

### 13.1 CANNING HIGHWAY 91 - 93 (LOT 418 AND 419), LOT 81 ST PETERS ROAD AND LOT 423 KING STREET EAST FREMANTLE – STATE DEVELOPMENT ASSESSMENT UNIT REFERRAL – ‘THE ENTRANCE’ MIXED USE DEVELOPMENT

<b>Report Reference Number</b>	OCR-1001
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<b>Meeting date</b>	Tuesday, 21 June 2022
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

#### Attachments

1. Location Plan
2. Site Photos
3. Place Record Forms
4. Development Application plans date stamped 24 December 2021
5. LPS 3 – Schedule 13 – Additional Site and Development Requirements
6. Town’s recommended conditions of development approval

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#### PURPOSE

The purpose of this report is for Council to:

- consider a development application referred by the State Development Assessment Unit (SDAU) for No. 91 - 93 (Lot 418 and 419), Lot 81 St Peters Road and Lot 423 King Street, south west corner of Stirling and Canning Highway, East Fremantle (former Roofing 2000 site) for a mixed use development comprising 95 multiple dwellings in a 19 storey, 12 storey and 3 storey building, 195 parking bays, commercial (office) space, a café and landscaped open space; and
- consider making a submission to the Western Australian Planning Commission (WAPC) in response to the development application.

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#### EXECUTIVE SUMMARY

As part of the State government's COVID-19 economic recovery plan, a new development application process was introduced for ‘Significant Developments’. Part 17 of the *Planning and Development Act 2005* which grants the WAPC temporary decision-making powers to determine proposals over \$20 million. The Town has received its second formal referral of a SDAU (Form 17B) application for the Roofing 2000 site now known as ‘The Entrance’. This site was previously the subject of Amendment 14 which was gazetted in February 2021.

The Town’s Officers do not have authority to make recommendations to the WAPC under this legislation in relation to development applications submitted under the ‘Significant Developments’ process. The Council must therefore consider the proposal, and should it wish to do so, make a submission on the proposal by 24 June 2022.

The development application is seeking approval for a mixed use development comprising of 95 multiple dwellings (located in three apartment buildings), one commercial (office) tenancy fronting Canning and Stirling Highway, a café, landscaped open space, 188 parking bays (in three basements) accessed from St Peters Road and 7 visitor parking bays accessed from Sewell Street.

The proposal has proceeded through three rounds of design review under the State Design Review Panel (SDRP) over the course of 2020-22. The Amendment 14 development controls (additional height clause), together with SDRP advice and support for the proposal, has determined the design outcome for this application. Consequently, the applicant is seeking approval for three buildings of 19, 12 and 3 storeys under the additional height clause of Amendment 14.

The SDAU is responsible for undertaking all community consultation and the subsequent detailed assessment of the proposal in respect to compliance with the Town's Local Planning Scheme No. 3 (LPS 3), the R-Codes and State and local planning policies. The SDAU has advertised the proposal by direct letter to land owners and occupiers within a ~200m radius of the site; on the Department's on-line consultation hub; by signs on the site; a notice in *Perth Now* (5 May 2022 edition) and through social media. The Town is not permitted to directly advertise the application, however it has provided the community with details of the application and direct access to the online submission form. It has done this through the Town's website, social media sites, notice boards, Town Hall reception TV screen and through eNewsletters.

The statutory advertising period was conducted from 5 May to 2 June 2022. The SDAU has advised that 289 submissions were received with 47% (136) not supportive, 38% (108) supportive with changes and 15% (45) supportive. The submissions not in support, and some in support, cited reasons of inappropriate height, bulk and scale, as well as architectural style, character and heritage incompatibility with the local and surrounding context. The amenity concerns raised related to visual privacy, noise, overshadowing, parking and traffic. Other concerns included the suitability of the landscaping, loss of trees on the site, the impact of the development on property values, lack of a demonstrable community benefit, lack of sustainable design outcomes, developer benefits, and the viability of the commercial components of the development.

The Town's significant concerns with the development proposal remain unchanged. In the Town's view redevelopment should comply with the primary height control under LPS 3 which restricts the maximum height of buildings to approximately 9-10 storeys. The Town has never supported the inclusion of the additional height clause and therefore cannot support the proposed height, bulk and scale of the development in its current format. Furthermore, the Town is of the view that the requirement for the development to be of exemplary urban design and architecture has not been achieved. The removal of existing trees, which were initially the incentive for inclusion of the additional height clause and the financial burden of the potential transfer of 'publicly accessible' open space to the Town is not supported.

The Town has always maintained the land is not suitable as open space for recreation and that it does not want to acquire the land for that purpose. Given the current parking situation, the Town has been placed in a position where it must consider alternate parking arrangements to try and increase the parking supply in a constrained Town Centre and heritage precinct. It is therefore requested, that before the WAPC determine the application, that the SDAU consider the potential for the portion of 'publicly accessible' open space to be transferred to the Town, free of cost, for the purpose of public parking and landscaping. If the land cannot be used for public parking and landscaping, the Town requests the WAPC require that the land be made 'publicly accessible' but retained in private ownership, so the owners are responsible for all costs associated with the ongoing maintenance of the open space and its use for recreation.

Also, the proposed significant commercial and visitor bay parking shortfall of 58 bays is not supported, particularly given the limited parking in the precinct, the parking shortfall approved for the Royal George Hotel and the limited public transport options. Should approval of the application be supported by the WAPC it is recommended a condition of approval be applied requiring cash in lieu of the parking bay shortfall, so the Town does not bear the burden of costs associated with addressing the increased parking demand in local streets.

Given the Town's concerns, it is recommended that Council make a submission to the WAPC which conveys that Council cannot support the proposal in its current form and recommends refusal of the application as it conflicts with the aims and objectives of LPS 3, is contrary to orderly and proper planning of the locality and is not in compliance with the Town's local planning policy regarding the provision of public art. Also,

endorsement by the Town of an updated and amended waste management plan and sustainable design assessment and the submission of a lighting plan is also requested, in addition to the development approval conditions considered necessary for a proposal of this nature.

In due course the SDAU will complete the assessment which will include consideration of the public submissions, the final advice of the SDRP and the comments of other referral agencies. A report and recommendation will then be forwarded to the WAPC. The report will be available to the public prior to the WAPC meeting which is open to the public. Deputations can be made at the WAPC meeting where the application will be determined.

Should the WAPC not support the Council's submission, but be inclined to support the proposal, then it is requested the recommended conditions provided in Attachment 6 be applied to the development approval. If an alternative proposal is considered the Town requests that the SDAU discuss conditions of development approval prior to the matter being determined by the WAPC.

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## BACKGROUND

### Site details

The site encompasses four lots of land comprising 3,841m<sup>2</sup> in total, and after current road widening requirements, 3,681m<sup>2</sup>. The site is bound by Canning Highway to the north, Stirling Highway to the east, St Peters Road to the south and Sewell Street to the west. The area is within the Plympton Precinct and is adjacent to land zoned Residential R20 to the south and opposite the Tradewinds Hotel on Sewell Street (refer to Attachment 1).

There are currently two buildings on the site; both are classified category C properties under the Local Heritage Survey. The buildings were downgraded from category B to C in the 2015 review of the Town's Local Heritage Survey. No. 93 Canning Highway is an original single storey dwelling described as a Federation Bungalow c1896. The house is in poor condition and has been so for a considerable number of years. The remaining buildings at No. 91 Canning Highway are a series of interconnected single storey brick and rendered brick buildings with a frontage of shopfronts and awnings dating from the 1950s. There are several periods of building construction on this lot, with some sections dating back to c1926. This site is still occupied by a graphics printing business. The remainder of the site is vacant land. A good number of mature trees have grown on the vacant land and within the Stirling Highway road reserve.

A number of sewer easements traverse the site. The developer of the site will eventually be responsible for any costs associated with diverting or upgrading pipes on private land, as required by the Water Corporation. The site is also impacted by a Primary Regional Road reservation under the Metropolitan Region Scheme and the applicant has previously had lengthy consultations with Main Roads WA (MRWA) because of the potential implications of future widening and improvements at the Canning and Stirling Highway intersection.

### Amendment 14

In 2016 the applicant approached the Town to discuss a Scheme Amendment as the Scheme provisions did not permit the development of apartments (multiple dwellings). At that time, multiple dwellings were classified as a 'X' use (i.e., not permitted) under the Mixed Use zoning.

In early 2017 the Council formally considered a proposal by the landowners to amend LPS 3. Amendment 14 proposed to introduce development controls that overlaid the existing Mixed Use zone and were intended to provide a planning framework for high density mixed use redevelopment of the site.

In April 2017 Council resolved to advertise the Amendment and in June 2017 consent to advertise was granted by the WAPC. A 60 day advertising period concluded in August 2017. Nearly all submissions objected to the Amendment and opposed the building heights and setbacks which aligned with the building envelope

proposed by the landowner and facilitated the development of ~88 apartments in buildings of up to ~9 - 10 storeys.

As a result of the community opposition, the Town engaged an urban design consultant to undertake a detailed study of the building envelope and various other built form scenarios, primarily regarding building height and setbacks. This work resulted in modifications which addressed the issues raised by the community and essentially lowered the maximum building height to 7 - 8 storeys. In April 2018, the Council resolved to support the modified Amendment which was based on the urban design study.

In August 2019, the Council endorsed Amendment was then forwarded to the WAPC for its consideration. State government planning officers made substantial changes to the Amendment, most notably impacting building height and setbacks by reinstating the original building envelope (of 9 - 10 storeys) and providing an option for even greater building height (with no maximum height limit) on the northern half of the site. These changes were then endorsed by the WAPC and forwarded to the Minister for Planning, who directed that the Amendment be readvertised for public comment as it markedly differed from the Council endorsed Amendment.

The Schedule of Modifications (i.e., the changes made by the Minister) was advertised from 29 January to 25 February 2019. A total 219 submissions rejected the Minister's Schedule of Modifications and were in support of the Council's Amendment, with the inclusion of the treed open space area remaining.

Although the Council maintained significant concerns with the modifications and the wording of the Amendment, the Town was principally concerned with the widened scope for the additional height provision to be varied and the option for the owners to cede land to the Town for 'publicly accessible' open space. So, the Council did not support the modified Amendment, instead requesting the additional height clause be removed and that the building height envelope be capped which included the building height along St Peters Road being reduced to two storeys. The Council requested these concerns be conveyed to the WAPC and the Minister prior to the Amendment being finalised.

In March 2020, the Town was advised that the Minister for Planning had modified the Amendment. In further meetings at the time, the Town was also advised that the specific wording of the Amendment would be such that the additional height clause could not be utilised if the Council, in the first instance, did not agree to ceding of the land to the Town for public open space.

In November 2020, the Department of Planning, Lands and Heritage (DPLH) advised that a pre-lodgement application, under the Part 17B Significant Development approval pathway, was being considered by the SDAU and the Town was subsequently forwarded a SDAU pre-lodgement proposal and requested to submit comments for the first SDRP meeting. These events and the SDRP meeting preceded final Ministerial approval of the Amendment.

At the first round meeting of the SDRP in Nov 2020, the applicant presented plans proposing a 20 storey tower (by utilising the additional height clause) and confirmed the Council's fears that without a building height cap a decision maker had discretion to approve a building height far greater than the modified provisions of the Amendment. This was contrary to what was stated as intended by introducing the additional height clause. The Town argued this point with the Minister and requested that all discretion with regard building height be removed from the Amendment and pointed out that the additional height clause could be utilised to propose a 20 storey or higher building.

In January 2021, the Minister made an additional modification to the Amendment which was to introduce a building height cap at 76.5m AHD which in effect allowed for a 19/20 storey building to approved. The Amendment was subsequently gazetted on 5 February 2021.



### Referral to State Design Review Panel

The SDAU is required to refer the proposal to the SDRP during the initial pre-lodgement discussions. The role of the SDRP is to assess the architectural and functional design merit of the proposal against the ten principles of good design outlined in *State Planning Policy No. 7.0 – Design in the Built Environment*. The SDRP is also required to consider compliance with the planning framework that applies to the site.

Following the Minister’s approval of the Amendment, the applicant continued to pursue the additional height option and prepared plans for a further two SDRP meetings which were held in 2021 and 2022. At these meetings the applicant presented plans outlining a redevelopment which comprised of two apartment towers of 19 and 12 storeys and a smaller 3 storey building. At the third SDRP meeting in December 2021, the applicant was advised that a fourth SDRP meeting would be required and this was scheduled for February 2022. However, this meeting was postponed, so the applicant could pursue public art concepts and for public consultation to be completed. This would enable all facets of the application to be considered, including the public’s reaction to the proposal.

At the last meeting of the SDRP, the Town noted the Panel’s general support for the proposal and its expectation that further development of the design would be required to elevate it to exemplary status. The Panel were of the view that the objective of exemplary design is important and that an appropriate design response for this landmark site is therefore expected. The SDRP also suggested the applicant explore an Indigenous cultural narrative regarding design and public art concepts. Its view being that the public art proposal could elevate the design rather than being an after-thought and that the public art concept should therefore be developed and included in the development application. The Panel were also concerned with the number of trees being removed.

### ‘Significant Development’ Approval Pathway – Part 17B of the P&D Act, 2005

Since the introduction of the significant developments pathway the WAPC is the new decision making authority for applications classified as ‘Significant Development’. The Part 17B application was formally accepted by the SDAU on 24 December 2021. The application was then referred to the Town on 3 May 2022 with advertising to commence on 5 May 2022. The notification and referral to the Town is on the basis of the Council being a key stakeholder and therefore its comments are sought. If the Council chooses to make a submission it must do so by 24 June 2022.

The WAPC is not bound by the local planning framework and therefore has the ability to vary any planning provision and undertake a broader ranging assessment to consider non-planning related matters as part of its decision-making process. In accordance with s.276 (4) of the *Planning and Development Act 2005*, the Commission must:

- give any local government to whose district the development application relates an opportunity to make submissions to the Commission within a period specified by the Commission; and
- have due regard to any submissions made by the local government within that period.

The application will ultimately be determined at a WAPC meeting, which will be convened in a similar manner to Development Assessment Panel (DAP) meeting insofar as being open to the public to attend and make deputations. If approval is granted, the WAPC will be responsible for clearing all relevant conditions of the development approval in consultation with the Town and other State Government departments/service authorities. The Town will still be responsible for issuing a Building Permit for the development.

### Heritage

The site includes two places, at No. 91 and No. 93 Canning Highway, which are listed as category C in the Local Heritage Survey (refer to Attachment 3). As such, the applicants engaged a heritage consultant to undertake an assessment of the properties. The findings of the report identify the structures of heritage significance *as being in poor condition with the heritage value being diminished by surrounding development*.

Initiation of Amendment 14 in 2017 required referral to the HCWA. The following comments were received by the Town.

*There is no objection to the proposal.*

1. *Our records indicate there are two places contained within the Town of East Fremantle's Municipal Inventory within the Subject area; Former Residence, 93 Canning Highway (P19086), and Warehouse/Workshop (P19085). It is noted that the proposed Amendment allows for the demolition of these buildings. The Town may wish to consider the potential impact of future development on the local heritage values of these places, and how this may be addressed.*
2. *The subject site is adjacent to the State Registered Public Buildings, East Fremantle (P789). Any development proposals which may affect this place will need to be carefully considered to ensure that the heritage significance of the State Registered place is retained.*

The SDAU has referred the development application to the HCWA for its comments which will be presented in the SDAU officer report to the WAPC.

#### Proposal Details

The application proposes a mixed-use development that comprises 95 residential apartments and commercial uses with a designated landscaped area for what is intended to be 'publicly accessible open space'. The proposal is illustrated in the full set of plans provided in Attachment 4. In summary, the proposal is described as follows.

#### Residential Apartments

The provisions of Amendment 14 do not specify a dwelling density code. The number of apartments which can be considered for approval is based on the setbacks, building height, plot ratio and overshadowing. The development proposes 95 apartments in three buildings as one option for construction, comprising:

- 20 x 1-bedroom apartments;
- 42 x 2-bedroom apartments; and
- 33 x 3-bedroom apartments.

Note: The number of one bedroom apartments differs between the Planning Report and the application plans.

Also, an alternative apartment configuration is proposed for Levels 12 to 18. If this option is constructed there will be fewer apartments, however some apartments will be larger, with 4 and 5 bedroom layouts and more bathrooms proposed for these apartments.

Apartments are located on all floors of the development and balconies are provided for all apartments. The proposed development also includes a wellness centre and sauna, gym and communal dining room with a wine cellar. These facilities are ancillary to the residential use and are stated as being only accessible to future residents.

#### Commercial

The commercial floor space, comprising of an office tenancy and a café, is outlined in the table below.

Use	Floor space
<b>Commercial</b>	
Ground	285m <sup>2</sup>
First	450m <sup>2</sup>
Second	450m <sup>2</sup>

<b>Total</b>	<b>1,185m<sup>2</sup></b>
<b>Café</b>	
Tenancy	91m <sup>2</sup>
Alfresco seating	170m <sup>2</sup>
<b>Total</b>	<b>261m<sup>2</sup></b>

Note: Floor space figures calculated and provided by the SDAU.

The commercial space is located on the ground, first and second floors of the development and fronts Canning and Stirling Highway. It is indicated as one tenancy over three levels, but it could be partitioned to allow for more than one use or occupant within the three level space. Entry doors on Sewell Street and Canning Highway are indicated and a lift provides external and internal access to each level. There are also internal stairs between the floors.

The proposed cafe is located on the ground floor with alfresco deck areas surrounding the tenancy and fronting the open space and the dual use pathway. A pedestrian corridor and the foyer area provide a link from Sewell Street to the apartment building entry, office tenancy and Sewell Street.

