Context and Character that tie into Aesthetics. (b) Reconsider the current precast concrete finish of the southern wall on the boundary that may be exposed for some time before any redevelopment of the adjacent lot. (c) Clarify what is meant by “brick faced concrete”.
Recommendations	1. Refer to Principle 1: Context and Character for further comments on achieving a quality aesthetic that responds sensitively to the context. 2. Reconsider the precast concrete finish on the southern wall. 3. Clarify what is meant by “brick faced concrete”.

Concluding Remarks
<p>The DAC acknowledges a few relatively minor improvements following DR1, however the extensive and very important high-level requirements remain to be satisfied, as stated above, on achieving a sensitive and high-quality design response to context and character, built form and scale, landscape, amenity, sustainability and aesthetics.</p> <p>The DAC does not support the current proposal.</p>



These latest DAC comments have been provided to the applicant for attention though they have not indicated any willingness to amend the development plans further. The applicant has advised that the changes recommended by the DAC are not feasible and will affect the viability of the development.

See further discussion on design in the officer comment section below.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Public advertising of the application included:

- Letters to owners and occupiers within 200m of the subject site;
- Sign on site;
- Press notices; and
- Plans and documents on the City’s MySay website

The advertising period concluded on 16 May 2023, and two (2) submissions were received. The following issues were raised (summarised) and include an officer response in following table:

Submitter Comment	Officer Comment
The set back from foot path does not comply. The overshadowing due to height, volume and lack of setbacks is not acceptable.	Detailed comment on the built form in the context of relevant development controls for the site (in particular, Fremantle LPA - sub-area 2.3.2) are provided in the officer comment section below.
The design is not architecturally outstanding & does not justify the relaxation of requirements for setbacks & overshadowing. We understand that Fremantle is encouraging more density, however this should not be at the detriment of good design.	Detailed review and comment on the design of the building is provided in the Design Advisory Committee section above.
At four storeys, it would be the highest building along the whole lengths of Parry Street and around the corner up Holdsworth Street. Therefore, this building will be isolated, and its profile would be an interruption rather than an enhancement to the streetscape.	Detailed comment on the built form in the context of relevant development controls for the site (in particular, Fremantle LPA - sub-area 2.3.2) are provided in the officer comment section below.



<p>The design does not at all connect with the heritage buildings in the vicinity – the low heritage buildings opposite it on Parry St, the heritage terrace behind it on Holdsworth Street, and the Fremantle Goal buildings to its south east, and the buildings on High St and further north and northwest at the Parry / High Street intersection.</p>	<p>The proposal has been reviewed by the Heritage Services of DPLH and the City’s Heritage team in the context of any surrounding heritage places and the heritage area generally, refer detailed comments above.</p>
<p>It is better to provide more homes, not tourist accommodation.</p>	<p>A majority of the units (12/20) are residential dwellings and further comment on the appropriateness of land uses is provided in the officer comment section below.</p>
<p>The amenity of residential dwellings to the east of the site will be adversely impacted by the proposal.</p>	<p>Detailed comment on the amenity impact of the proposal is provided in the officer comment section below.</p>

Further discussion on the above comments are provided in the officer comment sections below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Plot ratio (density)
- Car parking
- Boundary walls
- R-Codes Volume 2 matters

In addition to the above R-Code provisions, discretion is also being sort against LPS4 with regards to the proposed land uses.



These matters and any others considered relevant to decision making on the application are discussed in detail below.

Background

The site is zoned 'Mixed use' with a density coding of R35. The site is located in the Fremantle Local Planning Area and is subject to the provisions of Schedule 7 (Sub Area 2.3.2) of LPS4. The development seeks discretion for the density to be increased to R60 under clause 4.2.5 of the scheme (further discussed below).

The application also proposes landscaping works to Queens Square. These works are outside of the lot boundaries and do not form part of this application. Works to Queens Square are subject to a separate agreement and/or future application between the applicant and the City's Infrastructure and Project Delivery Services directorate but have been reviewed on a preliminary basis and given in principle support. It is noted that the City's Management Orders for Queens Square do not permit leasing to third parties. Any change to the orders requires the approval of the Council and the Minister, and may be the subject of future discussions between the applicant and the City.

The subject site is located on the east of Parry Street between High Street and Holdsworth Street in Fremantle. The land slopes upwards approximately 1.5 metres from the street to the rear. To the north, the site abuts a portion of the Queens Square reserve and a small portion of land containing a commercial building. Abutting the rear of the site is a single storey lodging house comprising nine units. The site to the south is the old Fremantle Dental Clinic, which is situated in a different sub-area under the scheme that does not permit a four-storey building height.

The previous building on-site was demolished in late 2016 and the site has been vacant since that time. The relevant history of the site is as follows:

- On 12 December 2014, JDAP conditionally approved a four storey plus basement Mixed use development comprising Offices, Shops, Restaurant and 8 Multiple dwellings.
- On 12 June 2015, JDAP conditionally approved amendments to the internal configuration and height of the above development.
- On 26 June 2018, JDAP conditionally approved a four storey Mixed use development comprising Tourist Accommodation, Multiple Dwellings, Restaurant and Lunch Bar.
- On 6 April 2022, Council conditionally approved a four storey mixed use development comprising 22 Tourist Accommodation Units and 8 Multiple Dwellings.

The approved development applications listed above have not been acted upon, and the most recent approval is the only one that remains valid.



LPP 2.19 - Public Art

A public art contribution is required to be provided in accordance with LPP 2.19 - Contributions for Public Art and/or Heritage Works policy as the subject site falls within the specified contribution area and meets the threshold of development to which the policy applies.

The applicant has nominated in revised plans that a perforated screen over the façade of the building is considered to be a public art contribution for the development. This is not considered adequate nor appropriate by officers and either a fully developed public art proposal for the development (as approved by the City) or an appropriate monetary contribution toward public art elsewhere in the City, pursuant to LPP 2.19, is required.

The imposition of an appropriate planning condition is recommended to address this requirement.

LPP 3.1.5 – Precinct 5

This policy relates to design provisions for the inner part of the broader Fremantle Centre area, with the subject site being located within the ‘Contemporary Influence’ area of the precinct, an area noted in the policy exhibiting no strong unifying character. The requirements of the policy with respect to, with the following elements requiring further discussion or conditions of development approval:

The site is located on one of the secondary streets identified in the policy, and subject to the following requirements.

Policy Requirement	Officer Comment
Ground level frontages to secondary streets may incorporate a mix of land uses and must incorporate design measures and passive surveillance to contribute to an interesting, safe and diverse public realm.	The development provides the active communal facilities/amenities for the residential dwellings and tourist development units that will overlook the adjacent queens square and parry street frontage as well as from the balconies and major openings on the first floor and above that will also contribute to passive surveillance of the adjacent park and street frontage.
Retail and commercial floorspace shall provide major pedestrian entries directly from and level with from the street.	The pedestrian entry is accessed directly from and level with the Parry Street footpath.



<p>Weather protection along footpaths of secondary streets adjoining retail/commercial/entertainment uses shall be provided, either in the form of awnings or first floor balconies, and satisfy all of the following:</p> <p>a) The weather protection shall be integrated with the building design; b) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability); c) The weather protection shall project a minimum horizontal distance of 2 metres over the adjacent footpath; and d) Awnings shall have a consistent clear height above footpath level of 2.75m</p>	<p>The particular development controls for this subject site (sub-area 2.3.2) require a 1m building setback from Parry Street. The site is adjoined by Queens Square and the adjacent 12 Holdsworth which is outside of the sub-area and not subject to the same controls. As such, this provision becomes redundant as the purpose is to achieve a continued awning which will not be continued on adjoining sites in this circumstance. Notwithstanding, an awning is provided over the entry but this does not encroach into the road reserve.</p>
<p>Vehicle entrance points and services areas are to be integrated in to the overall building design and shall minimise detracting from the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible. On-site vehicle parking is not permitted at ground level adjacent to secondary streets.</p>	<p>The development provides a varied façade to the primary street and minimises the extent to which the façade is taken up by vehicle entry points with a singular crossover and entry point which is recessed behind the building façade to reduce its prominence. All parking is screened from view of the public realm.</p>
<p>Where residential uses are located at ground level, the design should achieve a clear distinction between the private place and public space, whilst still allowing for passive surveillance and interaction with the street.</p>	<p>Not applicable, no residential dwellings proposed on the ground floor.</p>

Land Use

Multiple dwelling and Tourist Development are both 'A' uses in the Mixed Use Zone, which means that the uses are not permitted unless the Council has exercised its discretion by granting planning approval. In considering an 'A' use the Council will have regard to the matters to be considered in *the Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters have been considered:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*



- (m) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (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*
- (y) *Any submissions received on the application.*

The objectives of the mixed-use zone are as follows:

Local Planning Scheme 4 cl 3.2.1 (e):

Development within the mixed use zone shall –

- i) provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;*
- ii) provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;*
- iii) ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;*
- iv) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- v) conserve places of heritage significance the subject of or affected by the development.*

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

- The proposed development provides for a mix of land uses which support the variety of land use mix in the surrounding area. These uses provide a range of accommodation options for visitors to help support surrounding shops, cafes and tourist targeted uses (Fremantle Markets, Fremantle Prison etc).
- The development is considered to provide an appropriate response at the ground level with respect to its public domain interface, providing landscaped area and active frontages to both Queens Square and Parry Street.
- The development has been considered in the context of its proximity to the Fremantle Prison as a World Heritage Listed site and supported by the Department of Planning, Lands and Heritage.



- The subject uses are unlikely to generate significant noise in their operation.
- The proposed residences will provide for all day inhabitation and surveillance of the subject locality and support the increase of the resident population near the City Centre of Fremantle which is a strategic objective of the City. The residences will provide for inhabitation and activation in any tourism 'off seasons'.
- The uses provide for a buffer between the residential dwellings on Holdsworth Street and more active uses near the City Centre.
- The development has been designed to respond to the requirements applicable to the subject site under LPS4 with respect to building height, for the reasons discussed further in the officer comment section.

Density

The subject site has a density coding of R35, however in accordance with LPS4 cl. 4.2.5, the residential density of a property in the Mixed-Use zone can be increased up to R60 where residential development is part of a mixed-use development, provided the development is not considered to be detrimental to the amenity of the Area.

The subject proposal is a mixed-use development as defined in LPS4, as the proposal includes more than 25% of its gross lettable area as a non-residential use class – in this instance, being Tourist Development units. The proportion of uses throughout the development is currently provided as 524sqm (35.8%) non-residential, and 937sqm (64.1%) residential satisfying the cl. 4.2.5 requirement to increase the density of the site.