#### Built Form

The tallest building on the site is proposed to be 19 storeys (including the ground floor), with the lift overrun projecting above the 19<sup>th</sup> storey. A 12 storey building is located immediately to the east of the 19 storey tower with a frontage to Canning and Stirling Highways. A smaller building of 3 storeys faces Sewell Street. The communal open space areas for residents include a pool, open fire pit and an alfresco dining area located outdoors on the rooftop at Level 3 and an outdoor lounge terrace is located on the rooftop of Level 12. The outdoor communal open space covers an area of 575m<sup>2</sup> with approximately 150m<sup>2</sup> hard landscape area and deep soil areas for trees. The indoor communal open space incorporates a gym, sauna and wine cellar on Level 2 and a yoga/meeting/ multi-use room and dining room on Level 3.

Construction materials consist of a white brick and mortar with rounded edges and the inclusion of dense white brick screens. It is proposed the apartment towers will be constructed in clear glazing, precast white fluted concrete and the inclusion of anodized screens and balustrades.

#### Overshadowing

The proposed building's shadow cast at midday on 21 June onto the properties immediately to the south is 25% (165m<sup>2</sup>) of the site area of those properties. The applicant states, that as these adjoining properties have a R20 coding, the overshadowing complies with the Acceptable Outcomes of the R-Codes. Further overshadowing diagrams are provided in Drawing DA002 of Attachment 4.

#### Parking and Access

A total of 195 parking bays are proposed to be located on the site. Parking for residential and commercial tenants is to be provided in three basement levels (188 bays). The only access to the basement parking will be from a two-way driveway entry on St Peters Road. Visitor parking (7 bays) is to be provided undercover, accessed at ground level from Sewell Street.

The proposed development requires the provision of a total of 179 vehicle bays as outlined in the table below based on the floor space calculations provided by the SDAU. It is noted the applicant has calculated the requirement as being 161. The two different figures arise because one calculation is based on the inclusion of the café alfresco seating area in the parking requirement calculation.

Use	Required Bays	Provided Bays
Residential apartments	90	164
Office	39	24 Allocation for uses not specified
Café	18	
Café alfresco	16	
Café – 1 bay/staff Staff not specified – assume minimum of 2	2	0
Residential visitor	14	7
<b>Total</b>	179	195
<b>Shortfall</b>		
Commercial	51 commercial	0
Residential visitor	7 residential visitor	

The proposed 195 bays exceed the number of required parking bays for both car parking calculations. Notwithstanding the overall car parking numbers are compliant, based on the Town's calculations, the applicant seeks a dispensation for a 58 bay shortfall for the commercial uses and residential visitor bays combined. More bays are proposed to be allocated to the apartments which under the R-Codes – Vol 2 require 90 bays. The number of residential visitor bays provided is 6 standard bays and 1 bay for people with a disability; 14 are required in total. The basements will contain the remaining 188 bays.

The development proposes 155 bicycle parking bays, this exceeds the required rate of 1 bicycle parking bay per dwelling. The bicycle parking bays are provided within a shared and undercover bicycle store on the ground floor with a storeroom including 19 double-sided standing bays, as well as 6 double-sided hanging bays. Bicycles can also be stored within individual basement storerooms attached to each dwelling. An additional 12 visitor bike parking bays are provided on Sewell Street and immediately adjacent to the café (six spaces at each location). These bays are accessible directly from cycle paths surrounding the site. Twelve (12) motorcycle bays are also provided.

The allocation of vehicle bays in favour of the residential dwellings, resulting in the commercial and residential visitor bay shortfall is based on the following arguments:

- The development is well serviced by a number of high frequency bus routes that operate on Canning Highway. There are two bus stops within 100m of the site;
- The development is located immediately adjacent to the continuous cycle path which provides connectivity to the wider shared path and on road cycle lane network, including the shared path on Stirling Highway and the shared path along the Swan River;
- The development provides significant bicycle parking facilities and end of trip facilities to accommodate cycling to and from the site;
- The café will predominantly be utilised by locals who will walk or cycle;
- On street parking opportunities (3 vehicle bays) will be developed along Sewell Street, immediately adjacent to the site; and
- Reciprocal rights and 'floating' car bays are also being *explored* as part of the detailed building design and will be addressed in a future car parking management plan *if required*.

#### 'Publicly Accessible' Open Space

Schedule 13 of LPS 3 requires Lot 81 St Peters Road and Lot 423 King Street, or an area of a similar size and location, to be set aside and created as 'publicly accessible' open space. The area of Lot 81 and Lot 423 equates to 1,690m<sup>2</sup>. The development proposes 1,691m<sup>2</sup> of 'publicly accessible' open space in one parcel and also includes a 325m<sup>2</sup> proposed pedestrian corridor that connects the landscaped open space to Sewell Street. Small pockets of open space are also included to the north (153m<sup>2</sup>) and south (62m<sup>2</sup>). The open space is proposed to be landscaped for passive recreation purposes.

### Tree Retention

The existing site contains 27 trees mostly on the eastern side of the site. There are three trees located on the St Peters Road frontage. Twenty three (23) trees will have to be removed to accommodate the proposed basement parking. Four existing trees are proposed to be retained as part of the development, including the large fig tree. A raised deck/platform is proposed to surround the base of the fig tree. The trees that are to be removed are proposed to be replaced with medium and small scale established trees. The combined tree planting ratio is 1.6 trees planted for every 1 tree removed.

### Transport Impact Statement

A Transport Impact Statement (TIS) has been prepared to review the traffic, access, and parking components of the proposal. The conclusions of the TIS are as follows:

*The traffic modelling undertaken in this report shows that the traffic generation of the proposed development is estimated to be in order of about 630 daily and 71/49 peak hour trips during the typical weekday AM/PM peak, respectively (both inbound and outbound).*

*The traffic analysis undertaken in this report demonstrates that the estimated development-generated traffic will have minimal impact on the surrounding road network.*

*No direct vehicle access is proposed to Canning Highway or Stirling Highway, which are under Primary Regional Road reservations. It is proposed that one crossover on Sewell Street and one crossover on St Peters Road service the development.*

*The subject site has very good accessibility by the existing pedestrian and cyclist networks and enjoys very good public transport coverage through existing bus services available within the close proximity of the site. Bicycle parking and end-of-trip facilities are also accommodated within the development.*

*In conclusion, the findings of this Transport Impact Statement are supportive of the proposed mixed-use development.*

### Waste Management Plan (WMP) and Sustainable Design Assessment (SDA)

The above reports have been submitted with the application. The WMP development proposes three bin stores with two residential stores and a separate commercial store for storage and collection of waste, recycling, and FOGO. The proposed development integrates dual chutes that will be installed for the residential levels allowing the transfer of general waste and commingled recycling directly to the east and west core residential bin stores. Internal transfer of waste will be undertaken by the residents of each apartment with the commercial tenancies relying on cleaners and staff. The transfer of bins on collection day will be undertaken by the building caretaker or the private waste service provider.

The SDA aims to be designed to the equivalent standard of a 5-star under the Green Star Buildings certification with an average 8-star NatHERS rating for the residential component of the development and a 5-star NABERS.

The WMP and the SDA will be assessed by the Town's waste and sustainability officer to ensure compliance with the Town's policies.

### Compliance with LPS 3 and Planning Policies

The SDAU has responsibility for assessing the application for compliance with the development controls of the Scheme under Schedule 13 (refer to Attachment 5), the R-Codes – Vol 2 Apartments and any relevant State and local planning policy applicable to the site.

In the Town's opinion, it is uncertain as to whether the application fully complies with the Scheme provisions under Amendment 14. It could be argued, that in respect to some provisions, the application does not comply.



For example, the overall proposed height of the 19 storey tower is 79.0m AHD, not the maximum 76.5m AHD as specified in LPS 3. In the Town's opinion the Amendment 14 provisions do not permit the maximum additional height to be exceeded because there is no provision providing any discretion under the additional height clause. The applicant is arguing the additional height can be exceeded because the building envelope height clause allows for mechanical plant equipment to exceed the height limit.

Also, while the overall number of car parking bays exceeds the number of bays required, the applicant is proposing that a shortfall of commercial and residential visitor bays be approved, so the residential apartments have an increased parking bay allocation. Technically, the commercial and residential visitor parking requirement has not been satisfied. In addition, Amendment 14 states that '*only residential development shall front St Peters Road*'. While apartments are proposed to face the street the entrance to the basement car park (not residential development) is designed to face the street on this boundary.

LPS 3 (Schedule 13 provisions) required a tree protection and management plan be prepared. This has not been submitted with the application as is required by the Scheme provision. Arguably, another area of non-compliance.

Despite the possible non-compliance with LPS 3 provisions, these are interpretation and intent technicalities which are the responsibility of the SDAU to assess. Furthermore, the WAPC, in its decision-making capacity, is required to have *due regard* to the development control framework and the advice of the SDRP. At the next stage the SDAU will provide an assessment of the proposal and the compliance matters will be addressed in an Officer's report to the WAPC. The SDAU will also respond to the advice of the SDRP and other relevant authorities in the Officer's report.

The WAPC must have due regard to the local planning framework in determining the application, however it can vary State and local statutory planning provisions and undertake a less regulated assessment to consider non-planning related matters. Nevertheless, it must have due regard to the Additional Site and Development Requirements under Schedule 13 of LPS 3 when considering the application.

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## CONSULTATION

Under the 'Significant Development' pathway legislation the WAPC must consult with and invite submissions from members of the public and consider the submissions and advice of certain persons and authorities in relation to an application. The WAPC must consult with the Minister and have due regard to any submissions made by the Minister. The Town must also be given the opportunity to make a submission to the WAPC (which must be given due regard). In certain circumstances, the WAPC must also consult with and have due regard to any submission made by or advice given by other relevant government agencies such as MRWA, HCWA and DCBA. It also has the ability to do anything else that it considers appropriate in order to obtain comment or advice.

Advertising of the SDAU application commenced on 5 May 2022 and concluded on 2 June 2022. The SDAU placed a notice in a local paper, posted on social media sites, installed signs on the site, directly wrote to owners/occupiers within a ~200m radius of the site and advertised the proposal on the DPLH consultation hub. At the close of advertising 289 submissions were received with the following responses and themes summarised by the SDAU:

- Not supportive – 47% (136)
- Supportive with changes – 38% (108)
- Supportive – 15% (45)

### Not supportive

The building height and scale, architectural design, impact on the local road network, lack of parking and inconsistency with local context and character of the area were the key issues raised by the community. The typical comments received have been summarised by the SDAU as follows:

- The proposed architectural design does not take into account the unique history and style of the area.
- This building is too tall and will be a blight on the area.
- The development is of excessive height for the existing character of the area. The uppermost six storeys will be visible from within East Fremantle and considering this is a heritage area, it is unlikely to be developed with buildings of a similar height. The tower component should therefore be reduced in height or better respond (visually) to the East Fremantle area.
- As demonstrated by the artist's impression, the proposed building is incongruous to the area in terms of it far exceeding surrounding building heights.
- Traffic will be more congested, especially as the traffic in the area is already busy and many residents already park on the streets.

The key issues were summarised as follows:

- **Bulk and scale** – The majority submissions raised concern with the height and scale of the proposed development, noting that it is significantly higher than surrounding development. Many respondents suggested that the height of the development be reduced so as not to exceed the height of existing development such as the 'Richmond Quarter'.
- **Parking** – Submissions acknowledged that currently there is limited on-street parking within the immediate locality and raised concerns that the proposed development will exacerbate this issue. It was noted that many of the older properties have little to no on-site parking and are reliant on street parking for occupants and visitors. Many of the submissions commented on the proposed distribution of parking bays, namely that there was an oversupply for the residential component resulting in the insufficient allocation for commercial tenancies and visitors.
- **Architectural style and heritage context** – A significant portion of submissions raised concerns that the design of the development is inconsistent with the character of the Plympton Precinct and the locality more broadly. In this context, some submissions also made specific reference to the architectural style of the main tower.
- **Traffic** – Traffic congestion and pedestrian safety were also raised as key issues in most of the submissions. Some concerns were raised regarding the findings of the transport/traffic impact assessment, expressing the view that King Street, and to a lesser extent Duke Street, will be severely impacted by increased traffic given vehicles are not able to travel south on Sewell Street from the site.
- **Amenity** – The impact on amenity caused by noise, overshadowing, traffic and parking, as well as impacts on amenity during construction and the adverse impacts on visual privacy was also raised.
- **Orderly and proper planning** – Concerns were raised that the proposal being lodged under the Part 17 development approval pathway was a means of bypassing the local planning process.
- **Other concerns** – Suitability of the landscaping, loss of trees on the site, the impact of the development on property values, lack of a demonstrable community benefit, lack of sustainable design outcomes, developer benefit, and the viability of the commercial components of the development.

### Support with changes

Most of the submissions that supported the application, subject to changes, wanted the height of the development significantly reduced. While the desire to see the site redeveloped was acknowledged in some submissions, it was on the basis that it should be aligned with the local character of the Plympton Precinct. The following submission provides a good example of the concerns raised:

- *This is a unique heritage space which should be preserved and all new building should be sympathetic to the area. This is not sympathetic. The proposed building is too high for the area, it is not adding anything architecturally and it will cut the northern light to homes and businesses. It will be a blight on the area and future generations will wonder what we were thinking. I don't oppose change or development, however it needs to be sympathetic.*

### Support

While there were a number of submissions in support of redevelopment of the site which also raised concern with the height and the architectural style of the development. However, there were a number of submissions that supported the design and were of the view that the site is appropriate for redevelopment. A number of comments which represent these views include:

- *This would be a magnificent development on the Fremantle landscape, providing impressive, modern apartment style residences, accessible to our growing population.*
- *This development offers clear public benefits with accessible space (unfenced) and cafe facilities for use by the general public. The architecture is clearly drawn from a long history and up-scaled to suit the proposal. It is also intimate at times and not overwhelming. It is high quality design and a rare treat from what are usually developer driven and cost driven offerings.*
- *The site lends itself to this development because at present it is an eyesore with graffiti covered buildings. The chance to live in an apartment with amazing views will not only be attractive to new residents, but it will also hopefully inject a more vibrant social/commercial aspect to the wonderful George Street and the surrounding suburb itself.*

The Town received a small number of submissions and comments which have been acknowledged and were forwarded to the SDAU. These submitters also made a direct submission to the SDAU.

The SDAU is responsible for undertaking *all* community consultation for the proposed development. In regard to Form 17B Significant Developments, the SDAU has advised the Town that, *the preferred approach is for the DPLH to undertake all aspects of the advertising process. This will provide clear messaging to the public, avoid confusion and duplication, and ensure that submissions are received on time through the DPLH consultation hub so that they can be properly analysed and recorded. You are, however, welcome to share a link to the proposal's page on the Consultation Hub when it goes live. Please stay as close as possible to the text on that page to write the introduction to the link, to avoid any confusion in messaging.*

The Town has shared the DPLH's consultation hub link via its website, eNewsletters, notice boards and social media. In addition, to Facebook and Instagram, the Town also posted information on the following sites:

- East Fremantle Community Chat (2,340 members);
- People of Plympton Ward, East Fremantle (221 members); and
- East Fremantle Business Community (521 members).

Articles on the development application were also featured in *TownTalk* on 17 and 30 May 2022 to remind ratepayers of the closing date for submissions on the proposal. The social media posts were also refreshed on a number of occasions during the advertising period.

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### STATUTORY ENVIRONMENT

Planning and Development Act, 2005

Heritage Act, 2018

Planning and Development (Local Planning Schemes) Regulations, 2015

Planning Regulations Amendment Regulations, 2020

Local Planning Scheme No. 3 (LPS 3)

MRS – the site abuts a Primary Regional Road reservation under the MRS (Stirling and Canning Highway)

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## POLICY IMPLICATIONS

Draft Local Planning Strategy, 2021  
Local Heritage Survey 2015 – Category C sites (Lot 418 and Lot 419 Canning Highway)  
State Planning Policy 5.4 – Road and Rail Noise  
Local Planning Policy 3.1.1 – Residential Design Guidelines  
Local Planning Policy 3.1.4 – Town Centre Redevelopment Guidelines  
Local Planning Policy 3.1.9 – Percent for Public Art Policy  
Town of East Fremantle – Public Art Strategy  
Fremantle Ports – Fremantle Inner Harbour Buffer Definition Study

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## FINANCIAL IMPLICATIONS

The SDAU referral has financial implications to the extent that the Town does not receive any fee or financial compensation for addressing ratepayer queries and providing comments and recommended conditions of development approval to the SDAU. Similarly, the Town does not receive any fees for assessing satisfaction with or ensuring compliance with development approval conditions.

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## STRATEGIC IMPLICATIONS

Redevelopment of the site will facilitate in working towards achieving the Town's dwelling target under State urban infill strategies.

The Town of East Fremantle Strategic Community Plan 2020 – 2030 states as follows:

### Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 Facilitate sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

### Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

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## RISK IMPLICATIONS

A risk assessment was undertaken and the risk to the Town was deemed to be negligible as the Town in this case is only a referral agent.

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## SITE INSPECTION

Undertaken with SDAU planning officer on 26 May 2022.

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## COMMENT

At the outset it is important to state that the Town does not support the proposal. The applicant's design response to the height, bulk and scale of the buildings proposed has not respected the Council's preferred development outcome. To the contrary, the additional height option was strongly opposed by the Council and

the community. Despite this the applicant chose to pursue the additional height knowing that the Council was not supportive of the proposal and further that the Council believed the applicant was in agreement with the Council endorsed height control.

#### Amendment 14 and Additional (Building) Height

In effect, two options were initially proposed by the State government planning officers, one which discussed a 'trade-off' for increased building height if public 'open space' was ceded to the Town, or another which proposed communal open space be provided for occupants and existing trees retained on the site.

Several other prerequisites were also required to be satisfied to achieve the additional height which were not onerous and did not provide any real 'community benefit'. The Minister's modifications significantly impacted the built form outcome of the site, allowing, in the Town's view, for greater property development potential. The Town's concerns were numerous in respect to the how the applicant would respond to the modifications. These concerns were realised when the developer immediately opted to pursue the additional height option and the preservation of the trees became redundant to the planning process because basement parking was supported by the SDRP (and tree retention was no longer required following modifications to the Amendment).

Considering the above, the Town wishes to express its considerable dissatisfaction with the development outcome. The Town remains unsupportive of the redevelopment option pursued by the applicant and disappointed that the applicant did not follow the initial advice of the SDRP which encouraged the applicant to consider a design of a lower height and scale, based on the premise that a smaller scale group of buildings could have more visual and architectural impact and merit than high-rise towers.

#### State Development Assessment Unit – Development Application Process

The development application referred by the SDAU was as expected by the Town. It is essentially the same design concept that has been progressed through three rounds of the SDRP process, with some refinement of the design details (as directed by the SDRP) following each review. The proposed built form comprises two apartment towers and one smaller scale apartment building.

The Amendment 14 provisions have provided the applicant with the option of pursuing an approval for buildings to a height of 76.5m AHD. However, the Town is firmly of the opinion that this is not the primary height control for the site (as outlined in Figures 1 and 2 of Schedule 13 – refer to Attachment 5) and therefore, it should not be dismissed as the appropriate and more reasonable height control which should be applied to the assessment of this application.

As previously stated, the Town has never supported the inclusion of the additional height clause and it is the Town's view that buildings of additional height should *not* be approved for numerous reasons which are outlined in detail later in the report.

Notwithstanding the Town's primary objection to the additional height clause being utilised by the applicant in seeking approval for a development given the preceding circumstances, the Town is also of the opinion that the applicant has not satisfied the prerequisite to seek approval for additional height, because the applicant has not satisfied the design objectives of Schedule 13 which are outlined below:

*Development must achieve urban design and architecture that is exemplary with respect to mixed use and multiple dwelling design. The design of development must:*

- (i) *ensure height, built form and façade design considers and makes a positive contribution to vistas toward the site from the surrounding locality; and*



- (ii) *demonstrate careful arrangement of building massing and height to minimise negative impacts on the amenity of adjoining properties.*

The Town is very disappointed in the architecture and refinement of the building design and materials. While it understands that professional and public opinion will vary in regard to architectural styles, it believes that public expectation in respect to landmark buildings is that they will be of outstanding architectural prominence and detailing and similarly the construction materials will be of an innovative and exceptional quality. It is considered the applicant has not achieved a landmark 'stand out' development, rather the proposed buildings are not dissimilar to the many other apartment buildings in the Perth CBD and metropolitan area.

If the additional height development option is supported, the Town believes it is critical for the SDRP to focus on exemplary design and construction materials to ensure exceptional and visually appealing buildings are the result. Notwithstanding, the Town requests the SDAU independently assess the suitability of the proposed building height for the site and other building massing options and acknowledge community objection to height in this locality which has been expressed at every public consultation stage during the Amendment 14 and 15 (Royal George Hotel) processes and in the recently completed public consultation in which many submitters objected to the building height.

The scale of the buildings must take account of the setting. When the applicant was in support of the Council endorsed Amendment there were a number of moderate height building options proposed by the architect. Amendment 14 supported a range of building heights and different massing arrangements of up to 10 storeys. Buildings of the heights proposed are considered overwhelmingly out of scale and character for what is predominantly a suburban residential context. From the Town's viewpoint, convincing justification for the heights proposed, particularly in light of the proposed architecture and building materials has not been provided.

Notwithstanding the SDRP's advice regarding the height aspect of the proposal, the WAPC is itself required to evaluate the urban design and architectural merit of the proposal and provide its independent response to the design objectives and other development controls set out in Schedule 13. The SDAU, is similarly required to provide officer advice to the WAPC as to whether the proposal qualifies for the additional height proposed.

The Town believes that in the first instance, the prime consideration for the SDAU in determining if the additional height clause has merit, should be whether the building is of exemplary urban design and architecture. The major consideration being does the development respect the prominent location and realise the opportunity for construction of a building of landmark status. In the Town's view, this is arguably the only wider community benefit that will outweigh the negative impacts on local amenity and the landscape and go some way to making a positive contribution to vistas of the site. The Town strongly believes an alternate design outcome should be considered by the SDAU/WAPC before approval is given for buildings of any height above the building envelope in Figures 1 and 2.

Given the above, the Town cannot support the proposal and recommends the Council convey, in its submission to the SDAU/WAPC, that the application be refused based on these comments and those outlined below.

#### Orderly and Proper Planning Matters

The Council has always maintained the view that redevelopment should result in integrated medium scale buildings which acknowledge the prominent location and complement and respect the adjoining low density and low scale heritage residential precinct. Development of the scale proposed will *not* integrate seamlessly in any form. The impact of the proposed development will have negative repercussions for the heritage setting, parking, traffic and the physical and visual presence of two high-rise apartment towers will sit jarringly in the landscape, both from a distance and from the nearby river.

The surrounding residential area and local streets were established over 120 years ago. They are considerably constrained and new developments of any scale present challenges, so a development of this scale and intensity is considered very likely to result in a many challenges from construction to occupation; the additional height only adding to the complexity of redevelopment. Disruption to amenity and the degree to which this will occur and be ongoing will ultimately depend on the scale of development approved for the site and whether satisfactory and appropriate conditions of development approval are applied to the site.

Orderly and proper planning requires that the redevelopment of this site for additional height not be assumed to be the given outcome and that alternative building massing should be considered by the SDAU and the SDRP prior to the application being determined by the WAPC. The Council recommends that the applicant be advised to revisit earlier design proposals which were based on a group of varying medium scale buildings.

### Local Planning Scheme No. 3

Furthermore, the Town is of the view that that the proposal does not fulfil the aims of the Scheme, or the Mixed Use zone objectives outlined below:

#### Aims of Scheme

- To recognise the historical development of East Fremantle and to preserve the existing character of the Town;
- To enhance the character and amenity of the Town, and to promote a sense of place and community identity within each of the precincts of the Town;
- To protect and enhance the existing heritage values of the Town; and
- To ensure the safe and convenient movement of people throughout the Town, including pedestrians, cyclists, public transport users and motorists.

#### Mixed Use Objectives

- To ensure future development within each of the Mixed Use Zones is sympathetic with the desired future character of each area; and
- To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.

The following comments address the nonconformity with the aims and objectives in respect to locality, history, amenity, heritage, movement and future character.

#### Locality and Building Height and Scale

From the outset of the planning process this site has continually been described as a 'landmark site'. The WAPC agreed that the site was worthy of a landmark building and endorsed site specific design objectives as part of Amendment 14. This point being further emphasised when the additional height clause was approved by the Minister. The high probability that no other buildings of this scale will be built in the surrounding area even further underlines this point. To quote the architect, the development will be a '*stand out*' building being a '*complete composition on its own*'.

As previously discussed, the design objectives require *exemplary* urban design and architecture and therefore carry an even greater weight if the additional height clause permits 20 storeys to be constructed. The applicant has not demonstrated why the dramatic change in scale from the surrounding heritage and low rise commercial buildings in the vicinity of Fremantle and the Port is warranted. The Town believes that the 19 and 12 storey towers are detracting from, not enhancing the visual appeal of the heritage locality or worthy of the 'landmark' site.

The Town maintains its viewpoint that the current proposal is an unfavourable massing outcome for the site. The scale, bulk and height of the towers are extreme for this unique locality and only serve to negatively impact

on the amenity of the surrounding river foreshore and residential area through the physical and visual dominance of the buildings. It does not recognise the heritage character or preserve the existing character of the Town. Rather than promote a sense of place and community identity it serves to lessen the heritage values and special appeal of a distinctive heritage area.

Further to the above, the Town objects to the height of the tallest building exceeding the maximum limit of 76.5m AHD. There are no supplement provisions in the additional height clause of Schedule 13 which permit any variations over the maximum height limit. LPS 3 does not permit any variation of the provisions under the Scheme or Schedule 13, nor does it permit any other structures to be approved which exceed this height. The Town is of the view that the overall height of the building should comply.

The Town also considers the site's proximity to the river should also be taken into consideration. It is noted that the application has been referred to the Swan River Trust and it is hoped the SDAU/WAPC consider the DCBA's Swan Canning River (draft) Policy in relation to development proposals which are in such proximity to the river foreshore. It is the Town's view that the proposal is contrary to DCBA's policy for the following reasons:

- the proposal does not promote sensitive design and built form which complements the river landscape or enhances the quality of the river environment and the proposal is not considered to add value to the river or its setting. The draft Policy states that massing and height of development should be in balance with or in proportion to the surrounding setting given proximity to the river and that built form and urban design should be responsive to the surrounding setting; and
- the development is to be designed to positively contribute to the quality and character of the setting and facilitate a sense of place for all users.

In consideration of the above, the Town considers this proposal is not attractive or aesthetically pleasing to this landscape setting. This riverside landscape in the wider Fremantle context is vastly different to the Perth CBD river setting where the predominance of high rise buildings adjacent to the river provides a backdrop that has evolved overtime and the buildings are not out of scale with surrounding development.

#### Additional Height – Open Space – Community Benefit Nexus

##### Publicly Accessible Open Space

Schedule 13 relating to the publicly accessible open space reads as follows:

*Lot 81 St Peters Road and Lot 423 King Street, or an area of a similar size and location, are transferred to the local government free of cost, for the purpose of public open space, or subject to appropriate measures to ensure the public is granted permanent and unrestricted access at all times.*

In the Town's opinion there is no community benefit proposed as an offset to the additional height through the provision of landscaped open space. In fact, if the proposed parking shortfall is not adequately addressed, it could be argued that the additional height (resulting in an increase from 88 to 95 apartments and therefore additional traffic and parking demands) is adding a further disbenefit to the community and to the Town. The potential financial burden on the Town to resolve parking issues is further compounded if the unwanted open space area is transferred to the care and control of the Town for recreation purposes.

Also, the Town requests the WAPC note that the R-Codes Vol. 2 – Apartments – Development Incentives for Community Benefit objectives, state that the '*application of incentives should not result in adverse impacts on adjoining properties or the existing or desired streetscape character*'. In this circumstance, additional building bulk and scale, inadequate parking provision for commercial uses and residential visitors and the liabilities associated with the open space are all considered adverse impacts.

The Planning Report and associated documentation does not address the future tenure of the open space. There is no specific mention of this matter in the application which clarifies the developer's intention regarding this area of open space. That is, whether the applicant is envisaging the transfer of land option or whether they are intending the land remain in private ownership, thereby requiring future owners to enter into a legal agreement with the Town to ensure permanent and unrestricted access in perpetuity. It would appear the applicant is not willing for the land to remain in private ownership despite the Town's very clear communication that it does not want the land for recreation purposes.

The Town has requested the SDAU require the applicant to indicate its intention for this land. This was also noted by the SDRP as a matter that should be addressed upfront, so the Town can adequately address the issue in its submission. In response the SDAU advised, that ultimately this will be a matter for the WAPC to determine. So, the Town wishes to make it very clear that it does not want to acquire the land or be responsible for the land if the application is approved in the form of landscaped open space to be used solely for recreation purposes.

The Town considers it important that the applicant's intention regarding the land be discussed. Full details on the legality of transferring the land, legal agreement arrangements, the function and security of this 'publicly accessible' open space should have been required to be provided by the applicant so the Town can provide fully informed comment and recommendations regarding conditions of development approval.

The Town considers this land has no amenity value or community benefit. It is opposed to a management order proceeding if the land is ceded to the Crown and ultimately comes under the care and control of the Town for this purpose through a management order. The Town considers that the owners of the land should be responsible for the ongoing maintenance and insurance costs and the responsibility for the land if it is to proceed as 'publicly accessible' open space for recreation purposes. The proposed landscaping, decking, street furniture, playground area, paving and lighting etc. will require considerable maintenance and repairs and have liability issues for the Town. It may also be proposed that this area feature a public art component of the development. Notwithstanding that if this occurred, the financial burden for the Town would be increased, it is not considered an ideal outcome for public art on this site.

Furthermore, the SDRP has commented that the open space is *unlikely* to provide meaningful public amenity and while it approves of the inclusion of a café to increase activation it notes concern regarding the current location, as the lack of visibility from the street may compromise the commercial viability of the café.

In the first instance the Town requests the land remain in private ownership if the WAPC determine that it is to be used for recreational open space, so the burden of maintenance and liability remains with the owners who benefited from the provision of the open space. If that is not the intention of the SDAU/WAPC then the Town requests the SDAU seek legal advice to determine the lawfulness of transferring the land to a local government under Section 152 of the Planning and Development Act given approval will be granted to construct structures beneath the surface which are not in the ownership or control of the Town or the State. If the advice suggests it is not lawful then the Town believes the only option for the WAPC is to determine the land remains in private ownership.

If it is lawfully possible for the land to be transferred, free of cost, to a local government under the Act despite the potential structures beneath the surface, then the Town requests the WAPC determine that the land be transferred, free of cost, for the purpose of public parking and landscaping under the care and control of the Town.

The Town questions the ability of the land to be lawfully ceded given the basement will be constructed under the area of land identified as open space. The tenure of the land will include the basement. The basement will add an encumbrance to any land to be ceded.

The Town's view is that this land can be of much greater benefit to the Town if it is used for additional public parking in a landscaped setting. The Town has always held the view that open space for recreation purposes has no real value, will not be used for this purpose when the river foreshore is 150m away and will result in maintenance, liability and anti-social issues for the Town. The SDAU is requested to consider what the Town believes to be a common sense and practical alternative to the use of this land and something which is far more likely to be of community benefit as opposed to the burden of an unused pocket park. It is requested this concept be considered by the SDAU prior to completing its assessment and the matter being determined by the WAPC. The Town would be willing to further discuss the concept with the applicant and outline the Town's proposal for this area should this concept be considered to have merit.

If the SDAU is of the mind to recommend approval of the application in its current format then the provision of permanent and unrestricted public access to the open space area, at all times and in perpetuity, including the pedestrian accessway/corridor from Sewell Street to the café and the dual use path on the eastern boundary of the site is considered necessary. A condition of approval needs to be applied so the legal agreement between the Town and the owners(s) is executed prior to the occupation of the building. The reasoning for requiring this agreement is to ensure the assumed community benefit of the open space is not lost because access to this area is restricted into the future and becomes only available for the sole and exclusive use of the owners and occupiers of the development.

#### Trees

The Ficus tree has been the feature point of the argument for 'publicly accessible' open space and the 'community benefit'. It is, in essence, one of the factors contributing to the 'exemplary design' objective. The amenity of the café and the surrounding area relying heavily on its retention. The Town considers the tree is unlikely to survive the construction process and therefore questions the validity of the retention of the tree being a factor in the assessment of the urban design outcome. The applicant is being credited for, and at best, a tenuous design outcome, with the high probability that the tree will either perish and/or have to be removed.

Also, the Town remains concerned with the number of trees proposed to be removed. Clearly this was promoted as the 'community benefit' and initial incentive for the additional height clause. It is now obvious the development proposal has reached a point at which removal of almost all the existing trees has been accepted on the basis that basement parking cannot be constructed without that eventuality. It has always been understood that basement parking has been an essential component of the redevelopment of this site from the outset. From the Town's perspective the additional height development option (based on compliance with the loosely worded additional height cl. iv) has been supported and a development application has been accepted on this basis. So, the additional height will likely be awarded at the cost of the trees with no genuine concern remaining for the loss of the trees.

It is proposed that 23 trees will need to be removed and only four retained. The strategy is not to retain trees but to invest in planting new trees. A realistic appraisal of the tree retention situation is that the trees to be retained are unlikely to survive given the extensive foundation and basement works planned. If the SDAU is of a view to support the removal of the trees, then the Town believes this should result in a recommendation that the trees be replaced with the largest possible specimens that can be obtained. The same applies for the proposed street trees in Sewell Street which have been indicated in the renders as very large trees with the aim of visually reducing building height and scale and to soften the building facades. The intent of the Landscape Plan is to replace the existing trees in the planned open space area with small scale trees. If the WAPC is inclined to approve the application in its current format it is recommended that a condition be imposed which requires the small scale trees to be replaced with the most mature specimens available, to compensate to some degree for the loss of the mature existing trees.

The Town reiterates the following comments regarding the worthiness of granting the additional height bonus and 'community benefit' of the open space given the following:



- Community is unlikely to use this land for recreation purposes:
  - Undesirable – heavily trafficked intersection - shipping container trucks and heavy load vehicles.
  - River foreshore with public open space and significantly less visual, air and noise pollution is 150m away.
  - Pedestrian/cycle path not on private land but in the road reserve so public access is guaranteed.
- The open space indicated will be subject to a significant amount of overshadowing.
- It remains to be seen if the ‘public’ open space is viewed by the public as an inviting or welcoming space.
- Saving trees will not occur and creating open space in this location has no planning merit. Not considered orderly and proper planning.
- Viewed as misleading and deceptive for the community - the ‘promise’ of the ‘trees remaining’ will not be kept.
- No guarantee trees will be replaced if they die.
- Legal implications and impediments of transferring land with built structures in separate ownership below the surface has not been investigated.

#### Traffic, Access and Parking

##### Land Use

As previously mentioned the ‘Land use and density’ provision states that *“only residential development shall front St Peters Road, and commercial development and vehicle parking are not permitted to front St Peters Road”*.

The Town argues that the application does not comply in this regard. The intentional outcome of this clause was to see a residential streetscape developed, so that the impact of redevelopment was lessened by a buffer between the new and the existing. Under the Council’s Amendment, two storey residential development was the only form of development to front St Peters Road so that the impact of buildings on the adjoining residential area was minimised. The modified Amendment resulted in the potential for three storey development, and it is now proposed that the entry to the basement carpark is from this street with part protrusion of the basement above ground level. This is not the streetscape the Town envisaged for St Peters Road. Aside from the visual impact, the entry to a 188 bay basement car park is considered to have a major impact on the amenity of the adjoining residential dwellings from a traffic impact perspective. The SDRP also queried the basement access via St Peters Road, because of the potential impact on residential dwellings directly opposite. The Town requests the SDAU discuss the proposed location with MRWA to determine why the entry is not from Sewell Street as initially indicated.