It is noted that should a change of use of the tourist development units to permanent residential dwellings be proposed in the future, this would need to be considered by the City against both the R-Codes requirements as well as the City's Scheme to confirm that the development remained as a 'mixed use' development as defined in the Scheme.

In considering whether a development presents an acceptable change to the amenity of an area, the City is to consider the requirements of LPS4, as well as the requirements of the R-Codes. These matters are discussed further in the remainder of the officer comment section of the report, however it is considered that the development provides for an acceptable response to the amenity of the immediate area of the subject site and the development is considered to be worthy of approval, subject to conditions.



Plot Ratio

Element	Acceptable outcome	Proposed	Extent of departure from acceptable outcome
Plot ratio	0.8 (884.8sqm)	1.32 (1461sqm)	0.52 (576sqm)

In accordance with the requirements of the Residential Design Codes Volume 2 (Apartments), in considering whether a proposed plot ratio is appropriate to the locality consideration is to be given to the existing and/or planned character of the area.

Plot ratio is one of the measures used by the R-Codes to assess the overall bulk and scale of a development, ensuring it is both appropriate and complimentary within the planned and existing character of an area. In this case, the proposed development is considered acceptable as its the setbacks, height and general siting attributes are complimentary to the existing and desired bulk and scale character of the greater sub area of Fremantle as provided for in LPS4. Additionally, the building is setback from the rear property and reduces in scale as it increases in height, to reduce the impact on the neighbouring residential property.

Building Height

Element	Requirement	Proposed	Extent of Variation
Building height – Local Planning Scheme 4, sub-area 2.3.2	<p>Maximum wall height 11 metres, with a roof plain pitch of 33 degrees</p> <p>One additional storey permitted subject to:</p> <ul style="list-style-type: none"> - The upper level being sufficiently setback from the street so as to not be visible from the street (s) adjoining the subject site. - Maximum external wall height of 14m. 	<p>Third floor external wall height – 10.6m</p> <p>Setback fourth floor external wall height – 12.9m (not considered visible from street)</p>	<p>Nil – considered compliant with sub-area 2.3.2 provisions for subject site, see further discussion below.</p>



	- The development satisfies the 'matters to be considered in applying specific and general height controls'		
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The proposed development has been designed to specifically accord with the sub-area 2.3.2 provisions which allow for an additional fourth floor it is demonstrated that it will not be 'visible from the street' as defined under cl. 2.3.2.1.

Furthermore, the subject development is generally considered to be consistent with the expected heights in the broader locality of the subject site, noting that the subject building is the first to develop to the LPS4 height requirements in Scheme Sub Area 2.3.2. The development is considered not to be detrimental to the amenity of the area and is not considered to impose unduly on surrounding heritage buildings due to it being consistent with the intended character of the area with respect to its building height and scale.

Scheme Sub Area Requirements

Requirement	Proposed
2.3.2.2 Setbacks – 1m ground floor setback to Parry Street with the setback integrated into the adjoining footpath. Zero minimum setback, and 3m maximum setback to Queens Square.	1m Ground floor setback provided. The development is built up to the Queens Square boundary. Complies
2.3.2.3 Boundary walls – Boundary walls will be permitted only where the Council is satisfied that both the following criteria are met: a) The elevation presents as an integral part of the overall aesthetic of the building; and b) the walls are sympathetic to the surrounding environment.	The proposed boundary wall elements are considered to appropriately integrate into the overall building and are appropriately sympathetic to surrounding development (it is noted the adjacent southern site is non-residential). Discussed further below.
2.3.2.4 – Vehicle parking shall not be provided for in the street setback area of any lot.	All parking screened from view and behind street setback area.



	Complies
2.3.2.5 – Development abutting Queens Square shall be designed or setback so as to not undermine or compromise the integrity or well-being of the existing trees within Queens Square.	The subject site is well set back from the existing trees in Queens Square, being set approximately 16m from the existing trees. Complies
2.3.2.6 – New buildings shall provide for activated ground floor level frontages and passive surveillance from upper floors to Parry Street and Queens Square.	The proposal provides communal amenity areas (Gym, Lounge, Kitchen, Dining, Pool and Meeting Rooms) at ground level which will overlook Queens Square as well as units on levels above that will provide further passive surveillance over the park and Parry Street Complies

Boundary Walls

In accordance with Scheme Sub Area 2.3.2.3, boundary walls are permitted in the following instances:

- (a) *the elevation presents as an integral part of the overall aesthetic of the building, and*
- (b) *the walls are sympathetic to the surrounding environment.*

These criteria are considered to be met for the following reasons:

- The building to the south of the subject site is used for non-residential purposes and would not unduly be impacted by a boundary wall.
- The building is setback 1.5m from the rear (eastern) boundary and the adjoining development to the east predominantly provides high light non major openings along this boundary, resulting in a limited impact with respect to afternoon shade and building bulk.
- The rear elevation is integrated into the overall design of the building as the development comprises of a number of rectangular forms across each façade which are heavily articulated at various setbacks and broken up with areas of void.
- The proposed setbacks provides for adequate separation between the subject building and neighbouring buildings, with the development providing varied setbacks (between min. 1.5, 3m and 5.7m), heavily articulated with areas of building void to the eastern boundary.
- The building being constructed up to each property boundary is considered to be consistent with the intended character of the area in providing for a



consistent streetscape. The subject building is the first in the relevant Scheme sub area to redevelop.

- The development is generally consistent with the built form outcome envisioned for the site and locality in Local Planning Scheme 4.

In accordance with the above considerations, the development is considered to satisfy the relevant criteria of LPS4 Sub Area 2.3.2 and is worthy of support, subject to conditions.

On-site Car Parking

Residential Car Parking			
Item	Required	Provided	Shortfall
1-bedroom dwellings (4)	0.75 bays per dwelling = 3	3	N/A - Complies
2+ bedroom dwellings (8)	1 bays per dwelling = 8	10	N/A – 2 bay overprovision
Visitor Parking	1 bay per four dwellings up to 12 dwellings; 1 bay per eight dwellings for the 13th dwelling and above. 12 dwellings; 1 bay required	1	N/A - Complies
Residential Bicycle Parking			
Item	Required	Provided	Shortfall
Resident	0.5 bays per dwelling (6)	0	6 bay shortfall; applicant has advised bike storage provided in storage rooms for each unit, this is not supported by officers, to condition 6 bike racks in designated store; there is ample space in parking/ground floor storage areas to provide this.
Residential Visitor	1 space per 10 dwellings (12) = 1.2	1	N/A - Complies



Non-Residential (Tourist Development Units)			
Item	Required	Provided	Shortfall
Tourist Development Units (8)	1:4 units (8) OR 1: 4 Bedrooms (12)* *whichever is greater = 3 bays	8	N/A – 5 bays over provision
Non-Residential Bicycle Parking			
Item	Required	Provided	Shortfall
Tourist Development Units (8)	class 2: 1 per 4 units (3)	0	3 bay shortfall; applicant has advised bike storage provided in storage rooms for each unit, this is not supported, to condition 3 bike racks in designated store for tourist units; ample space in parking/ground floor storage areas.

With the exception of the bicycle parking shortfall identified above, on-site car parking provisions are demonstrated to be fully compliant with the requirements of the City’s LPS4 Table 2 and the R-Codes Vol. 2. It is considered that the bicycle parking provision is possible on the site and therefore can be secured by appropriate conditions of approval as will be recommended should the application be approved.

Dwelling Mix

Clause 4.4.5 of the City’s LPS4 provides:

‘In development comprising of ten or more Multiple Dwellings, a minimum of 25 per cent of the total number of dwellings must have a maximum floor area of 60 square metres or less and no more than 40 per cent of the total number of dwellings may have a floor area of 120 square metres or more.’

For the multiple dwellings proposed, four (4) of the twelve (12) multiple dwellings proposed have floor areas less than 60sqm (representing 33.3% of dwellings) and only one (1) of the dwellings has a floor area of 120sqm or greater (representing 8.3% of dwellings). As such, the proposed dwelling mix complies with clause 4.4.5 of the City’s LPS4.



Sustainability

Given the development is subject to the R-Codes Vol. 2, it is exempt from the need to comply with the City's LPP 2.13 (Sustainable Building Design Requirements). However, the proposal is subject to LPP 3.1.5 which requires that development address specific ESD standards where the highest applicable building heights are sought.

The applicant has provided a Sustainable Design Strategy which demonstrates the intent of the building to achieve a minimum equivalent of Australian Best Practice which equates to a 4 Star Green Star Rating which is typically required for other developments of this scale where LPP 2.13 is applicable. As such, a condition of approval is recommended to ensure the building achieves the 4 Star Green Star Rating (or equivalent) as set out in the Sustainable Design Strategy that supports the application, pursuant to LPP 3.1.5 requirements.

Design

Clause 78b of LPS4 requires that proposed developments with building heights greater than 11m in any zone except Residential or Industrial zones, shall be reviewed by the DAC and Council should have regard to any advice provided by the DAC in making a decision on such applications. SPP7.0 Design of the Built Environment should also be given due regard, with the panel providing comment against the principles of design. More detailed discussion in the assessment of the proposal against the Apartment Codes (SPP 7.3), is included throughout the report, noting the proposal is considered to meet the objectives of the policy.

The DAC has concluded that the amended plans do not adequately address or meet the design advice and recommendations made, with many key comments on design being unresolved in the amended development plans.

Notwithstanding this, as is demonstrated in this officer comment section of the report, the proposal is generally compliant with all key planning provisions and development controls relevant to the subject site and is not seeking any significant discretions against these controls. Furthermore, achieving 'design excellence' or full DAC support is not a specified requirement for the general development of the site, or discretions being sought and there are elements within the DAC comments that can be dealt with via appropriate conditions of approval, these include:

- Requiring DAC review and approval of the final external material palette;
- Confirming the development generally satisfies the Crime Prevention through Environmental Design (CPTED) Planning Guidelines of DPLH;
- Securing accessible units in accordance with the Liveable Housing Design Guidelines; and
- Securing minimum sustainability measures in accordance a Green Star rating of at least 4 Stars or equivalent.



Therefore, while officers have encouraged the applicant to amend plans to the recommendations of the DAC to improve the design quality of their proposal, in this circumstance it is not considered the panel’s position is a reason to warrant refusal of the application.