The other issue relevant to St Peters Road is the proposed location of the waste collection vehicle bay. Under the current design proposal, the best option appears to be a bay within the road reserve close to the bin store. This requires relocation of the footpath to within the property boundary to accommodate the bay. The location of a public footpath on private land is not considered ideal as it could result in restricted public access if the site is later fenced. So, if the SDAU recommend approval of waste collection from this location, then a condition of development approval is recommended to ensure unrestricted public access to the footpath continues through the site.

##### Parking Bay Allocation

The parking bay provision for the entire mixed use development, in accordance with the applicant’s calculations is 161 bays. However, if the café alfresco seating area and a minimum of two café staff members

are included then an additional 18 bays are required. In this case the number of bays required is considered to be 179.

However, the applicant's proposal to allocate surplus residential bays to that required under the R-Codes will result in a commercial (51) and residential visitor bay (7) shortfall of 58 bays. The reasons for the allocation of more parking bays to the apartments at the expense of the commercial and visitor bays is fundamentally because the applicant believes the apartments cannot be marketed successfully without an average of two bays per apartment. The argument in support of this shortfall being the closeness of public transport options, cycling routes/facilities and the potential for reciprocal parking arrangements. This argument can equally, if not more convincingly argued, to apply to the residential dwellings, particularly if the commercial uses result in customers/patrons visiting the site. It would seem more likely that residents and staff would utilise public transport to travel to work rather than customers/clients who are more likely to have less planned and routine travel arrangements and therefore less of an inclination to use public transport.

The Town is also concerned with the lack of residential visitor bays. Seven is not considered to be a sufficient number for the anticipated 170 residents and if it is inadequate the spillover will increase the demand for parking in the surrounding residential streets. Therefore, the required number should be provided. It would appear obvious that residential visitors are less likely to use public transport than residents. Also, the street parking mentioned cannot be exclusively for the use of the mixed use development, keeping in mind the Tradewinds Hotel accommodation entry and a liquor store are opposite the site on Sewell Street.

Delivery and loading bays have not been specified so this needs to be addressed by the SDAU. It may be possible for a service/delivery bay to be located in Sewell Street where the DFES hardstand is located. It is requested the SDAU investigate the location of a bay for this purpose noting it has not been provided and will be necessary for removalist vehicles, café and commercial deliveries and maintenance vehicles. The Town will recommend a condition of approval in relation to his matter.

Also, of concern to the Town is the other eventuality that a significant single operator of the commercial component of the site could monopolise any nearby parking (namely street parking or publicly accessible private parking), so it is not considered fair or reasonable for the applicant to propose a commercial parking shortfall when the adequate number of bays can be provided. Potentially compounding this scenario is the partitioning and/or change of use of the commercial tenancy resulting in an intensification of the commercial uses on site. The failure of the café as a commercial enterprise with the outcome being a request for a change of use which then results in a greater parking demand than the café is also a possible eventuality. These are all unknown but likely potential outcomes which will seriously impact the amenity of the area further than anticipated. So, the Town's view is that the parking be supplied according to the current parking controls or the Town is compensated by the provision of a payment (cash) in lieu of the shortfall. This will provide the Town with some ability to manage parking demand and improve traffic flow and safety in the area. This is discussed further below.

As the summary of submissions highlights, the community is also concerned with the allocation of parking and the commercial shortfall. Given the parking issues which are already apparent in the Plympton Precinct and that parking was the main focus of opposition to the Royal George Hotel redevelopment. The Town, and the community, will likely consider this could undermine other commercial uses in the locality to access the same opportunities to use street parking. Congestion, issues of pedestrian safety, and effects on local amenity are compelling reasons to require that the parking requirement be fully met on-site and why the Town feels a far better and a more useful long term use can be made of the 'publicly accessible' open space if it is also used for public parking as well as a landscaped area, rather than an underutilised recreation area.

In conclusion, the reality of the situation is that restricted access to this site, limited street parking, congested residential streets, one way streets, cul de sacs, and the unresolved Royal George Hotel parking situation, will

result in a significant impact from parking and increased vehicle traffic through local streets. It is the Town's view that if there is an oversupply of parking the required amount should be allocated to the commercial uses and residential visitors before it is allocated to residential uses. Prospective residents can decide whether the parking allocation per unit suits their requirements before purchasing the dwelling. However, the commercial component will generate customers and staff requirements for parking and there is the expectation of customers and patrons that some parking will be available in the area or on-site. It is therefore considered this demand should be met on-site in favour of the marketability of the apartments. The State Planning Policy approach to parking demand and supply should not be undermined by individual development applications. Furthermore, there are no details regarding reciprocal rights parking and floating bays and how these arrangements would function. In any case, floating bays are not considered appropriate in this instance as the streets are too narrow.

#### Payment (Cash) in Lieu of Parking Shortfall

It is obvious the more intense use of the site will generate a greater parking demand and therefore have a greater impact on the surrounding area, potentially reducing parking availability for existing residents and commercial uses. This requires the Town to conclude that the community should not shoulder the burden of a commercial decision by the applicant to reduce commercial parking in favour of residential parking. If the WAPC is inclined to support the proposed parking allocations, then it is considered a payment in lieu of the parking shortfall should be applied. The Town can then use the funds to improve the on-street parking, traffic flow and traffic management in the area.

The intensification of uses on the site relate to the more intensive commercial (office) use (39 bays) and the café, including alfresco seating area and two staff (36 bays). Based on this assessment of the parking requirements the Town considers that the parking shortfall after the allocation of 24 bays to commercial and 7 bays to residential visitor uses is 58 bays. It is considered that under the LPS 3 - Deemed Provisions Clause 77G and 77H payment (cash) in lieu of parking provisions that the SDAU/WAPC need to consider applying a condition of approval that requires a payment (cash) in lieu of parking.

The payment in lieu of the parking shortfall of 58 bays can be based on \$9,000 per bay (using the rate per bay in LPP 3.1.4 – George Street Parking Policy). This would amount to a payment of \$522,000. Noting the rate per bay does not reflect the actual cost for construction of car parking bays which could exceed \$20,000 per bay (as evident with the costs estimated for street parking associated with the Royal George Hotel) it is considered the proposed rate does not significantly burden the owners if they wish to allocate the bays to the apartments. If the WAPC is inclined to support the parking bay shortfall it is requested the consideration to the use the open space area for additional public parking is requested for the reasons previously outlined in the report.

#### Parking and Open Space Conclusions

In the first instance, the Town does not support the proposed parking shortfall and recommends the Council request the WAPC require the applicant to provide parking for all uses on-site as required under the Scheme. However, if the WAPC is inclined to support the proposal it is recommended that a condition of approval be applied which requires payment in lieu of the parking bay shortfall as specified by the Town (i.e., 58 bays) at the rate indicated in LPP 3.1.4. This payment of \$522,000 should be made prior to the submission of a building permit application so that work on the rationalisation of street parking and changes to the road network and traffic management measures can commence before the development is occupied.

Regardless of whether a condition in relation to payment (cash) in lieu of parking is applied, or the shortfall approved the Town requests the 'publicly accessible' open space land be considered for additional public parking under the care and control of the Town and the land being transferred to the Town free of cost. As previously noted, this request is qualified and on the basis there is no legal limitation to the transfer of the land as previously discussed.

### Transport Impact Statement

Notwithstanding the conclusions of the Transport Impact Statement (TIS) which does not identify any issues and supports the proposal, the Town has significant concerns with the basic considerations of the TIS. Clearly the constrained nature of the site with its limited access points must be factored into the assessment of the proposal. Bearing in mind Sewell Street is only left hand in and left hand out from Canning Highway and one way (no entry) to George Street from St Peters Road, this significantly increases the likelihood of traffic travelling down King, Duke and George Street to access Marmion and East Street and winding through the Town Centre to access Canning Highway west of the Stirling Highway intersection.

Congestion and extended delays are already a concern for cars, container vehicles, trucks, and buses through these intersections. In the Town's view the TIS has not adequately examined the traffic situation or the complexity of the traffic movements in and around the Town Centre and through the three complex intersections that surround the site. The matters listed below have been raised on previous occasions with DPLH officers and the SDRP and are reiterated again with a request that the SDAU consider these issues in its assessment of the application. As the Town does not have the traffic engineering resources to critically review the document, it requests the DPLH to undertake this task prior to the WAPC determining the application.

- Access is not possible from Stirling Highway.
- A left in and left out turn is the only possible manoeuvre from Canning Highway.
- Vehicles travelling in a direction other than west toward Fremantle, must use the very narrow, congested, and one-way streets of the Plympton Precinct or travel through the Town Centre.
- An uncontrolled right and left hand turn onto Canning Highway from the Town Centre is required to travel north or east.
- To travel in a southerly direction would require exiting through the residential streets to use Petra or Marmion Street.
- A significant impact on residential amenity and the already difficult to negotiate George Street commercial strip, is expected to result.
- The streets of the Plympton Precinct are generally very hard to negotiate because many of the residential lots do not use on-site parking, so vehicles are parked on each side of the street.
- A children's park and primary school are located in the precinct and nearby and many children walk or cycle to school and the park.

### Public Art

There is no public art proposal included in the application despite the Town's Local Planning Policy 3.1.9 – Percent for Public Art stating that on submission of a development application the applicant must nominate the way in which the public art contribution will be met. As the contribution to public art is a substantial financial component of the development (i.e., \$850,000) it is considered this aspect of the proposal should not be an afterthought.

There is no question there is great opportunity for a substantial and meaningful artwork in this location. The site is suited to a major public artwork. An artwork installation would strongly contribute to a sense of place, enhance the landmark site and add to community identity. This site presents many opportunities to achieve the objectives of the Policy. The Policy clearly applies to this site and the Town considers there are many opportunities for artworks. The SDRP shared the same view and wish to consider the public art proposal as an integral part of the design assessment and have requested the applicant explores various art themes and concepts.

The Town's Policy allows for a component of the public art to be contributed as cash in lieu as well as an artwork. Given it is highly likely that the artwork will be incorporated within the building structure/ architecture it is perhaps not appropriate that this component comprise the entire cost of the percent for art contribution. A partial cash in lieu contribution may allow for additional artwork to be purchased which will

in turn allow for a wider appreciation of the art work if the Town can consider other public art options in the nearby George Street precinct or on the river foreshore which may integrate with the art concept/theme on the site. The Town's Public Art Strategy can provide guidance. It is hoped this matter will be discussed with the Town prior to a determination by the WAPC.

#### Waste Management Plan and Sustainable Design Assessment

The Town's preference is for a waste removal vehicle bay/pick-up area to be contained fully within the site. However, the current design does not provide for that option. The proposed waste management plan indicates the bay is within the road reserve close to the bin storage area. The location proposed is not ideal as this is a narrow section of road which is a busy thoroughfare to and from the Town Centre as it connects with Canning Highway. It is therefore essential that every aspect of the waste management plan is examined carefully to ensure as trouble free operation as possible and that the bay can operate with minimal disruption to residents and road users. Also, that the relocation of the footpath to within the site, rather than the road reserve, to accommodate the waste collection bay, does not result in restricted public access to the footpath in the long term. A condition of approval is recommended to maintain public access to the footpath at all times into the future.

The Town's waste and sustainability officer has identified several matters that require further clarification and amendments, so the waste and sustainability documents are in line with State legislation and the Town's policies. A number of matters require correction, further detail, or inclusion, so the Town is not prepared to endorse the plan at this point in the planning assessment and approval process. Also, the Town has concerns regarding the operations of the commercial and residential uses in the development and how such uses will suitably manage waste disposal and collection and the new laws relating to use and disposal of plastics. It is also uncertain as to how the café will operate because it is under resourced and fitted out in relation to its operation as a commercial kitchen and food outlet.

As the waste collection method is heavily reliant on a kerb side bay which is directly opposite residential properties, the hours of operation of the waste collection method will need to be conditioned. It is considered that the collection times should be from 7.00am to 6.00pm on Mondays to Saturdays and from 9.00am to 6.00pm on Sundays and Public Holidays. Any collection outside these days and times shall require prior approval from the Town.

This will be conveyed to the SDAU/WAPC as will the recommendation that finalisation of a waste management plan should not be granted until further consultation with the Town is undertaken in relation to a number of matters and the Town has approved of the waste management plan and the sustainable design assessment. It is recommended that the Council request the WAPC apply a condition that prior to submission of the building permit application, that a revised Waste Management Plan and Sustainable Design Assessment be approved by the DPLH, in consultation with the Town.

#### Landscaping and Lighting

A considerable portion of the landscaping proposal indicates that land outside the property boundaries will be upgraded and landscaped. This includes the footpaths surrounding the site and the dual use pathway on the eastern boundary. Also, there are sections of hard and soft landscaping which are indicated as being installed within the road reserve surrounding the site, including the planting of street trees, landscaped verges and marking of specific purpose on-street bays.

The Town is supportive of the overall landscaping proposal regarding the upgrading of the footpaths and dual use path on the basis that if the development is approved, then the street trees and proposed upgrades in Sewell Street and St Peters Road need to be actioned, as indicated, to improve the amenity of the area for the surrounding landowners and for the streets to function in the manner proposed by the applicant.



The Canning Highway footpath is very neglected, in need of repair and not conducive to pedestrian or cycling movements through this section of path, so the Town believes the applicant should be required to improve the amenity of this area so it can function as an entry to the commercial tenancy and to improve safety for pedestrians and cyclists. A condition of approval will be recommended in regard to the above upgrading measures proposed in the public realm adjoining the site.

While the Town will advocate that this land be improved and upgraded, if the WAPC is inclined to approve the application it is recommended that the matter be discussed with MRWA so that its approval of the works proposed are obtained. Also, what arrangements can be put in place with MRWA for the long term management and maintenance of these areas. If the works are not agreed by MRWA and/or the SDAU, the Town would have significant concerns as to whether the proposal has the same degree of amenity and appeal as was supported by the SDRP and whether it has satisfied the prerequisite for the additional height approval. It is hoped MRWA has commented on this aspect of the application so it can be suitably conditioned.

Another consideration is lighting of the landscaped open space areas and 'publicly accessible' sections of the site. It does not appear the applicant has proposed a lighting plan for the areas external to the building. This is considered essential to ensure safety and comfort for occupants and all users of the site. A lighting plan has not been submitted and this is considered essential to the safety and ease of use for these areas should the application be approved. It is hoped the SDRP will support the Town's view on this issue.

It is therefore recommended that Council request the WAPC apply a condition that prior to submission of the building permit application, that a Lighting Plan be requested and approved by the DPLH in consultation with the Town.

Finally, if the WAPC are of the mind to approve the application in its current format, including the transfer of the landscaped open space to the Town, then the Town requests that a condition be applied which requires the applicant to discuss the final format of the landscaping plan with the Town of East Fremantle, prior to a final plan being approved by the DPLH. This is to ensure the Town has the resources to maintain the area.

#### Local Planning Strategy (LPS)

Reference to the LPS should also be made. The Council endorsed and DPLH supported LPS makes reference to this site as indicatively yielding approximately 90 apartments as part of a mixed use development. However, it reinforces the Council's intention for the site at approximately 9 storeys closer to the Canning Highway/Stirling Highway intersection comprising of a mixture of medium and higher density terrace and apartment dwellings. The LPS also identifies there is opportunity for setbacks and heights transitioning on the fringes to provide a sensitive interface with established suburban areas and incorporating heritage properties into overall design concepts.

#### Dilapidation Reports

A condition requiring dilapidation reports for surrounding properties is considered essential. A three level basement will require substantial excavation of the site for the foundations, car parking levels and the protection of the sewer infrastructure which traverses the site. In addition to the potential impact on the Tradewinds Hotel buildings, the possibility of significant impact on the surrounding properties which are mostly in the range of 100 years of age is considered a valid concern. The properties considered to be the most vulnerable in this regard are listed in the relevant condition in Attachment 6. The Town believes dilapidation reports must be required for these properties given the heritage value, their age and their proximity to the site. It is the Town's view that this will also be a matter of significant concern for nearby landowners which should be formally acknowledged through the application of an appropriate condition.

### Recommended Conditions of Development Approval

A considerable number of conditions of development approval are recommended to be applied should the WAPC be inclined to approve the application. The conditions would typically be applied to a development proposal of this nature and scale and relate to matters concerning the construction phase, the operation of the approved uses and matters to be addressed on completion of the development. The Town considers these conditions are essential to ensure an orderly and proper planning outcome for the site. Attachment 6 is recommended to form part of the Council's submission to the SDAU/WAPC. The conditions are detailed in full in Attachment 6 and are listed below by category.

- Legal Agreement - public access
- Owners to maintain open space
- Amalgamation of lots
- Building height
- Tree protection & management plan
- Land use
- Parking, access & traffic
- Waste management plan
- Dilapidation reports
- Heritage
- External fixtures
- Street trees
- Signage
- Public art
- Utilities & facilities
- Payment (cash) in lieu of parking shortfall
- Lighting plan
- Fencing & access
- Landscaping
- Construction management plan
- Section 70 A Notifications on Title(s)
- Design and materials and finishes
- Engineering & structural reports
- Port Buffer Zone
- Sustainable design assessment
- Works in the public realm
- End of trip facilities
- Acoustic
- Lighting
- Balconies & facades

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### CONCLUSION

From the outset the overriding concerns with this site was height of the buildings, overdevelopment, proximity to an important heritage area, restricted access and the community's justifiable concerns about local amenity. After years of discussions with the owners of the site the Council was of the view that an understanding between the developers, the Council and the community had been reached regarding building height limits. The WAPC and the Minister for Planning did not share the same view and effectively modified the provisions of Amendment 14 to allow for building(s) on the site to be constructed to twice the height endorsed by the Council and supported by the community.