R-Codes Volume 2 (Apartments)

The Residential Design Codes for Apartment Developments seeks to provide a series of objectives which should be satisfied by new residential developments in Western Australia. The applicant is generally required to demonstrate how these objectives have been satisfied throughout their proposal, and while the Volume 2 Codes provide some acceptable outcomes which represent one way these elements can be addressed there are other means to meet relevant objectives. Unlike the deemed-to-comply requirements of Volume 1 of the R-Codes, not meeting the Acceptable Outcomes does not mean that the objectives of the codes have not been met, and alternative methods can be used and justified accordingly.

It should be noted that only the proposed multiple dwellings (not the tourist development units) are subject to assessment under the R-Codes Vol. 2 and therefore only the 12 residential multiple dwellings on the 2nd and 3rd floor were assessed under these provisions, with the development in general being assessed under the R-Codes Vol. 2 where relevant otherwise.

The matters in the table below are considered to be preeminent in considering the application and are elements whether the Acceptable Outcomes have not been met, however an assessment of the Element Objectives of the Volume 2 R-Codes is provided as additional information below the table.

Element	Acceptable Outcome	Proposed	Extent of departure from acceptable outcome
Overshadowing	35%, however were the neighbouring site redeveloped to R60 density, 50% overshadowing would be permitted	52.61% (425sqm)	17.61% (142sqm) OR 2.61% (21sqm) if adjoining site redeveloped to R60 density
Landscaping and Deep Soil Areas	Deep Soil Area (DSA) – 10% of site	79.4sqm DSA at ground level plus additional 81.7sqm	Discussed below.



	area (1106sqm) = 110.6sqm	'on-structure' planting at first and third floors	
	1 large tree, 1 medium tree	4 medium trees (rear ground level)	

Orientation (Overshadowing)

In accordance with the element objectives of the Residential Design Codes Volume 2, building form and orientation should minimise overshadowing of habitable rooms, open space, and solar collectors of neighbouring properties at mid-winter. The proposed development is considered to satisfy the relevant element objective for the following reasons:

The shade cast by the building at midday on midwinter (when overshadowing is greatest) falls over the neighbouring property (12 Holdsworth Street) which is not developed for residential purposes and currently is commercial in use (dental clinic). The shade cast by the building is considered worthy of support under the circumstances for the following reasons:

- The neighbouring site is not currently used for residential purposes and is of a commercial building typology that is used as a dental clinic. Accordingly the shade impact at present is likely to be limited and is not to impact any residential dwellings.
- Should the adjoining southern property be redeveloped in the future and seek the same density bonus afforded to the subject site under the mixed-use development of the site (cl. 4.2.5), the variation/discretion would only be negligible at only a 2.61% (or 21sqm) variation.
- If redeveloped, it is likely that any redevelopment on the neighbouring site would build against the proposed boundary wall to the southern boundary of the subject site, resulting in a reduced overall impact to the subject lot, with a shared boundary development limiting shade being cast onto the lot.
- The shade cast by the building provides for the rear area of the adjacent property to be unshaded in winter as shown on the shadow diagrams, meaning any future development would have access to winter sun from the rear of the site.



Landscaping and Deep Soil Areas

In terms of deep soil area, the proposal provides 79.4sqm of deep soil area at ground level, representing 7.22% in lieu of the 10% required (a 31.2sqm shortfall). Acceptable Outcome A3.3.7 of the R-Codes Vol. 2 provides:

Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.

The proposal provides an additional 81.7sqm of 'on-structure' planting area on the first and third floors which is equivalent 2.6 times the shortfall in deep soil area at ground floor and therefore the deep soil area provision technically achieves the Acceptable Outcomes of the R-Codes.

Furthermore, the provision of 4 medium trees in lieu of 1 large and 1 medium tree is also considered to meet the element objectives with respect to on-site tree planting.

The landscaping is otherwise generally supported for the following additional reasons:

- In accordance with the submitted landscaping plan, the proposed landscaping elements are integrated into the overall design of the subject building and provided in key areas such as the shared pool amenity area.
- The site is directly adjacent to Queens Square and occupants and visitors to the building will be capable of accessing the park area readily.
- Landscaping is proposed to the public realm to enhance the public amenity of the footpath and streetscape.
- Landscaping is provided to provide for a positive outlook from apartment balconies and windows on the upper levels.
- The proposed landscaping will represent an improvement of green landscaping and canopy cover over the existing vacant and sandy development site.
- It is a recommended condition of development approval that the landscaping be provided in accordance with the submitted landscaping plan.



Other R-Code Vol. 2 Elements Meeting Acceptable Outcomes

The following key assessment items for the multiple dwellings were also deemed to have met the Acceptable Outcomes for each element, as outlined below:

- Building Depth – Max. building depth 18.6m (20m is the Acceptable Outcome);
- Communal Open Space – First floor terrace and ground floor communal amenities;
- Visual Privacy – Internal and External, north facing balconies appropriately screened, condition to ensure adequate screening implemented;
- Public Domain Interface – noting balconies and significant windows overlook both the park and street;
- Pedestrian Access and Entries – Universally accessible building entrance and movement within building;
- Vehicle Access;
- Car and Bicycle Parking – refer on-site car parking section above, bicycle parking secured by condition;
- Solar and Daylight Access – 10 of the 12 residential multiple dwellings (representing 83%) shall receive at least the minimum of 2 hours of direct sunlight per day in lieu of 70%;
- Natural Ventilation – 8 of the 12 (66.6%) residential multiple dwellings are dual aspect and capable of natural cross-ventilation exceeding the minimum 60% requirement;
- Size and Layout of Dwellings, Storeroom and Outdoor Living Areas – All of the dwellings proposed exceed the minimum size and layout, storage and outdoor living area requirements of the R-Codes;
- Circulation and Common Spaces – Building universally accessible and passageway width exceeds minimum required.



CONCLUSION

In accordance with the above assessment, the subject development is recommended for approval, subject to appropriate conditions of approval. While the overall design of the development has not been endorsed by the DAC, the proposal is generally compliant with all key policy provisions and development controls applicable to the subject site and does not seek any significant discretions that would warrant further impetus on design excellence to overcome. Under the circumstances and in consideration of the history of development approvals at the site, the proposal has been recommended for approval, subject to appropriate conditions of approval.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle
- Increase the number of people working in Fremantle
- Increase the number of visitors to Fremantle
- Provide for and seek to increase the number and diversity of residential dwellings in the City of Fremantle

Green Plan 2020

Encourage the planting of vegetation on private land.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Four Storey Mixed Use Development (Tourist Development (8 Units) and 12 Multiple Dwellings) at No. 26 (Lot 440) Parry Street, Fremantle, subject to the following condition(s):



1. This approval relates only to the development as indicated on the approved plans, dated 23 June 2023. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. The approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
4. This development approval does not relate to any works within the road reserve of Parry Street or within the Queens Square reserve. Any such works would be subject to further approval from the City of Fremantle.
5. Prior to the lodgement of a Building Permit for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.

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



6. Prior to the lodgement of a Building Permit for the development hereby approved, detailed drawings showing how the balconies located on the eastern elevation are to be screened in accordance with the Residential Design Codes by either:
- a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
 - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
 - c) a minimum sill height of 1.60 metres above the internal floor level,

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

7. Prior to lodgement of a building permit for the development hereby approved, detailed drawings demonstrating that the operable balcony screens do not open across lot boundaries into neighbouring properties, public open space or road reserve and are visually permeable are to be submitted to the satisfaction of the City of Fremantle.
8. Prior to lodgement of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
- Estimated waste generation;
 - Proposed storage areas for receptacles;
 - Collection methodology for waste; and
 - Any additional management requirements to be implemented and maintained for the life of the development.

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.

9. Prior to the lodgement of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.



10. Prior to occupation, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating that the development as constructed achieves a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
11. Prior to the lodgement of a Building Permit, 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 occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City’s solicitors at the expense of the owner and be executed by all parties prior to occupation.
13. Prior to the lodgement of a building permit, an updated Landscape Design Master Plan shall be submitted that includes further details of the on-structure planters and large pots and detailed schedule of vegetation types and ongoing maintenance responsibilities, shall be submitted and approved by the City of Fremantle.
14. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans (Landscape Design Masterplan DA, Rev B, prepared by Spring Green Landscapes, inclusive of amendments), to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
15. Prior to the occupation of the development hereby approved, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm 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 \$5.5 million the contribution to be made is \$55,000.

16. Prior to the issue of a building permit for the development hereby approved, the applicant is to provide a delivery management plan detailing the timing and frequency of deliveries to the development hereby approved, to the satisfaction of the City of Fremantle. Deliveries for the building are to be undertaken in accordance with the approved delivery management plan for the life of the development, to the satisfaction of the City of Fremantle.
17. Prior to the issue of a Building Permit for the development hereby approved, 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 for parking bays, visitor bays, loading bays, disabled bays, motorcycle / scooter bays, aisle widths, circulation areas, driveway/s and points of ingress and egress.
18. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.
19. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.
20. Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.
21. Prior to occupation of the development hereby approved, the boundary walls located on the north, east and south boundaries shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,and be thereafter maintained to the satisfaction of the City of Fremantle.
22. Prior to the issue of a building permit, development plans shall be submitted to the satisfaction of the City of Fremantle, which include a minimum of:
 - i. 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia), OR



- ii. 5 per cent of dwellings to be designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).

The dwellings shall be maintained as such for the life of the development.

23. Prior to the issue of a building permit, details are to be submitted that demonstrate that each dwelling will be individually metered for water use to the satisfaction of the City of Fremantle.
24. Prior to the issue of a Building Permit for the development hereby approved, a plan detailing the provision of 6 Class 1 bicycle racks (as defined in Local Planning Scheme No. 4) for the residential multiple dwellings and 3 Class 3 bicycle racks for the tourist development units shall be provided on-site, to the satisfaction of the City of Fremantle.

Prior to occupation of the development hereby approved, the required bicycle racks must be installed in accordance with the approved plan and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

25. Prior to the issue of a Building Permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle
26. 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.
27. Prior to the issue of a Building Permit for the development hereby approved, the applicant will provide supporting evidence that the design of the development generally satisfies the Crime Prevention through Environmental Design (CPTED) Planning Guidelines of the Department of Planning, Lands and Heritage (DPLH) to the satisfaction of the City of Fremantle.
28. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition



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

ADVICE NOTE:

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii. An application for building permit for the swimming pool barrier must be submitted and building permit issued prior to filling the swimming pool with water.
- iii. The applicant is advised that any future change of use to the Tourist Development units will require approval from the City of Fremantle, and should the percentage of non-residential gross lettable area be reduced below 25% this change of use may not be supported as the development would need to remain consistent with the definition of 'Mixed Use' listed in the City of Fremantle Local Planning Scheme No. 4.
- iv. This approval relates to the subject site and does not authorise the removal or modification of infrastructure within the verge or park area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge and park areas from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.
- v. 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. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- vi. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
- vii. The applicant is advised that the use of the development hereby approved for short stay accommodation may be subject to further approval in accordance with the City of Fremantle *Short Stay Accommodation Local Law 2008*.



- viii. Levels as per existing footpath and/or ROW
- Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;
 - Any adjustment in levels is to be achieved within the property boundaries;
 - Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.

Minimum floor level to be road reduced level plus kerb height (150 mm) plus 2% slope towards to the property boundary. All levels are to be in AHD.

The floor level of any new structure capable of being occupied is to be a minimum of above 150 mm plus 2% slope towards to the property boundary. Basement car parks and similar areas may be permitted below this level if the structure and any access to the structure is tanked to a level of above. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.

- ix. 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.
- x. The proponent must make application to the WA Department of Health's Chief Health Officer for any new aquatic facility under regulation 5 of the *Health (Aquatic Facilities) Regulations 2007* using the [construction, alteration, or extension of an aquatic facility application form \(Word 212KB\)](#) form. A Building Permit cannot be issued for the aquatic facility, until the WA Department of Health has granted approval for the Facility. For further clarification please contact the City's Environmental Health Section on 9432 9999 or via health@fremantle.wa.gov.au for further information.



- xi. The proponent must:
- make application to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992;
 - once construction has been completed, make application to Environmental Health Services via Form 2 - Application for a public building certificate;
- And
- once construction has been completed, complete and submit Form 5 - Certificate of Electrical Compliance for a Public Building to Environmental Health Services.

Note that Section 1 does not apply to or in relation to building work, as defined in the Building Act 2011 section 3, for which a building permit is required under that Act.

- xii. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Parry Street road reserve. An application for obstruction permit can be found via www.fremantle.wa.gov.au.
- xiii. All mechanical service systems including air-conditioners and pool filters etc are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
- xiv. 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.
- xv. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via info@fremantle.wa.gov.au or 9432 9999.
- xvi. Prior to the occupation of the development, the approved landscaping to the subject site shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of



Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.

PROCEDURAL MOTION

At 6.25 the following procedural motion was moved:

COMMITTEE DECISION ITEM PC2308-2

Moved: Cr Bryn Jones

Seconded: Cr Adin Lang

Refer the application to the administration with the advice that the Council is not prepared to grant planning approval to the application for the four storey mixed use development (tourist development (8 units) and 12 Multiple dwellings) at No. 26 Parry Street, Fremantle based on the current submitted plans and invite the applicant, prior to the next appropriate Planning Committee meeting to consider submitting an amended proposal to address the comments from the Design Advisory Committee and reconsider the plot ratio sought, with regard to the overall bulk and scale of the development.

Carried: 5/0

**Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



**PC2308-3 SOUTH STREET, NO. 216 (LOT 4), WHITE GUM VALLEY -
CHANGE OF USE TO RESTAURANT/CAFÉ AND OFFICE AS WELL
AS ADDITIONS AND ALTERATIONS TO EXISTING BUILDING -
(DA0069/23 JZ)**

Meeting Date:	2 August 2023
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Attachments:	<ol style="list-style-type: none">1. Amended Development Plans2. Site Photos3. Applicant's Covering Letter4. Applicant's Submitter Response and Further Parking Justification

SUMMARY

Approval is sought for a change of use from Shop to Office and Restaurant/Café, as well as additions and alterations to the existing building at No. 216 South Street White Gum Valley.

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

- **Land Use (Restaurant / Café)**
- **Onsite Car Parking**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use of the existing building from Shop to Office and Restaurant/Café land uses as well as additions and alterations to the existing building at No. 216 South Street, White Gum Valley. The proposed works include:

- Internal fit-out of the existing building into a small café at the front of the building (fronting South Street) and the remainder of the building into office across the ground and lower ground levels of the building;
- Cosmetic, external improvements and restoration of the existing building and openings and an awning addition the front of the building; and



- Signage additions to the fascia of the building and re-branding of the existing pylon sign at the site frontage.

The applicant submitted amended plans on 28 March 2023 including the following:

- Further details and dimensions of car parking bays and areas; and
- Further internal building details on layout and internal areas.

Amended development plans are included as attachment 1.

It is noted that while approval is sought for the proposed signage additions, no discretion is sought as all signage is compliant with the deemed-to-comply requirements of the City’s LPP 2.14 Policy.

Site/application information

Date received: 1 March 2023
Owner name: Rupert Kerr and William Nixon
Submitted by: James Mclevie
Scheme: Neighbourhood Centre Zone
Heritage listing: Not Listed
Existing land use: Shop
Use class: Restaurant/Café and Office
Use permissibility: A and P





CONSULTATION

External referrals

Main Roads Western Australia (MRWA)

As the subject site is affected by a Primary Regional Road Reservation, the application was referred to MRWA.

MRWA responded to the referral on 11 July 2023 advising no objections to the proposal subject to a number of conditions and advice notes. These recommended conditions and advice notes will be imposed in full should the application be approved.

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 a car parking shortfall. The advertising period concluded on 27 April 2023, and one (1) submission was received. The following issue was raised (summarised):

- Concerns were raised that the shortfall of on-site parking proposed by the application would impact on adjoining businesses in the locality which already had limited parking availabilities.

In response to the above, the applicant submitted further justification on the parking provision at **Attachment 4**. Assessment against the parking requirements of LPS4 are addressed in the officer comment section below.

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 do not meet the scheme provisions and need to be assessed under the discretionary requirements:

- Land Use
- On Site Car Parking

The above matters are discussed below.



Background

The subject site is located on the northern side of South Street. The site has a land area of approximately 746m² and is currently a Shop. The site is zoned Neighbourhood Centre Zone and has a density coding of R20/R25. The site is not individually heritage listed nor located within a Heritage Area.

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

- There is a development approval for a change of use to Showroom issued in 1997 (Ref. 8701).
- There is a development approval for a change of use from Showroom to Video Outlet (Shop) issued in 1992 (DA20/92).

It is evident there is previous history for the site for a variety of uses such as showroom and video outlet. It is also noted that the original built form and status of the building has largely remained the same.

Land Use

A Restaurant/Café is an 'A' use in the Neighbourhood Centre Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. An Office is a 'P' use in the Neighbourhood Centre Zone, which means that the use is permitted.

In considering an 'A' use the Council will have regard to the matters to be considered in the *Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters have been considered:

- (b) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) *The amenity of the locality including the following:*
 - (iv) *Environmental impacts of the development*
 - (v) *The character of the locality*
 - (vi) *Social impacts of the development*
- (y) *Any submissions received on the application.*



It is considered that the proposed land use for a Restaurant/Café and Office is consistent with the objectives of the Neighbourhood Centre Zone for the following reasons:

- The Restaurant/Café would provide for a positive contribution to the local neighbourhood centre (White Gum Valley), complimenting existing land uses and adding to the amenity of the centre; providing a use which serves the local community and is a common use within the Neighbourhood Centre Zone;
- The proposed use for a Restaurant/Café will present an accessible service for the consumption of food and beverages for residents of the locality / surrounding streets;
- It is considered that these land use would not be detrimental to the amenity of nearby residential dwellings (located to the north (rear) of the site only with other adjoining sites in commercial use) as the uses are not expected to operate outside of typical business hours and are not uses that typically generate any noise nuisance issues or other operational activities that would otherwise impact residential amenity.
- The existing building and built form across the site is largely unaltered by the proposal with the exception of external restoration and improvements to the existing building which will have a positive visual impact upon the streetscape and locality generally.

On Site Car and Bicycle Parking

The applicant has advised there is a total of 10 car parking bays as approved for the current use.

Element	Requirement	Proposed	Extent of Variation
Car parking - Restaurant/Café	1:5 seats or 1: 5m ² dining area, whichever is the greater = 4 bays	10 car bays	-8 Bays
Car Parking - Office	1:30m ² gla minimum of 3 spaces – 418m ² gla of office = 14 bays		
Bicycle Parking - Restaurant/Café	Class 3: 2	3 Class 1 racks provided in secure facility at rear of building	Nil Class 1 racks (1 additional) -2 Class 3 racks
Bicycle Parking - Office	Class 1 or 2: 1 per 200m ² gla = 2		



End of Trip Facilities	One male and one female shower (or 2 unisex) required for every 10* Class 1 or 2 bicycle racks required	1 x male and 1 x female end of trip facilities provided at Lower Ground Level	Nil - Complies
Delivery Bays - Restaurant/Café	1: service / storage area = 1 bay	1 delivery bay provided at front of building	Nil - Complies
Delivery Bays - Office	1:500 m ² = N/A (office <500m ²)		

It is considered that a relaxation of parking requirements under clause 4.7.3 of LPS4 is appropriate in this instance for the following reasons:

- There are ten (10) publicly available car parking bays along Fifth Avenue which is directly opposite the subject site (approx. 30m) and street parking along Fifth Avenue and other nearby side streets within 50m of the subject site (Nanine Street and Yalgoo Street) is also available and unrestricted.
- The subject site is located within a high frequency public transport zone with a number of high frequency bus routes along South Street and bus stops within 150m of the subject site.
- It is noted that the existing use of the subject site was for a video outlet (Shop) which has a higher parking requirement under Table 2 of LPS4 (1:20m² NLA) than the proposed predominant office use (1:30m² GLA). The existing shop would typically require 21 onsite car bays with only 10 provided, whereas the proposed change of use to Restaurant/Café and Office will reduce the existing shortfall of 11 car bays to 8 bays, which in turn provides a reduction in the overall car parking shortfall for the site.
- It is anticipated the car parking bays located at the front of the subject site will predominantly be occupied by visitors to the café and/or office and the bays located at the rear will be used by the office employees who park for longer periods.



- It is noted that given the proposal is not a significant redevelopment of the site and largely retains the existing building and car parking layouts is, there is limited opportunity to provide additional car parking bays without significant alterations to the existing building.
- The proposed uses of Restaurant/Café and Office are not uncommon within a Neighbourhood Centre Zone and are not expected to attract excessive amounts of traffic to and within the local area.