The potential for the approval of a building of additional height and scale, greater than the primary height control, was initially justified by the retention of mature trees on the site. The justification was never validated by a provision in the Planning Scheme ensuring this occurred and, in any event, there was no means of guaranteeing they would survive the construction process. Instead, the main criterion for achieving the additional height was the provision of a section of the site becoming 'publicly accessible' landscaped open space; either transferred to the Town or maintained by the owners of the site. The owners of the site have not committed to retaining ownership of the land and ultimately the decision regarding the legal status and lawful use of the land will be determined by the WAPC.

The Town has always maintained the land is not suitable as open space for recreation and that it does not want to acquire the land for that purpose. Since the approval of the Royal George Hotel site and the parking shortfall approved for that site, the Town has been placed in a position where it must consider alternate parking arrangements to try and increase the parking supply in a constrained heritage precinct. The requirement for additional parking to be provided for the Royal George Hotel redevelopment has yet to be resolved. It is therefore requested the SDAU consider the potential for the 'publicly accessible' portion of open space to be transferred to the Town free of cost for the purpose of public parking and landscaping. This

alternative will be of much greater benefit to the Town and the community. It is therefore requested this be considered before the WAPC determine the application. If the land cannot be used for public parking and landscaping it would be considered a liability for the Town in regard to asset acquisition, insurances and maintenance. So, in that eventuality, the Town requests the WAPC determine that the land remains in private ownership and be always 'publicly accessible' with unrestricted access in perpetuity, through the execution of a legal agreement between the owners and the Town.

The Town also wishes to remind the SDAU and the WAPC that throughout the Amendment process the Town was assured it would not be 'forced' to accept the open space portion of the land if it did not wish for it to be ceded for public open space. However, the reality of the situation is that as the Town was never going to be the determining authority for the development application so the Town does not have control of the legal status of the land. Therefore, if the SDAU does see merit in exploring the use of the open space for the public parking option with the applicant, it is requested the WAPC delay determination of the application until the matter has been considered in full.

Notwithstanding the above position, if the option is not considered feasible and the SDAU/WAPC are inclined to support the proposal in its current format then the Town is very clear that it does *not* support the proposal on the grounds that it is of a scale that is disproportionate to the surrounding area in terms of historical context and setting which will result in a detrimental impact on the Town's heritage precinct. Furthermore, that a development of this height is considered a visually and physically imposing structure that negatively impacts on the enjoyment of the heritage precinct, the amenity of the low scale residential neighbourhood and the river foreshore. It is starkly out of place with the wider Fremantle landscape and is not, in the Town's view, a lasting landmark building that will be revered.

The Council requests the SDAU/WAPC refuse the proposal and encourage the applicant to reduce the height and scale of the buildings to a more suitable built form outcome for the locality and for the applicant to revisit the design outcome to strive for the exemplary status the site merits.

Considering the above comments, the Town recommends the Council request the WAPC refuse the application as it does not comply with the following requirements of LPS 3, as:

- the proposed development conflicts with Clause 1.6 - Aims of the Scheme;
- the proposed development conflicts with Clause 4.2 - Objectives of the Zones: Mixed Use Objectives;
- the proposed development conflicts with the provisions of the Town of East Fremantle Local Planning Scheme No. 3 – Deemed Provisions Clause 67 (a), (b), (fa), (l), (m), (n), (p), (s), (t), (x) and (y) and because it would detrimentally impact the amenity of the area;
- the proposed development does not comply with the orderly and proper planning of the area in respect to the impact on the amenity of the area in that the form, bulk, height and scale of the proposal is not considered to be compatible with development in the locality; and
- the proposed development does not comply with the requirements of Local Planning Policy 3.1.9 – Percent for Public Art.

If the WAPC is of a mind to consider approving the development application, then the Council requests:

- that in the first instance, before the WAPC determine the application that the concept of transferring the publicly accessible open space land to the Town, free of cost, for the purpose of public parking and landscaping under the care and control of the Town, be considered by the SDAU and ultimately the WAPC;

- that if the WAPC is of the view to approve the application in its current format that the publicly accessible open space land remains in private ownership (i.e., not transferred to the Town) and its care, control and maintenance remain the responsibility of the owner(s) of the site;
- that in relation to the above two bullet points, the SDAU investigate the legality of the WAPC determining that private land be transferred to a local government under the Planning and Development Act, 2005 (section 152) if structures are constructed beneath the land which are not in the ownership or control of the Town or the State;
- the conditions and advice notes listed in Attachment 6 to this report be applied to a development approval. However, if an alternate proposal is considered that may impact the conditions of approval, it is requested the SDAU/WAPC consult with the Town in respect to any modifications or additions to the conditions which may be required.; and
- a waste management plan, a sustainable design assessment and a lighting plan that are acceptable and approved by the Town be submitted to the DPLH prior to the submission of a Building Permit application.

### 13.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

#### Council Resolution 032106

#### OFFICER RECOMMENDATION

Moved Cr Collinson, seconded Cr White

**That the Department of Planning; Lands and Heritage, State Development Assessment Unit be advised in accordance with Section 276 of the Planning and Development Act 2005, with respect to the development application referred to the Town on 3 May 2022 for a mixed use development comprising 95 multiple dwellings, commercial (office) space, café and 195 parking bays at No. 91 – 93 (Lot 417 and 418) Canning Highway, Lot 81 St Peters Road and Lot 423 King Street, East Fremantle as shown on plans date stamped 24 December 2021 that:**

- A. The Council does not support the development application (plans date stamped 24 December 2021) and requests the WAPC refuse the application in its current format based on the following:**
- (i) The proposed development does not comply with the following requirements of Local Planning Scheme No. 3, as:**
- a) the proposed development conflicts with Clause 1.6 - Aims of the Scheme;**
  - b) the proposed development conflicts with Clause 4.2 - Objectives of the Zones: Mixed Use Objectives; and**
  - c) the proposed development conflicts with the provisions of the Town of East Fremantle Local Planning Scheme No. 3 – Deemed Provisions Clause 67 (a), (b), (fa), (l), (m), (n), (p), (s), (t), (x) and (y) and because it would detrimentally impact the amenity of the area.**
- B. The proposed development does not comply with the orderly and proper planning of the area in respect to the impact on the amenity of the area in that the form, bulk, height and scale of the proposal is not considered to be compatible with development in the locality.**
- C. The proposed development does not comply with the requirements of Local Planning Policy 3.1.9 – Percent for Public Art;**
- D. The Council’s submission regarding the development application is comprised of the Council’s resolution, the Officer Report and the accompanying attachments to the Report; and**

- E. If the Western Australian Planning Commission (WAPC) is of a mind to consider approving the development application then the Council requests:**
- (i) that in the first instance, before the WAPC determine the application that the concept of transferring the publicly accessible open space land to the Town, free of cost, for the purpose of public parking and landscaping under the care and control of the Town, be considered by the SDAU and ultimately the WAPC;**
  - (ii) that if the WAPC is of the view to approve the application in its current format that the publicly accessible open space land remains in private ownership (i.e., not transferred to the Town) and its care, control and maintenance remain the responsibility of the owner(s) of the site;**
  - (iii) that in relation to points (i) and (ii) above, the SDAU investigate the legality of the WAPC determining that private land be transferred to a local government under the Planning and Development Act, 2005 (section 152) if structures are constructed beneath the land which are not in the ownership or control of the Town or the State;**
  - (iv) the conditions and advice notes listed in Attachment 6 to this report be applied to a development approval; and**
  - (v) a waste management plan, a sustainable design assessment report and a lighting plan that are acceptable to and approved by the Town of East Fremantle, be submitted to the Department of Planning; Lands and Heritage, prior to the submission of a Building Permit application.**

**(CARRIED UNANIMOUSLY)**

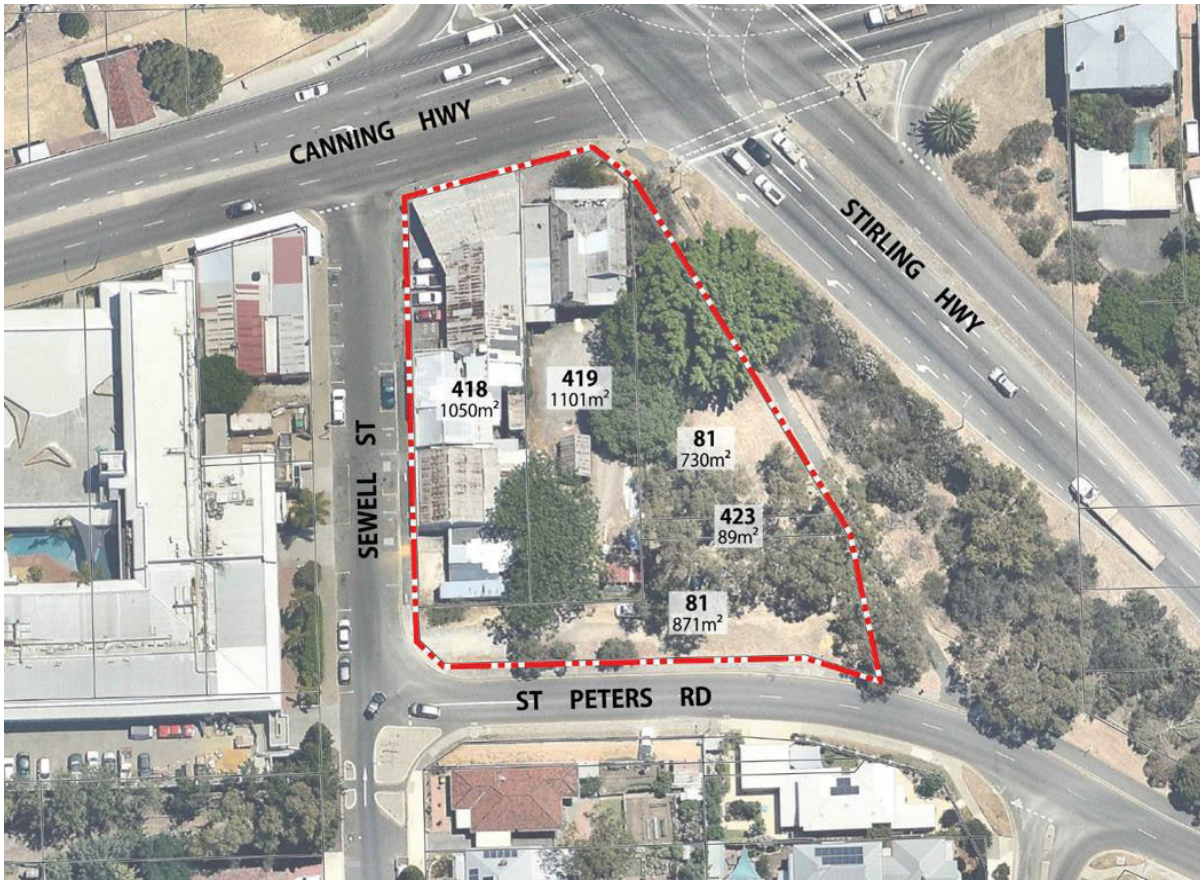
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#### REPORT ATTACHMENTS

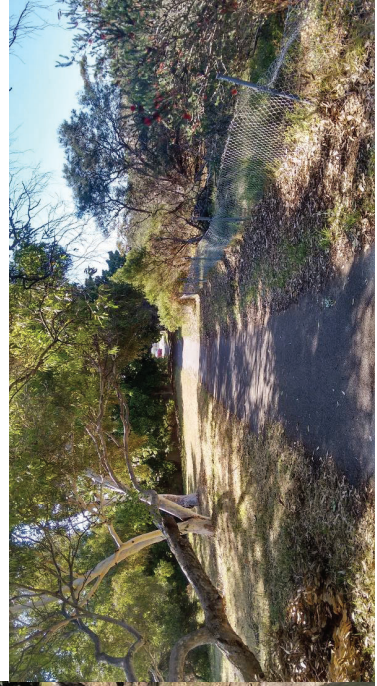
Attachments start on the next page.



Location Plan









## PLACE RECORD FORM



PRECINCT	Plympton
ADDRESS	91 Canning Highway
PROPERTY NAME	N/A
LOT NO	Lot 418
PLACE TYPE	Commercial
CONSTRUCTION DATE	C 1900
ARCHITECTURAL STYLE	Industrial
USE/S	Original Use: Commercial/ Current Use: Commercial
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category C
PHYSICAL DESCRIPTION	No 91 Canning Highway is a series of interconnected single-storey brick and rendered brick buildings. They have low-pitched corrugated iron roofs with some concealed by parapets. Its frontage has deep awnings and shopfronts from the 1950s. There are several phases of building, with some sections dating back to the early twentieth century. The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working class suburb.
HISTORICAL NOTES	Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.

	Commercial premises were established on Canning Highway and George Street. The George Street commercial strip developed within a decade of the residential development in surrounding streets.
OWNERS	Unknown
HISTORIC THEME	Occupations
CONSTRUCTION	Walls – Painted brick and rendered masonry
MATERIALS	Roof - Corrugated roof sheeting
PHYSICAL SETTING	The building is set back from the Canning Highway frontage with a deep awning typical of a petrol station forecourt.
STATEMENT OF SIGNIFICANCE	No 91 Canning Highway is a single storey set of buildings constructed in painted and rendered brick. The place has historic and aesthetic value with its contribution to Plympton's high concentration of worker's cottages and associated buildings. It contributes to the local community's sense of place. The place has considerable heritage value for its intrinsic aesthetic value as an industrial warehouse commercial premises and it retains a moderate degree of authenticity and a moderate degree of integrity. The elements of the collection of buildings have varying degrees of significance.
AESTHETIC SIGNIFICANCE	No 91 Canning Highway has considerable aesthetic value as for its visual contribution to the Canning Highway commercial strip.
HISTORIC SIGNIFICANCE	No 91 Canning Highway has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 91Canning Highway has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 91 Canning Highway is not rare in the immediate context but Plympton has rarity value as a working class suburb.
CONDITION	No 91 Canning Highway is in fair condition.
INTEGRITY	No 91 Canning Highway retains a moderate degree of integrity.
AUTHENTICITY	No 91 Canning Highway retains a moderate of authenticity.
MAIN SOURCES	

## PLACE RECORD FORM



PRECINCT	Plympton
ADDRESS	93 Canning Highway
PROPERTY NAME	N/A
LOT NO	Lot 419
PLACE TYPE	Residence
CONSTRUCTION DATE	C 1896
ARCHITECTURAL STYLE	Federation Bungalow
USE/S	Original Use: Residence/ Current Use: Commercial premises
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category C
PHYSICAL DESCRIPTION	<p>No 93 Canning Highway is a single storey house constructed in brick with a hipped 'M' format corrugated iron roof. It is a simple expression of the Federation Bungalow style. The front elevation is symmetrically planned with a centrally located front door flanked by bay windows. The facade features a full width bull-nosed roofed verandah on turned timber posts, with curved frieze boards over a timber floor. Steps lead down to the garden.</p> <p>The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working class suburb.</p>
HISTORICAL NOTES	<p>Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and</p>



	their families with a high concentration of small lots with timber, brick and stone cottages.
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	Walls – Painted brick
PHYSICAL SETTING	Roof - Corrugated roof sheeting
STATEMENT OF SIGNIFICANCE	The residence is situated on a flat site with a low rendered masonry wall at the lot boundary. No 93 Canning Highway is a single storey house constructed in brick with an iron roof. The place has historic and aesthetic value with its contribution to Plympton's high concentration of worker's cottages and associated buildings. It contributes to the local community's sense of place. The place has considerable heritage value for its intrinsic aesthetic value as a Federation Bungalow and it retains a moderate to high degree of authenticity and a high degree of integrity.
AESTHETIC SIGNIFICANCE	No 93 Canning Highway has considerable aesthetic value as a typical Federation Bungalow. It retains almost all of the characteristic features of a dwelling of the type and period.
HISTORIC SIGNIFICANCE	No 93 Canning Highway has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 93 Canning Highway has some social value. It is associated with a significant area of worker's cottages, which contributes to the community's sense of place.
RARITY	No 93 Canning Highway is not rare in the immediate context but Plympton has rarity value as a working class suburb.
CONDITION	No 93 Canning Highway is in fair condition.
INTEGRITY	No 93 Canning Highway retains a high degree of integrity.
AUTHENTICITY	No 93 Canning Highway retains a moderate to high degree of authenticity.
MAIN SOURCES	

DEPARTMENT OF ENVIRONMENTAL PLANNING  
 DATE: 24 DEC 2021 FILE: 0004 022 20  
 34 DEC 2021 0004 022 20



**PLOT RATIO**  
 LOT AREA 3,343m<sup>2</sup>  
 COMMERCIAL LOT AREA 1,524m<sup>2</sup>  
 TOTAL PAVED AREA 14,179m<sup>2</sup>  
 PERMITTED PERCENTAGE 20% (267 PERMITTED)

**CAR PARKING**  
 100 SPACES @ 2ND FLOOR LEVEL 7  
 100 SPACES @ 1ST FLOOR LEVEL 1  
 BICYCLE PARKING 10 SPACES @ 1ST FLOOR LEVEL 1  
 RESERVES: 50 SPACES - 1 BICYCLE STORES

**KEY**  
 CHILDREN PLAYSTAY PARKING  
 BIKES HANDSTAND  
 LEARNING WASTE COLLECTION BAY  
 STREET PARKING  
 NATURAL PLAYGROUND  
 ROOFTOP POOL AND SUN TERRACE  
 LIGHTWELL  
 ROOF PLANT AND SOLAR PANELS

PROJECT NUMBER: 1402  
 DRAWING NUMBER: DA000

NO. OF FLOORS: ROOFING 2000  
 91-95 CANNING HWY, EAST  
 MICHAMBLE

CLIENT: SARACEN DEVELOPMENTS

DATE: 7/17/21  
 STATUS: FOR APPROVAL

REVISION HISTORY:  
 ID DESCRIPTION  
 A FOR APPROVAL

CHANGES TO CLIENT'S RECORDS:  
 ID DESCRIPTION  
 1 1ST FLOOR BUILDING  
 2 2ND FLOOR BUILDING  
 3 3RD FLOOR BUILDING

SCALE: 1:500 @ A1

0 10 20 40m

spaceagency:  
 architects

100 BELLA VISTA DRIVE, MICHAMBLE VIC 3199  
 T 08 83062605  
 E 08 83062605@SAU



DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE: 24 Dec 2021	FILE: SMAH 022 20