With respect to the bicycle parking shortfall of two (2) Class 3 bicycle racks, it is considered there is adequate space to accommodate these required racks at the front of the building without impacting car parking or pedestrian movements and therefore these will be secured via an appropriate condition of approval.

CONCLUSION

In accordance with the above considerations of the statutory requirements, the proposal for change of use to Restaurant/Café and Office is considered to appropriately address the relevant discretionary criteria of the Scheme and Council policy. Accordingly, the proposal is recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE DECISION ITEM PC2308-3

(Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Adin Lang

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Change of Use to Office and Restaurant/Café as well as Additions and Alterations to the Existing Building at No. 216 (Lot 4), South Street, White Gum Valley, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 28 March 2023. It does not relate to any other development on this lot and must**



substantially commence within four years from the date of this decision letter.

- 2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle. Stormwater shall not be discharged to South Street Road Reserve.**
- 3. Prior to the issue of a building permit, 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.**
- 4. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.**
- 5. Prior to the issue of a Building Permit for the development hereby approved, a plan detailing the provision of two (2) Class 3 (as defined in Local Planning Scheme No. 4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle.**
- 6. Prior to occupation of the development hereby approved, the required bicycle racks must be installed in accordance with the approved plan and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.**
- 7. No works are permitted within the South Street Road Reservation unless Main Roads has issued a Working on Roads Permit.**
- 8. In the event that the site where the sign has been erected is needed for future roadworks the applicant must, upon receipt of a notice from Main Roads, relocate or remove the sign at their own expense.**
- 9. Any proposed illumination of the signage must not exceed 300cd/m² between the hours of sunset and sunrise.**
- 10. The signage hereby approved shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.**



11. Prior to the issue of a Building Permit for the development hereby approved, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:

- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management; and
- m) Works affecting pedestrian areas.

Dewatering application must include:-

- Written approval from department of Water and Department of Park and Wildlife
- Dewatering impact report
- Demonstrated compliance with Swan Trust Policy SRT/DE6
- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

The approved Construction Management Plan shall be adhered at all times throughout the construction period.

12. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:

- Estimated waste generation
- Proposed storage of receptacles
- Collection methodology for waste
- Additional management requirements to be implemented and maintained for the life
- of the development.

The approved Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.



- 13. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

ADVICE NOTES:

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**
- ii. This property is affected by land reserved in the Metropolitan Region Scheme as shown on the enclosed extract of Main Roads Land Requirement Plan Drawing No.08-12 and will be required for road purposes at some time in the future.**
- iii. The upgrading/widening of South Street is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.**
- iv. The applicant is required to submit an Application form to undertake works within the South Street reservation prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.**
- v. 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.**
- vi. In regard to the 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.

- vii. 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. 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.

- viii. 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>

- ix. 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.

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

- 1. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;**
- 2. vehicles;**
- 3. amplified acoustic systems; and**
- 4. patron noise.**

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

Carried: 5/0

**Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



PC2308-4 DRAFT OPERATIONAL POLICY 2.3 – PLANNING FOR PUBLIC OPEN SPACE

Meeting date:	2 August 2023
Responsible officer:	Manager Strategic Planning and City Design
Decision making authority:	Planning Committee
Attachments:	<ol style="list-style-type: none">1. Development Control Policy 2.3 – Public Open Space in Residential Areas2. Draft Operational Policy 2.3 – Planning for Public Open Space3. Frequently asked questions – Draft Operational Policy 2.3: Planning for Public Open Space

SUMMARY

The Department of Planning, Lands and Heritage (DPLH) has commenced public engagement on draft Operational Policy 2.3 – Planning for Public Open Space. The current Development Control Policy 2.3 – Public Open Space in Residential Areas has been in place for over 50 years and has ensured the creation of public open space across most of Western Australia’s suburbs as they have developed. As infill subdivision is beginning to produce the bulk of new lots in established areas, the policy requires a more nuanced approach to ensure the open space demands, and expectation of the community, continue to be met into the future.

The draft policy indicates retention of the typical minimum 10% land contribution (or monetary equivalent) for new residential subdivisions on greenfield or brownfield development sites. However, it also includes new provisions that would allow contributions to be sought at a lower rate in particular circumstances, including infill developments creating more than two lots, strata subdivisions, mixed-use developments, and apartment or grouped housing developments where publicly accessible but privately owned open space is provided.

The draft policy also indicates a need for local governments to determine contribution percentages in local planning strategies or other approved planning instruments, including local planning schemes, structure plans, or development contribution plans, which would vary the prescribed default metrics.



This report recommends that Council lodge a submission with the DPLH on the draft operational policy, indicating broad support, but noting that:

- **additional guidance is required for the determination of suitable contribution percentages when utilising any of the approved planning instruments that have been identified in the draft policy**
- **additional clarity is needed regarding contributions for built strata subdivisions, including type, contribution percentage, and timing**
- **allowing publicly accessible but privately owned open space that is accessible to the public to offset a POS contribution is not considered a suitable substitute for publicly owned POS, as it would create a burden on the landowner, in terms of maintenance, liability, and potential use conflict, and is not considered to be a sustainable or secure way to provide POS for surrounding residents.**

BACKGROUND

The Western Australian Planning Commission's (WAPC) long-standing POS policy currently requires that when new residential subdivision takes place, a minimum 10% of the gross subdividable area is ceded, free of cost, to the local government for POS, such as neighbourhood parks and sporting fields. Those who create new residential lots are required to either provide the land for POS as part of the development / subdivision or make an equivalent monetary contribution towards the cost of purchasing land for POS or improving POS facilities.

Under the current policy, all proposals that increase the number of lots can potentially be required to contribute to POS, including apartment developments that create new built strata lots and mixed-use lots that have a combination of residential and commercial development. However, this is not entirely clear, and in practise the policy is inconsistently applied across all local governments. In the City's experience, many subdivisions of five lots or fewer and built strata and mixed-use developments generally do not contribute to POS.

The proposed draft Operational Policy 2.3: Planning for Public Open Space provides further clarity that all forms of land subdivision that increase the demand for POS can be subject to a contribution requirement, including all types of strata subdivision. The draft policy sets out the general principles and requirements that will be used by the WAPC to:

- ensure POS is an essential consideration across the planning framework
- establish a minimum standard for the contribution towards POS from the creation of new lots
- provide guidance on the collection, expenditure, and management of cash-in-lieu contributions towards POS to benefit the community.

The key aspects of the draft policy are as follows:



- Ceding of at least 10% of the land area for POS will continue to apply in greenfield and brownfield subdivision.
- Changes are proposed to the calculation of the contribution from those subdividing land to make the POS contribution process simpler, more predictable, fairer, and consistent.
- Subdividers in established suburbs (infill sites) may contribute less, as a POS contribution was made when the suburb was established and some of the additional POS demand can be met within existing parks. In these situations, the contribution percentage will be determined after an endorsed POS needs analysis is completed by the local government. If this analysis is yet to be done, a default rate of 5% will apply.
- Where only one additional lot (such as re-subdividing two lots into three lots) is proposed, a reduction to a default contribution rate of 2.5% applies.
- Subdividers of apartments or grouped housing that provide publicly accessible but privately owned open space may reduce their contribution in limited circumstances.
- Where a mix of residential and non-residential land uses is possible, the contribution may be reduced proportional to the planned residential component to a default rate of 5% (lower and medium density) or 7.5% (high density).
- Subdividers of non-residential lots (e.g. Industrial zoned lots) will continue to typically be exempt from a POS contribution, unless a demonstrated community need exists, in which case the contribution rate will be established in an approved planning document.

The WAPC’s intent is to ensure that all communities have well-planned POS that is adequate in extent, quality, function, and accessibility, as well as being responsive to evolving community needs, and the costs of providing, upgrading, and maintaining POS be reasonably, predictably, and equitably shared among those that generate a need for it.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.



CONSULTATION

Once submissions have been received by the DPLH, they will be considered. A report will then be presented to the WAPC containing a recommendation on whether to adopt the draft policy, with or without modification, in light of submissions received.

OFFICER COMMENT

The Western Australian Local Government Association (WALGA) recently hosted a discussion forum on the draft operational policy and will be lodging a submission with the DPLH that combines comments from numerous local governments. While the City's officers agree with many of these comments, it is considered necessary to provide Council with the opportunity to consider the draft policy in the context of the City of Fremantle and determine if it wishes to lodge its own submission.

POS is an essential, standard infrastructure requirement and as community needs and expectations of what POS is and how it functions continue to evolve, the role of POS is broadening. It is reasonable to provide equitable access to quality POS, regardless of location or housing typology; however, the way in which this is provided requires a nuanced approach to ensure that open space demands and community expectations continue to be met into the future.

A revised policy that is equitable, implementable, and transparent is welcomed. City officers are of the opinion that a minimum 10% POS contribution for greenfield or brownfield development sites should be continued as a baseline metric, though it is agreed that the provision of POS based on community need and functionality, rather than a fixed metric or current patronage, is also reasonable.

Regarding infill development, the state government has set ambitious targets (47% of new dwellings) in strategic planning documents, such as Perth and Peel @3.5million. Excepting brownfield redevelopment sites, subdivision within the City of Fremantle is generally considered to be infill development. The draft policy would establish a variable contribution of between 2.5-5% of gross subdividable area for infill developments, depending on the circumstances.



There is a perception that a POS contribution from infill development is 'double dipping', as the original subdivision to establish the suburb contributed 10% of its area for POS already. However, a new lot would contribute a new household / family that was not previously anticipated or accounted for, the cumulative effect of which creates additional demand on existing POS in the locality. The draft policy suggests a nominal fee (2.5% is proposed) for all subdivision that creates one or more additional lots. As the City currently gains no POS contributions from infill subdivisions of five or fewer lots but is seeing the demands for quality POS and associated facilities in established suburbs increase, having a mechanism to source funds for their upgrade, even from incremental subdivision, would go some way towards addressing the issue.

Additionally, access to POS is a significant problem in certain parts of the City of Fremantle. The City has previously identified areas that are not sufficiently close to POS – specifically the north Hilton area and the O'Connor residential area. This is not to say that new development should address historical undersupply, but a reduction to a default 5% contribution for some infill areas may not sufficiently provide for POS needs.

To increase the proposed maximum 5% POS contribution for infill sites, the draft policy appears to rely on guidance and context from local planning strategies to identify the POS needs of a community and provide a strategic basis for localised decision-making about POS, including the rationale for any variations to POS contribution rates. While this is reasonable in principle, in the City's experience, strategic planning processes are costly, resource-intensive and can take significant time.

In the absence of a local planning strategy that specifically addresses POS and appropriate contribution percentages, the implementation of the draft policy would be dependent on other "approved planning instruments", such as local planning schemes, structure plans or development contribution plans, otherwise default contribution percentages would apply. The draft policy offers no guidance on how the contribution percentage should be determined if any of these approved planning instruments are utilised. There is a concern that without such guidance, local governments will be required to depend on default percentages to deliver the requisite quality POS and undertake resource-intensive planning work to establish percentages for inclusion in approved planning instruments, which would effectively amount to creating a simplified development contribution scheme.



Officers are supportive of the draft policy provisions offering more transparency around contributions from apartment and mixed-use development, especially as it has not been clear in the past on when these can be taken. However, there are concerns that the draft policy does not explicitly reference and therefore clarify the POS requirement for built strata developments, including when the contribution would be taken. The possibility that the POS contribution condition is applied at the end of the process, after development approval and a building permit have been issued, adds uncertainty and cost to the development.

The inclusion of a provision allowing publicly accessible but privately owned open space to offset a POS contribution is not considered to be a suitable substitute for publicly owned POS. This option would create a burden on the landowner, in terms of maintenance, liability, and potential use conflict, and is not considered to be a sustainable or secure way to provide POS for surrounding residents. This would be most apparent in apartment developments in the inner City, where POS would not just service residents but also visitors and tourists.

In conclusion, officers are broadly supportive of the draft policy, noting that additional guidance is required for the determination of suitable contribution percentages when utilising any of the approved planning instruments that have been identified, and that additional clarity is needed regarding contributions for built strata subdivisions. However, officers are not supportive of the draft provisions allowing offsetting of POS contributions through making private open space available to the public for the reasons outlined above.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COMMITTEE DECISION ITEM PC2308-4 **(Officer's recommendation)**

Moved: Cr Bryn Jones

Seconded: Cr Su Groome

Council request officers to lodge a submission with the Department of Planning, Lands and Heritage on draft Operational Policy 2.3 – Planning for Public Open Space that:

- 1. Expresses Council's appreciation to the Department of Planning, Lands and Heritage for the opportunity to provide comment on draft Operation Policy 2.3 – Planning for Public Open Space.**
- 2. Advises the Department of Planning, Lands and Heritage that it broadly supports draft Operational Policy 2.3 – Planning for Public Open Space, noting that:**



- **additional guidance is required for the determination of suitable contribution percentages when utilising any of the approved planning instruments that have been identified in the draft policy**
 - **additional clarity is needed regarding contributions for built strata subdivisions, including type, percentage contribution, and timing**
 - **allowing publicly accessible but privately owned open space that is accessible to the public to offset a POS contribution is not considered to be a suitable substitute for publicly owned POS, as it would create a burden on the landowner, in terms of maintenance, liability, and potential use conflict, and is not considered to be a sustainable or secure way to provide POS for surrounding residents.**
- 3. Provide a copy of this report to the Department of Planning, Lands and Heritage as a summary and background to the submission points above.**

Carried: 5/0
Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groome, Cr Adin Lang, Cr Ben Lawver



**PC2308-5 PROPOSED METROPOLITAN REGION SCHEME
AMENDMENT 1404/57 – Former beaconsfield tafe site**

Meeting date: 2 August 2023
Responsible officer: Manager Strategic Planning and City Design
Decision making authority: Planning Committee
Attachments:
1. Proposed MRS Amendment Report
2. Amending Plan 3.2802

SUMMARY

The Department of Planning, Lands and Heritage (DPLH) has commenced public engagement on a proposed Minor Metropolitan Region Scheme (MRS) Amendment for the former Beaconsfield TAFE site. The amendment proposes to rezone Lot 2680, 11 – 15 Grosvenor Street, Beaconsfield, as well as an adjacent portion of Lefroy Road from the 'Public Purposes – Technical School' reserve to the 'Urban' zone.

Should the amendment be approved, the future use and development of the site would be subject to the requirements of the City of Fremantle Local Planning Scheme No. 4 (LPS 4). Section 126(3) of the *Planning and Development Act 2005* allows for, where land is amended to Urban under the MRS, the local planning scheme to be automatically amended to the 'Development' zone. This allows for a structure plan to be considered over the site as a separate process.

This report recommends that Council:

Lodge a submission with the DPLH on the proposed Minor MRS Amendment for the former Beaconsfield TAFE site:

- a. Expressing support for the land included to be designated as 'Urban' in the MRS**
- b. Expressing support for the MRS amendment process to, once approved, concurrently zone the land to the 'Development' zone under LPS4.**



BACKGROUND

The Department of Planning, Lands and Heritage (DPLH) has commenced public engagement on a proposed Minor Metropolitan Region Scheme (MRS) Amendment for the former Beaconsfield TAFE site. The amendment proposes to rezone Lot 2680, 11 – 15 Grosvenor Street, Beaconsfield as well as an adjacent portion of Lefroy Road from the 'Public Purposes – Technical School' reserve to the 'Urban' zone.

The proposed amendment will enable the redevelopment of the former Challenger TAFE site for residential purposes, following the closure of the TAFE and distribution of its functions to other metropolitan campuses in 2017.

The WAPC certifies that, in its opinion, the proposed amendment does not constitute a substantial alteration to the MRS. Accordingly, the amendment is considered a minor amendment.

Amendment area

The amendment area is located approximately 15 kilometres south-west of the Perth central business district and 2.25 kilometres south-east of Fremantle city centre. The site is owned by the state government and was previously the grounds of the Challenger TAFE, which closed in 2017. In 2022 the buildings on site were demolished and the site cleared, except for a number of mature trees, which were retained in the western and south-east extents of the site.

The subject site has an area of approximately 4.36 hectares and is reserved for 'Public Purposes – Technical School' under the MRS, lying adjacent to 'Urban' zoned land to the west, north and east. An MRS reservation for 'Public Purposes – High School' is located directly south of the subject site, over the site of Fremantle College.

Concurrent Local Scheme Amendment

Under Section 126(3) of the *Planning and Development Act 2005*, where a region scheme is amended to include land in the 'Urban' zone, the local planning scheme may be automatically amended, following consultation with local government and by a notice published by the Western Australian Planning Commission (WAPC).



The WAPC has identified, as part of initiating this MRS amendment, a concurrent scheme amendment to the City's LPS 4 to the 'Development' zone. A determination on whether the concurrent local planning scheme amendment is finalised will be made following advertising of the MRS amendment, including consideration of submissions and advice from the local government and the Environmental Protection Authority.

The local planning scheme is updated by publication of a notice in the Government Gazette. The 'Development' zone is defined as follows:

"The purpose of the Development Zone is to provide for future residential, industrial, commercial or other uses in accordance with a comprehensive structure plan or Local Development Plan prepared in accordance with the provisions of the Scheme."

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Community Engagement on the MRS amendment closes 9 August 2023. Once submissions have been received by the WAPC, the WAPC will consider the submissions and present the amendment to the Minister for Planning, with or without modifications. The Minister will then determine whether the amendment should proceed, be withdrawn or readvertised due to modification.

OFFICER COMMENT

The closure of Challenger TAFE and its subsequent demolition has rendered the existing 'Public Purposes – Technical School' reserve permanently redundant. There is no longer a need for the reservation to be retained and rezoning to 'Urban' would allow for a structure plan to be considered over the site that meets state planning and local housing diversity aspirations.



The City of Fremantle’s Heart of Beaconsfield Concept Masterplan (the Masterplan) demonstrates how the site could be developed for residential use, open space and limited commercial purposes. The Masterplan contemplates the redevelopment of the former Beaconsfield TAFE site for a range of low and medium density developments, including a north-south open space pedestrian link and a commercial node on Lefroy Road, adjacent to Fremantle College.

Notwithstanding the proposed MRS ‘Urban’ zone and the development contemplated under the Masterplan, future planning for the site, including local zoning, reservations and Residential Design Code density designations, will need to be provided under the LPS4. While this could be done as a separate local planning scheme amendment, a more resource-efficient and streamlined approach would be for a concurrent amendment to LPS4 to the ‘Development’ zone, which would allow for a local structure plan to be considered over the site.

Accordingly, the MRS amendment to rezone the site from the ‘Public Purposes – Technical School’ reserve to the ‘Urban’ zone is supported. The City would also welcome a concurrent local planning scheme amendment to zone the site ‘Development’ under LPS4.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COMMITTEE DECISION ITEM PC2308-5 **(Officer’s recommendation)**

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council request officers to lodge a submission with the Western Australian Planning Commission on Metropolitan Region Scheme Amendment 1404/57 – Former Beaconsfield TAFE site that:

- 1. Expresses Council’s appreciation to the Western Australian Planning Commission for the opportunity to provide comment on Metropolitan Region Scheme Amendment 1404/57 – Former Beaconsfield TAFE Site.**
- 2. Advises the Western Australian Planning Commission that it supports the rezoning proposal contained within Metropolitan Region Scheme Amendment 1404/57 – Former Beaconsfield TAFE Site to:**
 - a. amend the Metropolitan Region Scheme from the ‘Public Purposes – Technical School’ reserve to the ‘Urban’ zone; and**



b. Once approved, concurrently amend of the City of Fremantle’s Local Planning Scheme No. 4 to place the site under the ‘Development’ zone.

3. Provide a copy of this report to the Western Australian Planning Commission as a summary and background to the submission above.

Carried: 5/0

**Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



**PC2308-6 PROPOSED METROPOLITAN REGION SCHEME
AMENDMENT 1404/41 – Roe 8 Remainder and Roe 9
(Removal of Primary Regional Roads Reservation)**

Meeting date: 2 August 2023
Responsible officer: Manager Strategic Planning and City Design
Decision making authority: Planning Committee
Attachments:

1. Proposed MRS Amendment Report Vol. 1
2. Proposed MRS Amendment Report Vol. 2
3. Amending Plan 3208.7
4. Indicative concept plan and potential green linkage plan

SUMMARY

The Department of Planning, Lands and Heritage (DPLH) has commenced public engagement on a proposed Metropolitan Region Scheme (MRS) Amendment for the western section of the land corridor originally reserved for the Roe 8 (West) and Roe 9 Highway extension from North Lake Road, Coolbellup to Healy Road, Hamilton Hill. This corridor is currently reserved for Primary Regional Road purposes under the MRS.