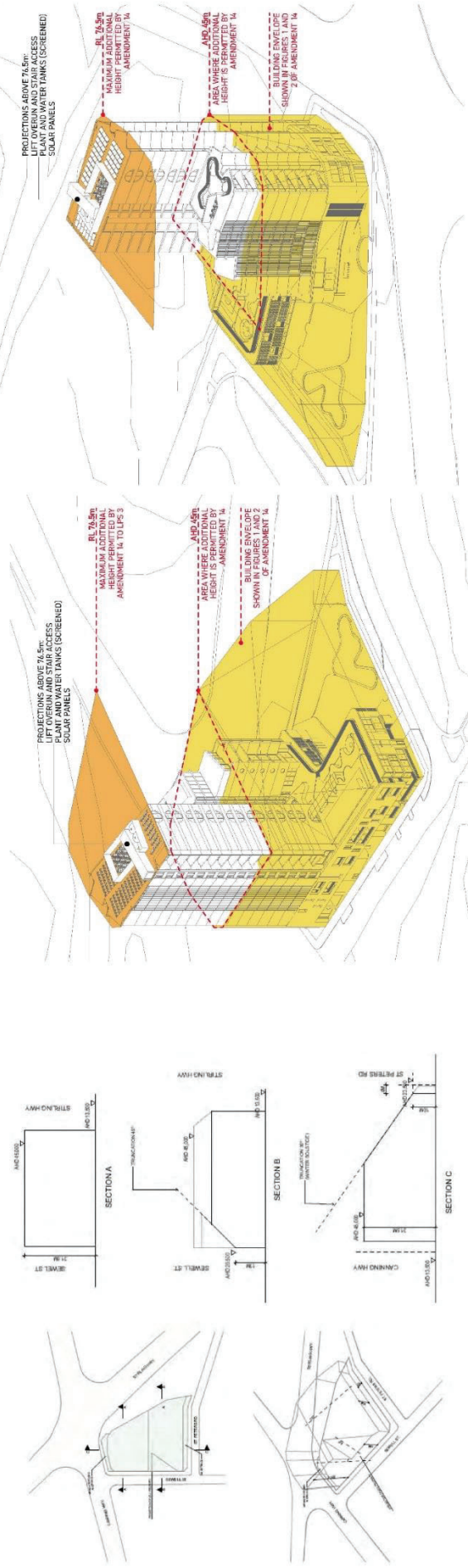


FIGURE 1

VIEW FROM SOUTH WEST

VIEW FROM NORTH EAST

**BUILDING ENVELOPE DESCRIBED BY AMENDMENT 14 TO LOCAL PLANNING SCHEME 3**

**BUILDING ENVELOPE AND ADDITIONAL HEIGHT**

spaceagency architects  
 15/200, BENTLEY STREET, BENTLEY LEAP  
 3071 WA 6107 AUSTRALIA  
 P 08 9437 2000  
 F 08 9437 2001  
 WWW.SPACEAGENCYARCHITECTS.COM

ID	DESCRIPTION
C:\WORK\311\LOCAL PLANNING SCHEME 3	

NO.	DESCRIPTION	FOR APPROVAL
1		

DATE: 27/12/21

ENVELOPE 4:  
 1. To be consistent with the Planning Scheme 3, the building envelope and additional height shall be as shown in the drawings.  
 2. The building envelope and additional height shall be as shown in the drawings.  
 3. The building envelope and additional height shall be as shown in the drawings.  
 4. The building envelope and additional height shall be as shown in the drawings.  
 5. The building envelope and additional height shall be as shown in the drawings.  
 6. The building envelope and additional height shall be as shown in the drawings.  
 7. The building envelope and additional height shall be as shown in the drawings.  
 8. The building envelope and additional height shall be as shown in the drawings.  
 9. The building envelope and additional height shall be as shown in the drawings.  
 10. The building envelope and additional height shall be as shown in the drawings.

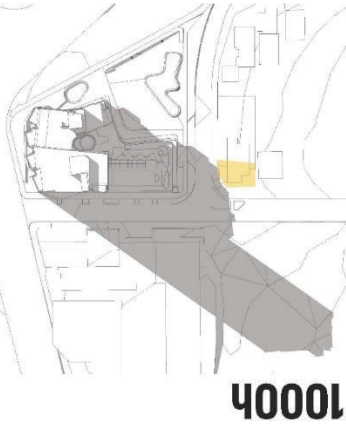
PROJECT: ROOFING 2000  
 CLIENT: STRENGTH HWY, EAST  
 PREPARED BY: SARACEN DEVELOPMENTS

NO.	DESCRIPTION	DATE	STATUS
1	BUILDING ENVELOPE	27/12/21	FOR APPROVAL

DA001  
 REVISION: A

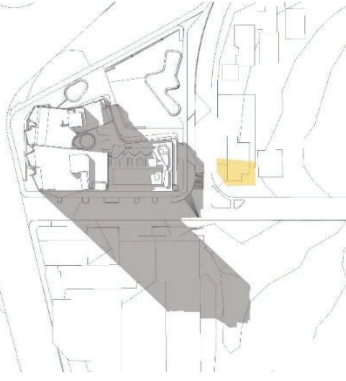
DEPARTMENT OF PLANNING, LANDS AND HERITAGE		
DATE	FILE	
24 Dec 2021	DA002	022 20

21 JUNE

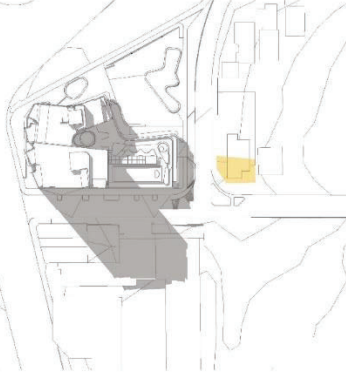


1000h

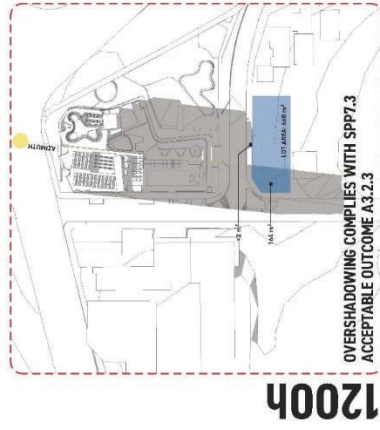
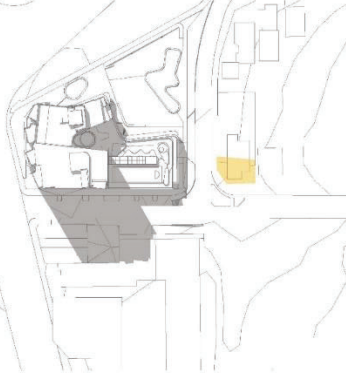
21 AUGUST



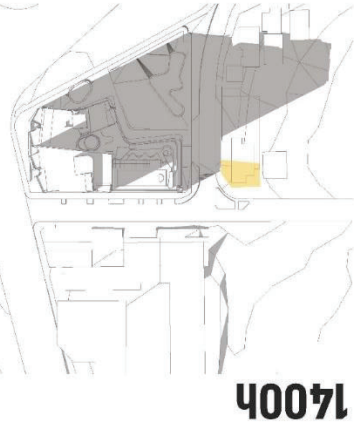
21 SEPTEMBER



21 OCTOBER



1200h



1400h

ID	DESCRIPTION
1	PRELIMINARY
2	FOR APPROVAL

DATE  
7/12/21

DESIGNER  
1. SPACEAGENCY ARCHITECTS  
2. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY  
3. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY  
4. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY  
5. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY  
6. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY  
7. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY  
8. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY  
9. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY  
10. ARCHITECTS WITH INTERIOR DESIGN CAPABILITY

CLIENT  
SARACEN DEVELOPMENTS

PROJECT  
7/12/21

SCALE  
1:1000 @A1

STATUS  
FOR APPROVAL

PROJECT NUMBER  
DA002

SECTION  
A

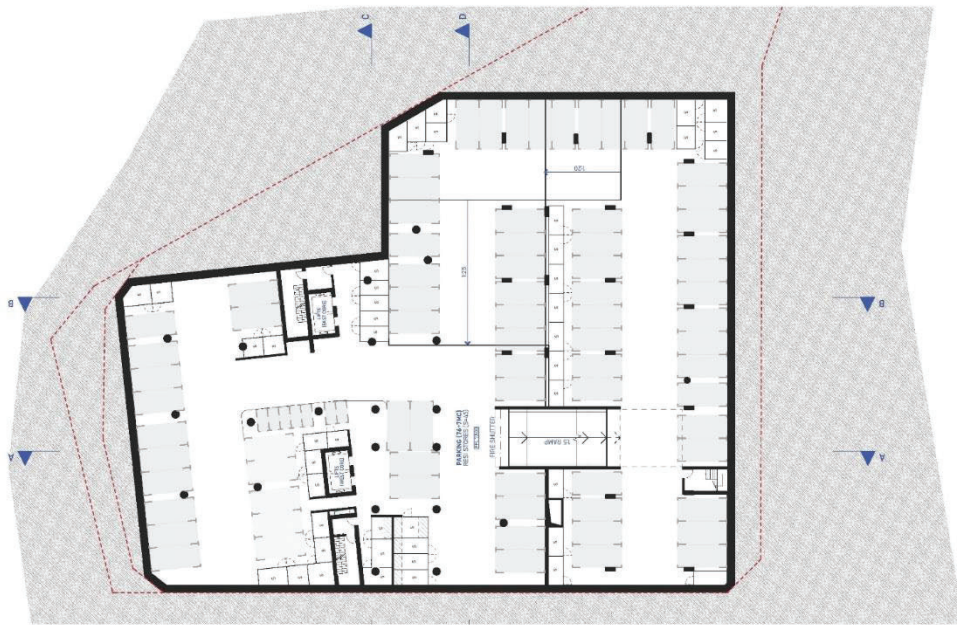


# Attachment -4

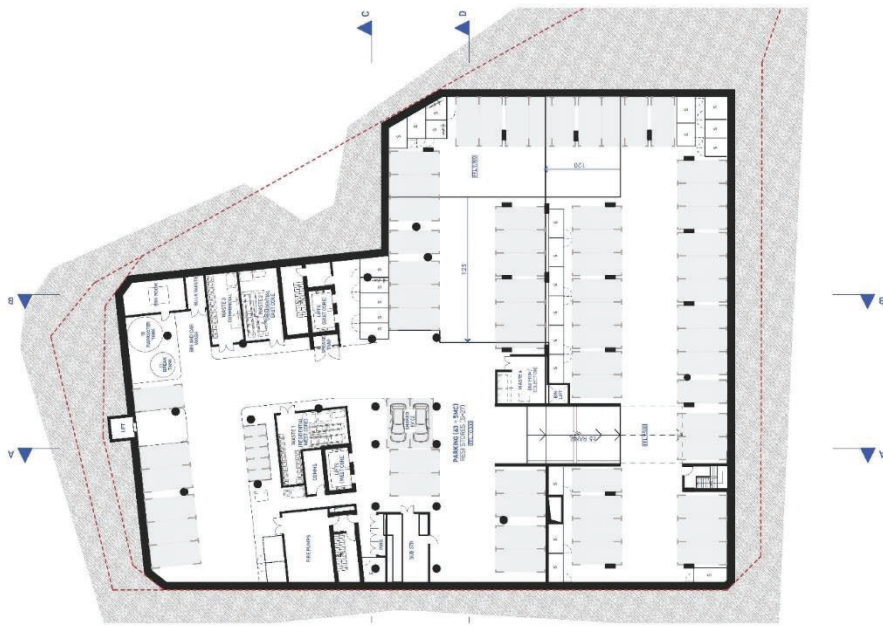
DEPARTMENT OF PLANNING, LANDS  
AND HERITAGE  
DATE: 21 Dec 2023 FILE: 80041/0323/20



**BASEMENT 3**



**BASEMENT 2**



**BASEMENT 1**

**spaceagency architects**  
 100 WILSON STREET SUITE 101  
 WILSON, BC V7R 1C6  
 TEL: 604.943.8888 FAX: 604.943.8889  
 WWW.SPACEAGENCYARCHITECTS.COM

PROJECT NO: 1402  
 SHEET NO: 1402-BAK  
 DATE: 17/12/21  
 SCALE: 1:200  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 FOR APPROVAL: [Signature]

PROJECT TITLE: ROOFING 2000  
 9115 CANNING HWY EAST  
 SARACEN DEVELOPMENTS

PROPOSED SCALE: DA100

REVISIONS: A

DATE: 21 Dec 2023

SCALE: 1:200 @ A1

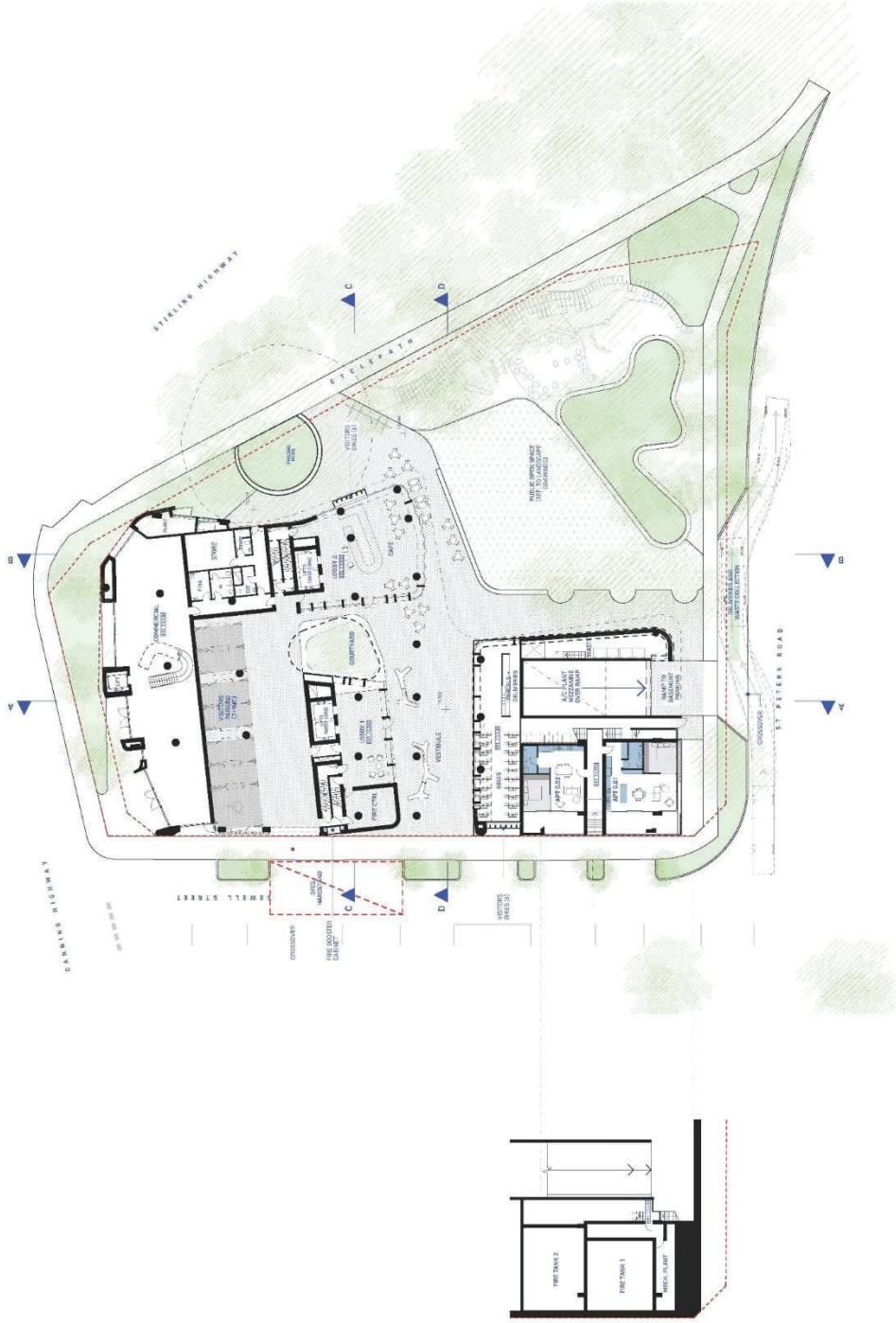
20m

10 5

0



DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
24 DEC 2021	SRM01/22/20



GROUND FLOOR

HALF BASEMENT

<b>spaceagency</b> architects <small>25 MARLBOROUGH STREET, ADELAIDE SOUTH AUSTRALIA P 81 336 9341 M 81 336 9342</small>	CLIENT <b>SARACEN DEVELOPMENTS</b>	PROJECT NUMBER <b>1402</b>	DRAWING NUMBER <b>DA101</b>
	DATE <b>7/12/21</b>	SCALE <b>1:250 GBA</b>	SECTION <b>A</b>
DESCRIPTION <b>4</b>	APPROVAL <b>FOR APPROVAL</b>	DRAWING TITLE <b>GROUND FLOOR</b>	DATE <b>7/12/21</b>
GENERAL NOTES: 1. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE ARCHITECTURAL CONTRACT AND THE ARCHITECT'S SPECIFICATIONS. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.	DRAWING TITLE <b>ROOFING 2000 FRESHMILE</b>	DRAWING TITLE <b>ROOFING 2000 FRESHMILE</b>	DRAWING TITLE <b>ROOFING 2000 FRESHMILE</b>

Attachment -4

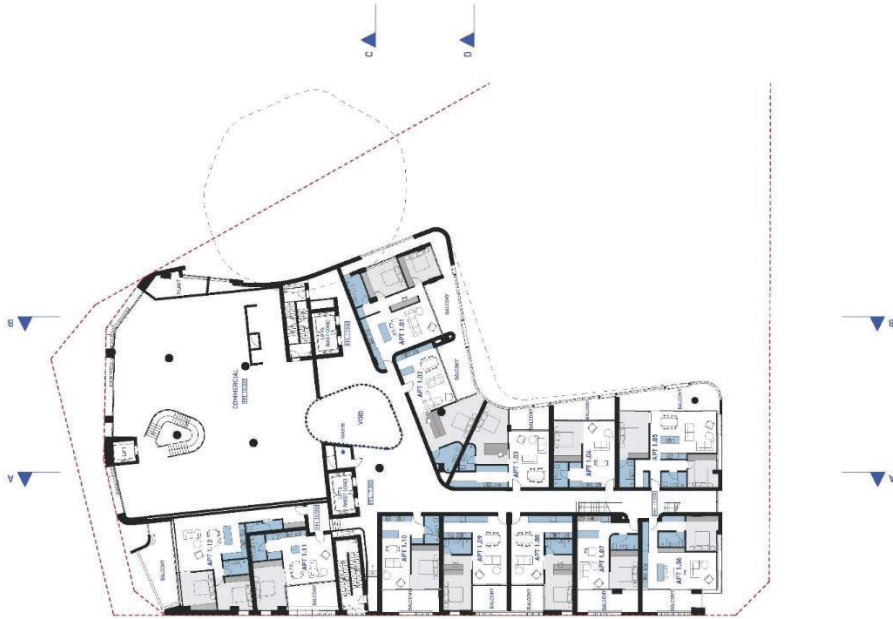
DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE: 24 Dec 2021	SCALE: 1:250 @ A1
FILE: SMAU 022 20	



THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

**spaceagency:**  
architects

CONSULTANTS: ARCHITECTS: SHARLES LEP  
SUTHERLAND & SUTHERLAND  
PLANNING: GUYAARD, BOONZAAIJ

DATE: 17/1/21

SCALE: 1:250 @ A1

PROJECT ID: SMAU 022 20

PROJECT NAME: ROOFING 2000  
GANNING HWY, EAST  
FRIMLEY

CLIENT: SARACEN DEVELOPMENTS

LEVEL: LEVELS 1-3

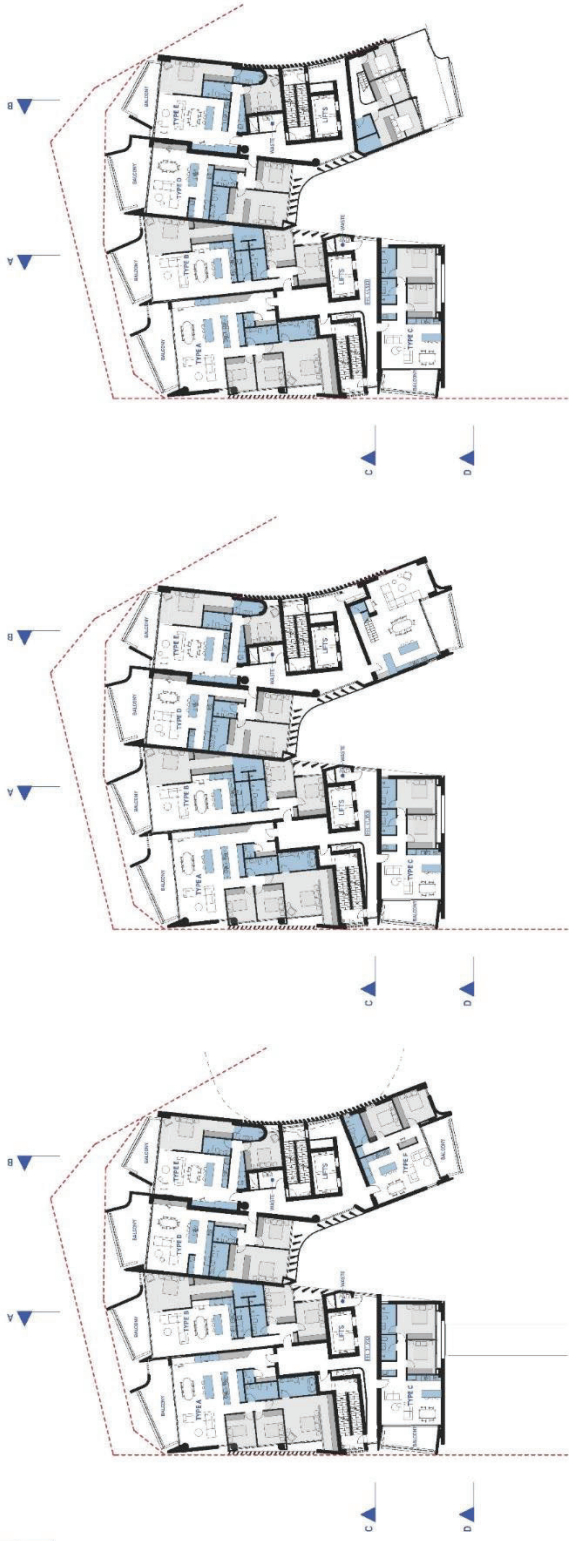
SCALE: 1:250 @ A1

STATUS: FOR APPROVAL

PROJECT NO: DA102

REVISION: A

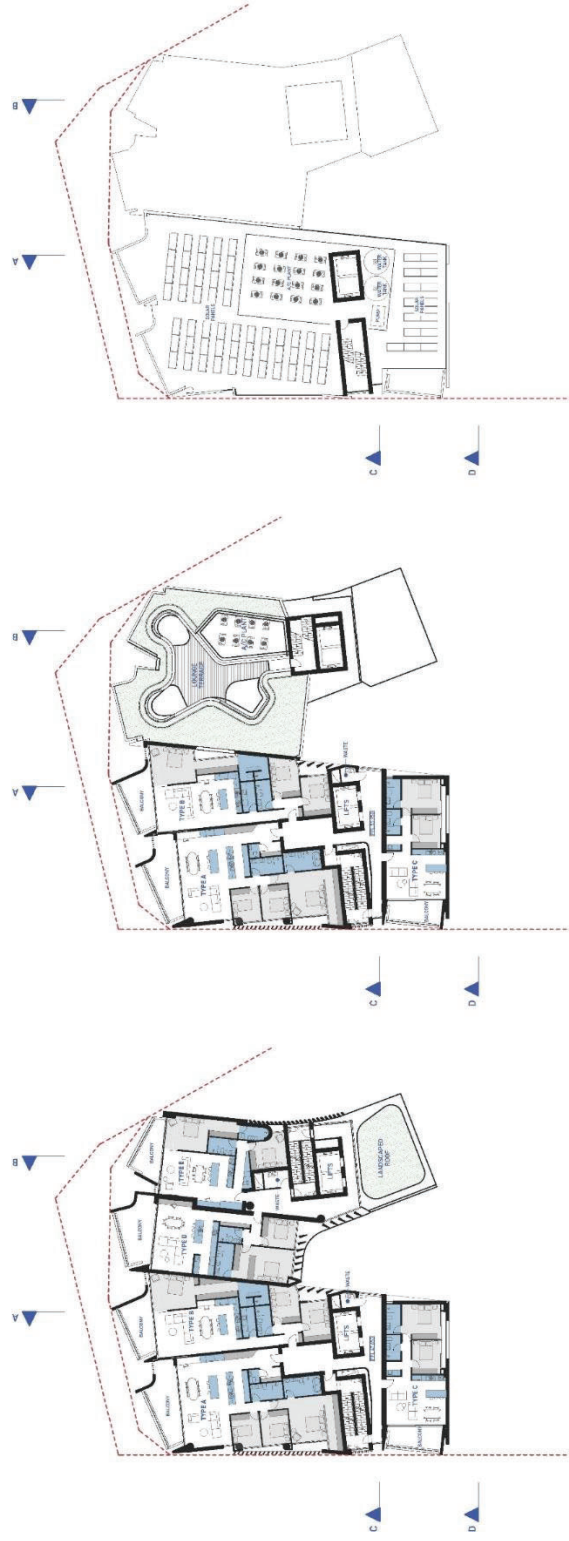
DEPARTMENT OF MUNICIPAL AFFAIRS AND HERITAGE	
DATE	FILE
24 Dec 2021	SMH/222730



FOURTH TO SEVENTH FLOOR

EIGHTH FLOOR

NINTH FLOOR



TENTH AND ELEVENTH FLOOR

TWELFTH TO EIGHTEENTH FLOOR

ROOF

spaceagency:  
architects

1000 WEST 10TH STREET, SUITE 100  
VANCOUVER, BC V6H 2G6  
TEL: 604.681.8000

DATE: 12/21

REVISIONS:  
ID DESCRIPTION  
A FOR APPROVAL

CLIENT: CITY OF VANCOUVER

PROJECT: ROOFING 2000  
FOR GANNING HWY, EAST  
PHEASANT  
FRS/SM/ML

DESIGNER: SARACEN  
DEVELOPMENTS

SCALE: 1:200 B/A1  
STATUS: FOR APPROVAL

PROJECT NO: DA103



1:200 @ A1

20m

0 5 10

REVISIONS:  
ID DESCRIPTION  
A FOR APPROVAL



DEPARTMENT OF PLANNING, LAND AND HERITAGE	
DATE	FILE
24 DEC 2021	SRM01.022.20



TYPICAL L12-18 PLAN



ALTERNATIVE L12-18 PLAN 1: TYPE AB  
OPTION TO REPLACE TYPES A+B ON L12-18



ALTERNATIVE L12-18 PLAN 2: TYPE ABC  
OPTION TO REPLACE TYPES A+B+C ON L12-18

**APARTMENT MIX**

TYPE OF THE MAXIMUM NUMBER OF APARTMENTS IF OPTIONS AB AND B ARE INCLUDED

TOTAL APARTMENTS

**APARTMENT TYPES**

UNIT TYPE	FLOOR	NO. OF UNITS	TOTAL AREA	NO. OF UNITS	TOTAL AREA
STUDIO	12	10	10	10	10
1-BED	12	10	10	10	10
2-BED	12	10	10	10	10
3-BED	12	10	10	10	10
4-BED	12	10	10	10	10
5-BED	12	10	10	10	10
6-BED	12	10	10	10	10
7-BED	12	10	10	10	10
8-BED	12	10	10	10	10
9-BED	12	10	10	10	10
10-BED	12	10	10	10	10
11-BED	12	10	10	10	10
12-BED	12	10	10	10	10
13-BED	12	10	10	10	10
14-BED	12	10	10	10	10
15-BED	12	10	10	10	10
16-BED	12	10	10	10	10
17-BED	12	10	10	10	10
18-BED	12	10	10	10	10
19-BED	12	10	10	10	10
20-BED	12	10	10	10	10
21-BED	12	10	10	10	10
22-BED	12	10	10	10	10
23-BED	12	10	10	10	10
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25-BED	12	10	10	10	10
26-BED	12	10	10	10	10
27-BED	12	10	10	10	10
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36-BED	12	10	10	10	10
37-BED	12	10	10	10	10
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96-BED	12	10	10	10	10
97-BED	12	10	10	10	10
98-BED	12	10	10	10	10
99-BED	12	10	10	10	10
100-BED	12	10	10	10	10

**spaceagency architects**  
 25 MARKYATE CLOSE, MARKYATE  
 HATFIELD AL5 1AA  
 +44 (0)1462 431000

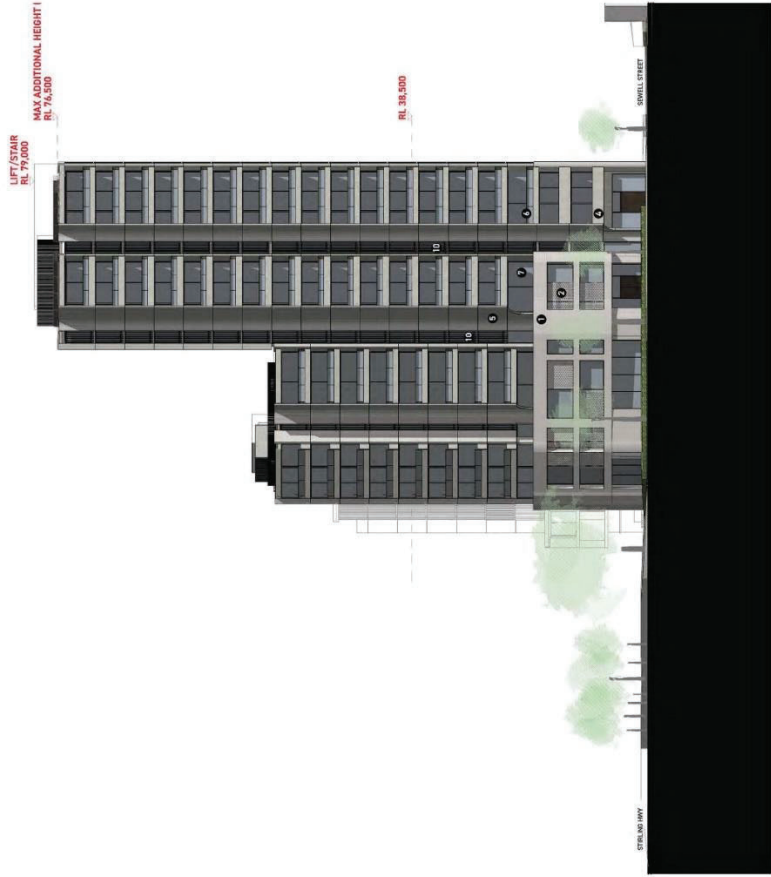
DATE: 7/12/21  
 SCALE: 1:200 @ A1  
 FOR APPROVAL

PROJECT: ROOFING 2000  
 CLIENT: SARACEN DEVELOPMENTS

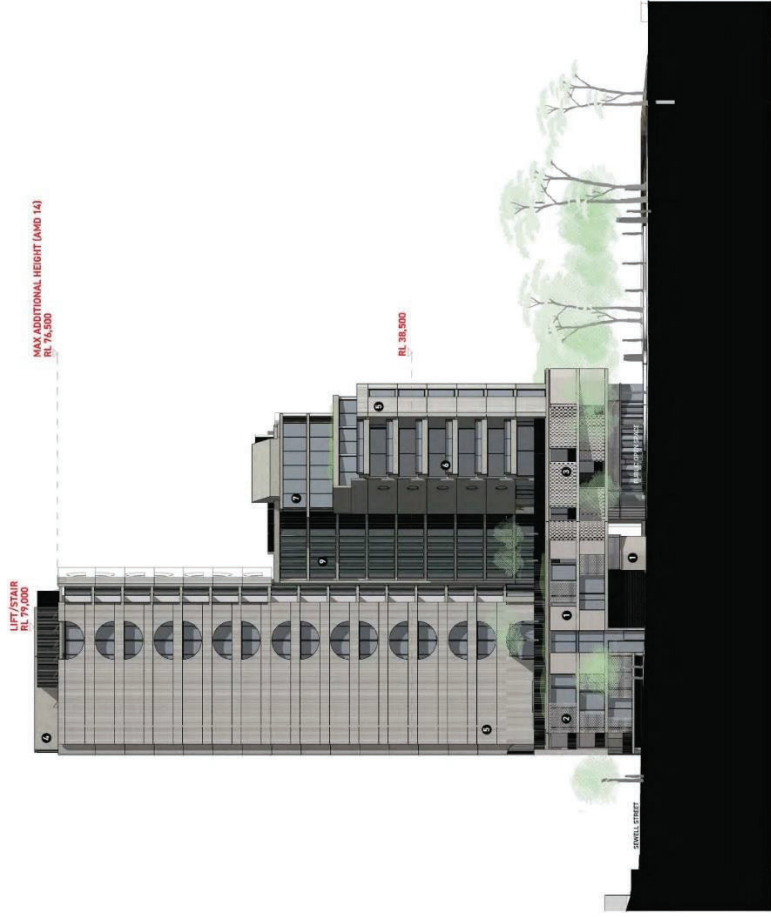
PROPOSED: 1402  
 APARTMENT MIX AND TYPES: DA104

DATE: 7/12/21  
 SCALE: 1:200 @ A1  
 FOR APPROVAL

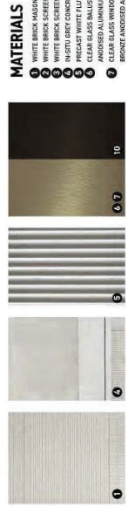
DEPARTMENT OF MUNICIPAL LANDS AND HERITAGE	
DATE	FILE
24 DEC 2021	SRM01/2021/20



## NORTH ELEVATION



## SOUTH ELEVATION



### MATERIALS

- 1 WHITE BRICK MASONRY WITH WHITE MORTAR
- 2 WHITE BRICK SCREEN (HONEY)
- 3 WHITE BRICK SCREEN (OPEN)
- 4 POLISHED WHITE FLUTED CONCRETE
- 5 CLEAR GLASS BALUSTRADE WITH LIGHT BRONZE FINISH ANODIZED ALUMINUM FRAMES
- 6 WHITE SUN SHADE BLADES
- 7 VISUAL PRIVACY BLADES WITH COLOURED FINISH
- 8 POLISHED ANODIZED ALUMINUM AND BRASS
- 9 BRASS ANODIZED ALUMINUM FRAMES

**spaceagency:**  
architects

100 BUCKINGHAM STREET, SUITE 100  
WESTERN AUSTRALIA  
6150 PERTH WESTERN AUSTRALIA

SCALE  
1:300 @ A1

CHANGES IN CLIMATE 1/20/2020

REVISION HISTORY

DATE

DESCRIPTION

FOR APPROVAL

7/12/21

A FOR APPROVAL

PROJECT NUMBER

1402

DESIGNER

NORTH + SOUTH ELEVATIONS

DA200

PROJECT

ROOFING 2000  
RENOVATION WITH EAST  
PHEASANT

CLIENT

SARACEN  
DEVELOPMENTS

DATE

7/12/21

DESCRIPTION

FOR APPROVAL

7/12/21

A FOR APPROVAL

PROJECT NUMBER

1402

DESIGNER

NORTH + SOUTH ELEVATIONS

DA200

PROJECT

ROOFING 2000  
RENOVATION WITH EAST  
PHEASANT

CLIENT

SARACEN  
DEVELOPMENTS

DATE

7/12/21

SCALE

1:200 @ A1

STATUS

FOR APPROVAL

A

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2. All drawings are for the information and use of the client only. They are not to be used for any other purpose without the prior written permission of Space Agency Architects.