Only a small portion of the corridor lies within the City of Fremantle, at the boundary with City of Cockburn on the south-eastern corner of Clontarf Hill. However, the uses for the remainder of the corridor may have implications for the City, particularly with regard to transportation links.

The DPLH has previously undertaken public engagement on potential future land use and zoning opportunities via the Roe 8 (West) and Roe 9 Corridor Planning Study. The study was designed to understand existing values and opportunities, to inform longer-term land uses, and promote development and revitalisation opportunities within the study area. The DPLH prepared an informal draft concept plan for the corridor, showing a potential mix of land uses that could be considered in the study area, with the aim of promoting discussion and community feedback.



A formal MRS rezoning process has been commenced to replace the existing Primary Regional Road reservation with more 'Urban' and 'Parks and Recreation' reserve classifications. This will provide a framework for the affected local governments to update their local planning framework to facilitate appropriate land uses and development.

This report recommends that Council:

Lodge a submission with the DPLH on the proposed Roe 8 (West) and Roe 9 Corridor MRS Amendment:

- a. Expressing support for the land included in the study within the City of Fremantle being designated as 'Urban' in the Metropolitan Region Scheme;**
- b. Expressing support for the land to the south-east of Clontarf Hill being designated as 'Parks and Recreation' in the Metropolitan Region Scheme.**

BACKGROUND

The Perth Freight Link was a state government infrastructure project proposed in 2014, to improve the road freight link between Kewdale and Fremantle Harbour. It would have included multiple stages: a five-kilometre extension of Roe Highway to Stock Road (Roe 8); a second stage linking Roe 8 to Stirling Highway, bypassing fourteen sets of traffic signals (Roe 9); and a final stage connecting into the Port of Fremantle. The extension would have taken the highway from its current terminus at Kwinana Freeway, approximately five kilometres further west, through the Beeliar Wetlands to Stock Road, near Forrest Road in Coolbellup.

In 2015, preliminary site works began on the project and in early 2017, approximately 18 hectares of native vegetation was cleared in Bibra Lake, North Lake and Coolbellup. After extensive lobbying by the community against the project, the new state government cancelled the project in 2017 and in August 2021 passed the *Metropolitan Region Scheme (Beeliar Wetlands) Act 2021*. The Act rezoned approximately 34 hectares of the wetlands from a Primary Regional Roads reserve to a Parks and Recreation reserve, stopping any future destructive road development in this area and strengthening its A-Class conservation reserve status.

In 2022, the DPLH undertook investigation into whether the Roe 8 (West) and Roe 9 corridor – from North Lake Road, Coolbellup to Healy Road, Hamilton Hill – which is currently reserved for Primary Regional Road purposes under the MRS, had suitability to be rezoned for other purposes.



The objective of the Roe 8 (West) and Roe 9 Corridor Planning Study was to understand existing values and opportunities. These were then used to inform longer-term land uses and promote development and revitalisation opportunities for the study area. The DPLH prepared an informal draft concept plan for the corridor (refer to additional information 1), showing a potential mix of land uses that could be considered in the study area. The aim of the draft concept plan was to promote discussion and community feedback and though it does not have any formal status or endorsement, it will continue to evolve over time and inform future strategic planning for the area.

At its Ordinary Meeting on 14 December 2022, Council resolved that:

"Council request officers to lodge a submission with the Department of Planning, Lands and Heritage on the Roe 8 (West) and Roe 9 Corridor Planning Study that:

- 1. Expresses Council's appreciation to the State Government for the opportunity to provide comment on the Roe 8 (West) and Roe 9 Corridor Planning Study.*
- 2. Advises the Department of Planning, Lands and Heritage that it supports the general aspirations contained within the Roe 8 (West) and Roe 9 Corridor Planning Study, noting the following matters for consideration:*
 - a. A preference for the land included in the study within the City of Fremantle being designated as 'Parks and Recreation' in the Metropolitan Region Scheme to highlight the regionally important green corridor and cultural significances that require planning connectivity between Clontarf Hill and the Hamilton Hill Swamp Precinct;*
 - b. Expressing support for the land to the south-east of Clontarf Hill being designated as 'Parks and Recreation' in the Metropolitan Region Scheme, including all of the government held land of the (currently infilled) Hamilton Hill Swamp, the existing open space and bushland areas to the west of the infilled swamp, the Randwick Stables precinct, and the land south of Cardigan Street;*
 - c. Acknowledging that Clontarf Hill is outside the study area but highlighting its regional importance as an area of considerable environmental and Aboriginal heritage significance, and requesting that it be considered as a regional 'Parks and Recreation' reserve under the Metropolitan Region Scheme as a part of the proposed planning work in the area for the reasons outlined in this report, including possible incorporation of Clontarf Hill into Beeliar Regional Park and establishing a generous connection to Manning Reserve as part of any future review of the Primary Regional Road reservation along the Manning ridgeline;*
 - d. Setting aside in an appropriate zoning all government held land located south and south-east of the Wally Hagen Centre through to*



Rockingham Road, including a review of the location/function of Leda Street, that both accommodates the expansion of this regionally significant recreation centre and to provide sufficient land to restore the full extent and curtilage of the currently infilled Hamilton Hill Swamp; and,

- e. *Suggest that in future planning within the study area, a continuous east-west shared path route is considered to enable active travel to and from the coast, to help address transport connectivity.*
3. *Provide a copy of this report and the Council's 'Reasons for Amendment' below to:*
- a. *the Department of Planning, Lands and Heritage as a summary and background to the submission points above: and,*
 - b. *The City of Cockburn with an invitation to discuss the important inter-relationships between Clontarf Hill, the Hamilton Hill Swamp precinct and the Wally Hagan Centre redevelopment opportunities."*

Officers subsequently carried out these actions, lodging a submission with the DPLH on 23 December 2022 and writing to the City of Cockburn on 3 January 2023.

Following engagement on the study, a formal MRS rezoning process is required to replace the existing Primary Regional Road reservation with 'Urban' and 'Parks and Recreation' reserve classifications under the MRS. This would then provide a basis for the affected local governments to update their local planning framework to facilitate appropriate land uses and development.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.



CONSULTATION

Once submissions have been received by the Western Australian Planning Commission (WAPC), the WAPC will consider the submissions and present the amendment to the Minister for Planning, with the modifications, if any, it thinks fit to make. The Minister will then determine whether the amendment should proceed, be withdrawn or readvertised due to modification.

OFFICER COMMENT

The WAPC is undertaking engagement on proposal to rezone the Roe 8 remainder and Roe 9 corridor under the MRS from 'Primary Regional Road' to the 'Urban' zone and 'Parks and Recreation' reserve, meaning the land could no longer be earmarked for a primary regional road corridor and would instead consist of a mixture of residential and commercial uses, local roads, reserves etc.

Following the MRS amendment, the affected local governments (predominantly City of Cockburn) would undertake local-level rezoning processes to provide for appropriate and desired land uses, local roads, and reserves in the area.

The City of Fremantle only has a small portion of the corridor within of its boundary, being on the south-eastern corner of Clontarf Hill at Healy Road, directly abutting the City of Cockburn – refer to Figure 1.

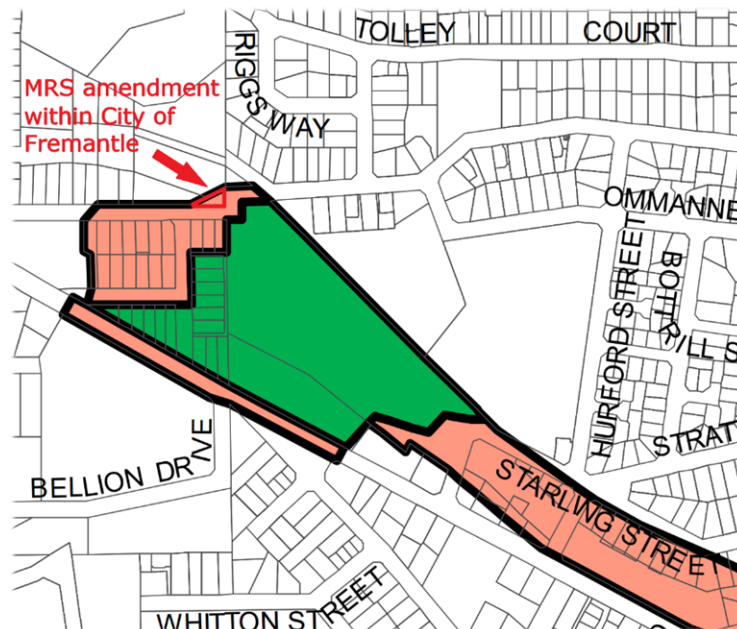


Figure 1. Excerpt from the proposed MRS amendment map – the red triangle highlights the area within the City of Fremantle.

The proposed amended MRS map (see Attachments 1 and 3) shows the land under the 'Urban' zone. While at odds with the City's submission on the Roe



8 (West) and Roe 9 Corridor Planning Study, which sought for the land to be included in the 'Parks and Recreation' reserve, this is consistent with the surrounding land in the Region Scheme, including Clontarf Hill (though it is zoned as an 'Open Space Reserve' under Town Planning Scheme No. 4) and is reflective of the land's status as a road reserve (Healey Road).

Two key "Transport and connectivity" outcomes of the City's Strategic Community Plan include Fremantle being recognised as a pedestrian and cycle-friendly city and public and active transport being the preferred methods of transport. By placing Healy Road under the 'Urban' zone in the MRS, this east-west link between Hamilton Hill and South Fremantle would be maintained, allowing for active transport between the two suburbs.

The MRS amendment also identifies the land to the south-east of Clontarf Hill, within the City of Cockburn, as 'Parks and Recreation' reserve (see Attachments 1 and 3). Both Clontarf Hill and the land to the south-east are part of a Registered Aboriginal Heritage site for artefacts / scatter, ceremonial and mythological significance, and as a natural feature, camp and hunting place. A key "Character, culture & heritage" outcome of the City's Strategic Community Plan is to recognise and celebrate Aboriginal heritage and culture by strengthening sense of place, history and heritage. Although Clontarf Hill lies outside of the amendment area, it forms part of the Manjaree Trail developed by the Noongar community of Fremantle and Cockburn. Due to the Aboriginal heritage significance of the overall site, Officers are supportive of the land to the south-east of Clontarf Hill, in the City of Cockburn, being designated as 'Parks and Recreation' in the MRS, as this would afford it a further layer of statutory protection. It is also noted that this reserve designation has been expanded to the west, up to Rockingham Road below Cardigan Street (see Attachments 1, 3 and 4), which is consistent with the City's submission on the initial Roe 8 (West) and Roe 9 Corridor Planning Study.

The City's submission on the Roe 8 (West) and Roe 9 Corridor Planning Study also requested that as part of any subsequent MRS amendment process, Clontarf Hill be considered for designation as a 'Parks and Recreation' reserve. Although Clontarf Hill was not included in the study area, it adjoins the area in the City of Cockburn that is proposed to be rezoned to 'Parks and Recreation' (Refer to figure 1) and shares commonalities with this land (being Aboriginal and environmental significance). However, the focus of the MRS amendment is the removal of the Primary Regional Road reserve along the Roe 8 (West) and Roe 9 corridor and the inclusion of Clontarf Hill within the 'Parks and Recreation' reserve is beyond its scope.

Of final note, it is proposed to rezone the land to the south and south-east of the Wally Hagen Basketball Stadium, in the City of Cockburn, to 'Urban'. This is broadly consistent with the City's submission on the Roe 8 (West) and Roe 9 Corridor Planning Study insofar as it would facilitate a review of the location/function of Leda Street and could accommodate both the expansion



of the regionally significant Wally Hagen Stadium and provide sufficient land to restore the full extent and curtilage of the currently infilled Hamilton Hill Swamp, should these projects be pursued (see Attachments 1, 3 and 4).

In conclusion, Officers are supportive of the proposed MRS amendment in its current form, particularly as it pertains to the City of Fremantle and its immediate environs within the City of Cockburn.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COMMITTEE RECOMMENDATION ITEM PC2308-6 (Officer's recommendation)

Moved: Cr Bryn Jones Seconded: Cr Geoff Graham

Council request officers to lodge a submission with the Western Australian Planning Commission on Metropolitan Region Scheme Amendment 1404/41 – Roe 8 Remainder and Roe 9 (Removal of Primary Regional Roads Reservation) that:

- 1. Expresses Council's appreciation to the Western Australian Planning Commission for the opportunity to provide comment on Metropolitan Region Scheme Amendment 1404/41 – Roe 8 Remainder and Roe 9 (Removal of Primary Regional Roads Reservation).**
- 2. Advises the Western Australian Planning Commission that it supports the rezoning proposals contained within Metropolitan Region Scheme Amendment 1404/41 – Roe 8 Remainder and Roe 9 (Removal of Primary Regional Roads Reservation).**
- 3. Provide a copy of this report to:**
 - a. the Western Australian Planning Commission as a summary and background to the submission above: and,**
 - b. the City of Cockburn for its records.**

**Carried: 4/1
For**

**Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groome, Cr Adin Lang**

**Against
Cr Ben Lawver**



The above item is referred to the Ordinary Meeting of Council for determination in accordance with the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.



PC2803-7 INFORMATION REPORT - AUGUST 2023

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer: Manager Development Approvals
Attachments: 1: Schedule of applications determined under delegated authority

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments

2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Responsible Officer: Manager Development Approvals
Attachments: Nil

Applications that have been determined by the Metro Inner-South JDAP and/or are JDAP/Planning Committee determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DAP001/22
Site Address and Proposal
34-38 Amherst Street and Stack Street, Fremantle – Proposed Grouped Dwelling development
Planning Committee Consideration/Decision + Current Status
<ul style="list-style-type: none"> At its meeting held on 23 September 2022, the Planning Committee resolved to provide a comment to the JDAP that it did not support the Officers recommendation to approve the development. Following a deferral by JDAP, the applicant submitted revised plans which were presented to Planning Committee in November 2022. PC resolved to provide a comment to the JDAP that it did not support the development. At its meeting on 23 November 2022, the Joint Development Assessment Panel (JDAP) resolved to refuse the development in accordance with the Planning Committee Recommendation. In December 2022 an Application for Review by the State Administrative Tribunal was lodged by the owner. Following mediation session between the parties (JDAP and the applicant), SAT issued orders for a Section 31 reconsideration of the proposal. The applicant has provided amended plans for consideration during this process.



<ul style="list-style-type: none"> • At its meeting on 7 June 2023, Planning Committee resolved not to support the revised application. Additional conditions were provided in the instance JDAP was seeking to approve the development. • At a JDAP meeting on 21 June 2023 the panel affirmed the previous refusal. • At the time of writing this report, the applicant had not withdrawn the appeal, nor had any advice been received regarding whether they will be proceeding to hearing.
2. Application Reference
DA003/22
Site Address and Proposal
130 Stirling Highway, North Fremantle – Proposed 23 storey mixed use development
Planning Committee Consideration/Decision + Current Status
<ul style="list-style-type: none"> • At its meeting held on 2 November 2022, the Planning Committee resolved to provide a comment to the JDAP that it supported the Officers recommendation to refuse the development, with added emphasis regarding the impact on the former Ford Factory. • At its meeting on 14 November 2022, the Joint Development Assessment Panel (JDAP) resolved to defer determination and request the applicant address a number of matters. • On 1 March 2023, the Planning Committee resolved to provide a comment to the JDAP that it supported the Officers recommendation to refuse the development. • At it’s meeting on 16 March 2023, the Joint Development Assessment Panel refused the development for a number of reasons. • An Application for Review by the State Administrative Tribunal was lodged by the owner. A Mediation session between the parties (JDAP and the applicant) was held on 23 June 2023. City officers were also in attendance. Further mediation is scheduled for September.



COMMITTEE DECISION ITEM PC2308-7
(Officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council receive the following information reports for August 2023:

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

Carried: 5/0

**Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



10.3 Council decision

Nil

11. Motions of which previous notice has been given

PC2308-8 Notice of Motion – Mc Cabe St Precinct - Structure Planning– Cr su Groome

Meeting date: 2 August 2023
Responsible officer: Director Planning, Place and Urban Development
Decision making authority: Council

ELECTED MEMBER SUMMARY

At the Ordinary Council Meeting of 28 June 2023 Councillors resolved to forward an application for a Precinct Structure Plan at 140 Stirling Highway to the Western Australian Planning Commission (WAPC), with the recommendation that it not be approved. Reasons included the lack of strategic planning basis for the scale of the proposal and poor contextual response of the proposal's built form and open spaces.

Council recently made similar recommendations to the Joint Development Assessment Panel in regarding an application for comprehensive redevelopment of the western half of 130 Stirling Highway to deliver a mixed-use development comprising additions, alterations and restoration of the former Matilda Bay Brewery buildings and the addition of three residential towers of six, 15 and 23 storeys in height. The JDAP agreed with the City and refused the application.

Council recognises the two subject sites, and the broader McCabe-Vlamingh precinct, provide excellent opportunities for infill development in North Fremantle consistent with the strategic directions of the Western Australian Planning Commission. Council also notes that the North Fremantle community has previously engaged in structure planning for this area and is broadly supportive of more intensive urban development despite being opposed to the recent proposals.

Successful development in the area requires strategic, considered and coordinated resolution of the following factors:

- The precinct is heavily constrained in terms of the road network, public transport services and cycle and pedestrian networks. These factors need to be resolved to fully unlock the development potential of the area.
- Resolution of these matters must consider the wider context in terms of the function of road network through North Fremantle, as well as traffic and transport needs arising from the Future of Fremantle planning.



- The precinct is highly contested in terms of the visual landscape, particularly given its height and prominence on the coastline. The height and form of development requires a coordinated and considered approach in consultation with the community.
- Amenity and service to the local neighbourhood and wider community. To this end individual development sites should not be planned as individual precincts/ development areas, but as an integrated urban node of complementary land uses and activities. This includes consideration of a local movement network that connects the development areas to each other.
- Strategic planning considerations in Mosman Park including the renewal of Wellington Street.
- Provision for a mix of housing outcomes to address community needs and support a diverse community, including accessible housing and affordable housing.
- Integration with the Vlamingh Parklands, coastal foreshore and local open space network.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COMMITTEE RECOMMENDATION ITEM PC2308-8 (Elected member motion)

Moved: Cr Su Groome

Seconded: Cr Bryn Jones

Council:

1. Engages with the WAPC and Town of Mosman Park with a view to initiating a District Structure or other district/regional focus Planning process for McCabe Street and the wider precinct for the purposes of:

- **Resolving local and regional / metropolitan traffic planning;**
- **Identifying public transport solutions that serve the locality and improve traffic congestion and metropolitan linkages**
- **Integrating the development with local and regional open space, pedestrian and cycle strategies;**
- **Planning a fully integrated district centre across the development sites;**
- **Meeting community and metropolitan needs in terms of local shopping and employment and housing diversity and affordability;**

2. Requests staff provide advice on the potential review of planning policies relevant to the precinct, that will further clarify/illustrate



specific aspects of the planning framework and complement the proposed district level planning, including:

- **Cultural heritage, character, and sense of place**
- **Landscape and views;**
- **Built form and height**
- **Movements;**
- **Retail / commercial land use – explore the optimal size of local / neighbourhood centre to cater for the future and growing residential community in the immediate neighbourhood**

Carried: 5/0

**Cr Bryn Jones, Cr Geoff Graham,
Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**

OFFICER COMMENT

When providing assessment on applications for large developments or singular site structure planning in the McCabe Street area, it has become apparent that there is a lack of coordination of key local, metropolitan and district issues, opportunities and constraints. Officers consider there is scope for an overarching plan that holistically considers various planning and urban design elements including:

- The appropriate level of commercial/retail activity for a local centre in this area and where this centre would be located;
- Transport considerations, including public transport and metropolitan road planning, regional cycle and pedestrian networks;
- Heritage, context and character;
- Appropriate design including building height and built form that is sympathetic to the built and natural landscape and adequately responds to site and wider regional context;
- Current and future community housing diversity and affordability needs;
- Public open space and landscape linkages / connections;
- Future of Fremantle planning and other neighbouring considerations.

As many of these considerations affect regional elements across at least two local government areas, partnering with State Government and working across agencies and with the Town of Mosman Park could provide a beneficial outcome at a metropolitan level. This would be a significant piece of planning work, however, and until such time that the State Government commits to initiating this, it is the administration's view that there is an opportunity to commence some local urban design analysis, in consultation with the local community. This work may lead to updating existing planning policies relevant to this precinct – as well as using spatial and graphic means to proactively describe the kinds of developments the City would like to see in this location, as part of achieving appropriate and sustainable density.



12. Urgent business

Nil

13. Late items

Nil

14. Confidential business

Nil

15. Closure

The Presiding Member declared the meeting closed at 6.54pm.