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4. The client is responsible for ensuring that all drawings are used in accordance with the relevant legislation and regulations.

5. The client is responsible for ensuring that all drawings are used in accordance with the relevant legislation and regulations.

6. The client is responsible for ensuring that all drawings are used in accordance with the relevant legislation and regulations.

7. The client is responsible for ensuring that all drawings are used in accordance with the relevant legislation and regulations.

8. The client is responsible for ensuring that all drawings are used in accordance with the relevant legislation and regulations.

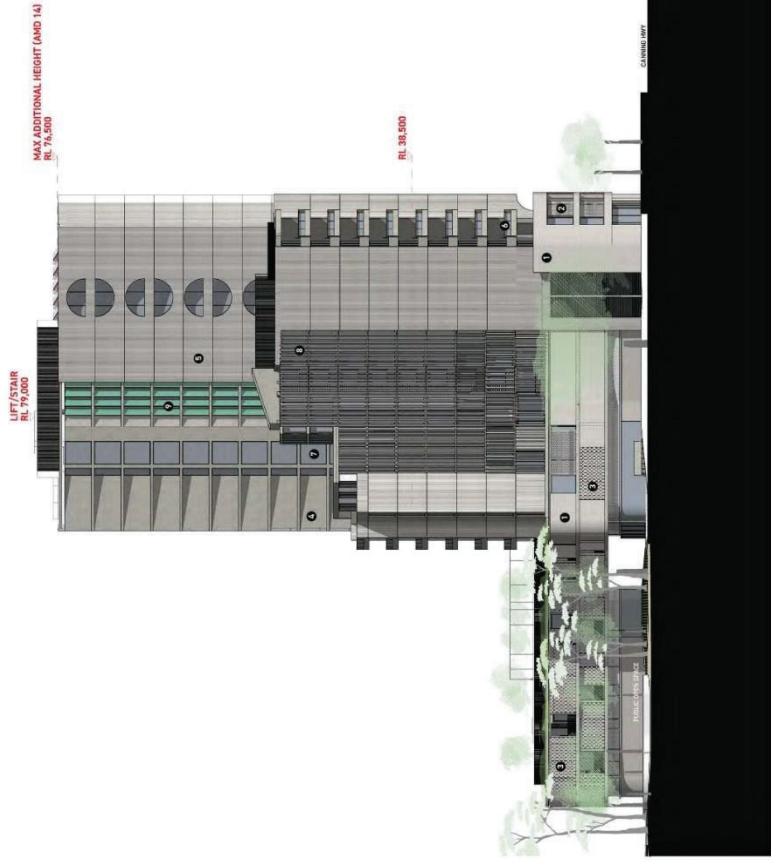
9. The client is responsible for ensuring that all drawings are used in accordance with the relevant legislation and regulations.

10. The client is responsible for ensuring that all drawings are used in accordance with the relevant legislation and regulations.

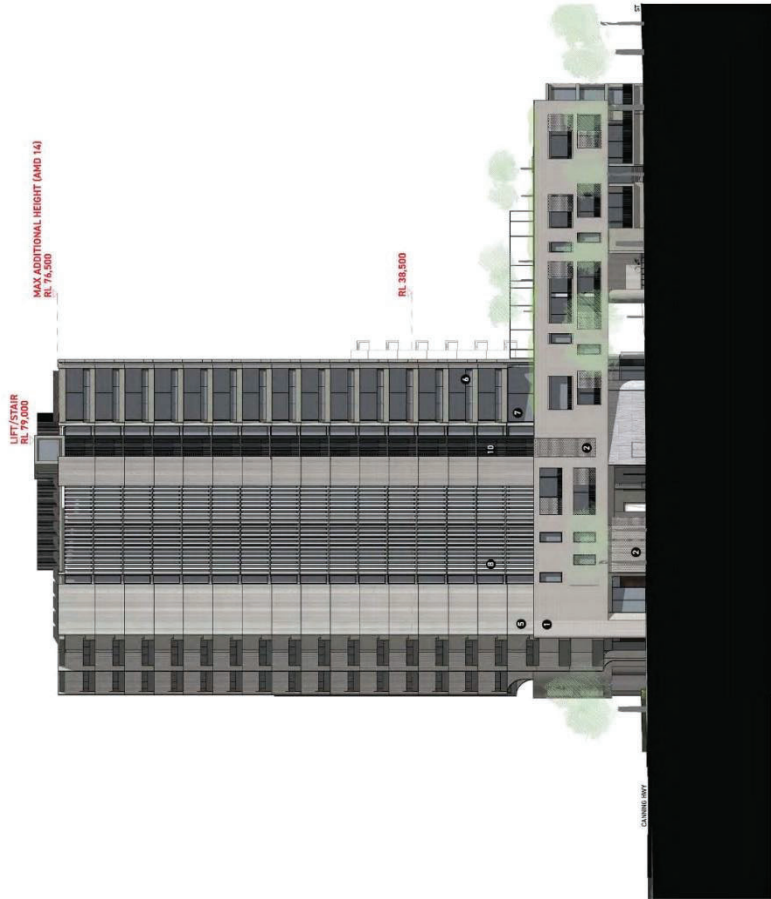


# Attachment -4

DEPARTMENT OF MUNICIPAL LANDS AND HERITAGE	
DATE	FILE
24 DEC 2024	SRM44/022/20



## EAST ELEVATION



## WEST ELEVATION



- MATERIALS**
- 1 WHITE BRICK (MASONRY WITH WHITE MORTAR)
  - 2 WHITE BRICK (SCREEN FENEST)
  - 3 WHITE BRICK (SCREEN FENEST)
  - 4 PRECAST WHITE FLUTED CONCRETE
  - 5 CLEAR GLASS BALUSTRADE WITH LIGHT BRNZE FRAME ANODISED ALUMINIUM FRAMES
  - 6 CLEAR GLASS WINDOWS AND DOORS WITH LIGHT BRNZE ANODISED ALUMINIUM FRAMES
  - 7 WHITE GUN SHADE BLADES
  - 8 VISUAL PRIVACY BLADES WITH COLOURED PANELS
  - 9 POLISHED ANODISED STAINLESS AND BRASS FINISHES
  - 10 ILLUSTRATIONS

**spaceagency:**  
architects

100 BAYVIEW NORTH, PREMISE 1.0/20  
WILLOWBUSH, AUSTRALIA  
P 61 02 959 0200 | C 61 02 959 0201

PROJECT: ROOFING 2000  
PREMISE 1.0/20 WILLOWBUSH EAST

CLIENT: SARACEN DEVELOPMENTS

PROJECT NUMBER: 1402

DATE: 7/12/21

SCALE: 1:250 (B1)

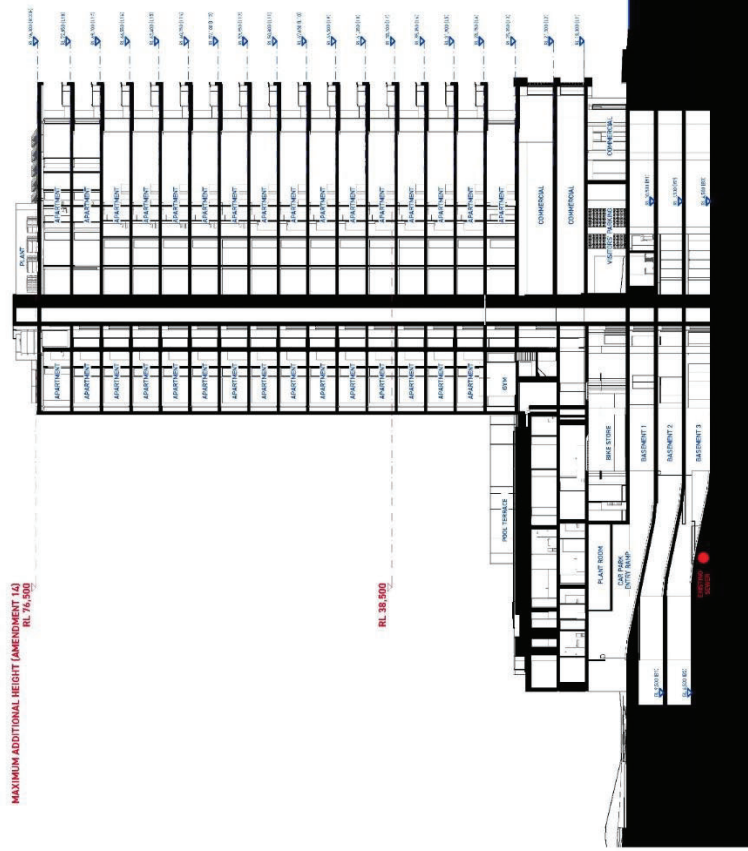
STATUS: FOR APPROVAL

DRAWING NUMBER: DA201

REGION: A

DISCLAIMER: 1. This drawing is prepared by Space Agency Architects Pty Ltd (SAA) for the client. It is not to be used for any other purpose without the written consent of SAA. 2. No liability is accepted by SAA for any errors or omissions in this drawing. 3. The client is responsible for ensuring that all necessary permits and approvals are obtained. 4. This drawing is not to be used for any other purpose without the written consent of SAA. 5. SAA is not responsible for any errors or omissions in this drawing. 6. The client is responsible for ensuring that all necessary permits and approvals are obtained. 7. This drawing is not to be used for any other purpose without the written consent of SAA. 8. SAA is not responsible for any errors or omissions in this drawing. 9. The client is responsible for ensuring that all necessary permits and approvals are obtained. 10. This drawing is not to be used for any other purpose without the written consent of SAA. 11. 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DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
24 Dec 2021	SMAH/022/20



## SECTION A



## SECTION B

CL	NO	SYMBOL	DESCRIPTION
A			EXTRAPOLATION

CL	NO	SYMBOL	DESCRIPTION
A			EXTRAPOLATION

DATE	7/1/21
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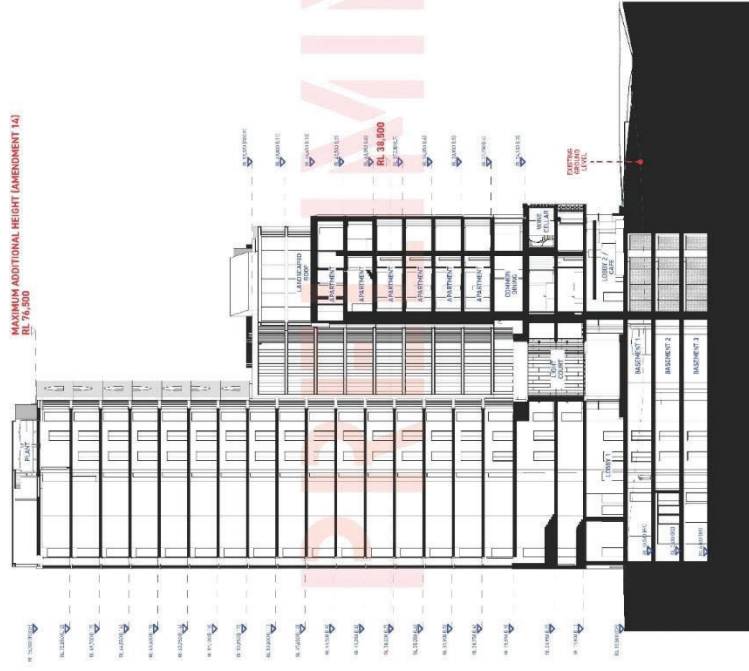
ENDNOTE 4:  
1. This document is a preliminary design and is subject to change without notice.  
2. It is not intended to be used for construction purposes.  
3. It is not intended to be used for any other purpose.  
4. It is not intended to be used for any other purpose.  
5. It is not intended to be used for any other purpose.

PROJECT  
ROOFING 2000  
FOR 195 CALMING HWY, EAST  
SHEPPARTON  
SCALE  
1:200 B/A1  
DATE  
7/1/21  
FOR APPROVAL

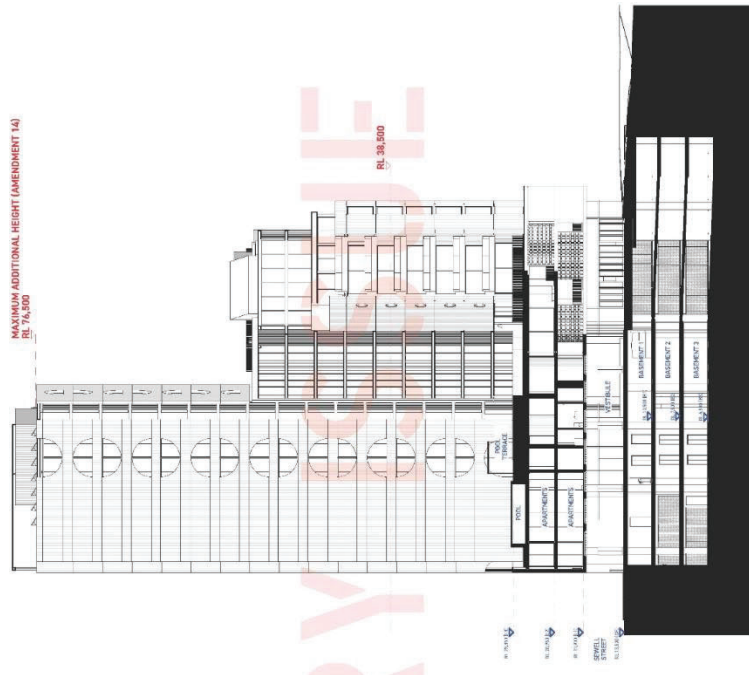
SECTION A + B  
SECTION  
7/1/21  
SCALE  
1:200 B/A1  
DATE  
7/1/21  
FOR APPROVAL

DA300  
REVISION  
A

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
24 DEC 2021	SRM/1232/20



## SECTION C



## SECTION D

<b>spaceagency</b> architects 20 MARKHAM ROAD, SUITE 200 1000 SHEPPARD AVENUE EAST, SCARBOROUGH, ONTARIO M1S 1W4	CIVIL ENGINEER IN CHARGE ID DESCRIPTION 4 FOR APPROVAL	DATE 7/12/21	DETAILS: 1. ALL DIMENSIONS IN METERS UNLESS OTHERWISE SPECIFIED. 2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 3. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 4. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 5. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 6. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 7. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 8. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 9. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 10. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.	PROJECT NUMBER 1402	DRAWING LABEL DA301
				PROJECT TITLE ROOFING 2000 1000 SHEPPARD AVENUE EAST SCARBOROUGH, ONTARIO	DATE 7/12/21
CLIENT SARACEN DEVELOPMENTS	PROJECT TITLE SECTIONS C + D	DATE 7/12/21	SCALE 1:200 @ A1	PROJECT TITLE SECTIONS C + D	DRAWING LABEL DA301
PROJECT TITLE SECTIONS C + D	PROJECT TITLE SECTIONS C + D	DATE 7/12/21	SCALE 1:200 @ A1	PROJECT TITLE SECTIONS C + D	DRAWING LABEL DA301

**SCHEDULE 13 - ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS**

(Clause 5.10)

AMD 14 GG 05/02/2021

No.	Description of Land	Requirement
1	Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street	<p data-bbox="592 524 820 546"><u>Exemption from variations</u></p> <p data-bbox="592 566 1190 636">1. Provisions relating to height, additional height, setback, plot ratio and overshadowing in this schedule are not open to variation through any provision of this scheme or any other mechanism.</p> <p data-bbox="592 658 746 680"><u>Design objectives</u></p> <p data-bbox="592 701 1190 770">1. Development must achieve urban design and architecture that is exemplary with respect to mixed use and multiple dwelling design. The design of development must:</p> <p data-bbox="628 790 1190 860">(i) ensure height, built form and façade design considers and makes a positive contribution to vistas toward the site from the surrounding locality; and</p> <p data-bbox="628 880 1190 949">(ii) demonstrate careful arrangement of building massing and height to minimise negative impacts on the amenity of adjoining properties.</p> <p data-bbox="592 969 783 992"><u>Land use and density</u></p> <p data-bbox="592 1014 1174 1084">1. Only residential development shall front St Peters Road, and commercial development and vehicle parking are not permitted to front St Peters Road.</p> <p data-bbox="592 1104 1129 1126">2. Vehicle parking is not permitted to front Canning Highway.</p> <p data-bbox="592 1149 1166 1196">3. Clause 5.3.4 of the scheme does not apply to development on this site.</p> <p data-bbox="592 1216 671 1238"><u>Plot ratio</u></p> <p data-bbox="592 1261 1166 1283">1. The maximum plot ratio of development within the site is 3.0:1.</p> <p data-bbox="592 1305 831 1328"><u>Building height and setback</u></p> <p data-bbox="592 1350 1190 1397">1. Development is to be contained within the building envelope shown in Figures 1 and 2 of this schedule.</p> <p data-bbox="592 1417 1190 1509">2. Non-habitable resident amenities such as roof terraces, gardens and shade structures may project outside the building envelope where suitably integrated with the architecture of the development.</p> <p data-bbox="592 1529 1190 1644">3. Solar collectors, air conditioning units, mechanical plant rooms and lift overruns setback within a 45 degree plane taken from the edge of the building may project outside the building envelope where suitably screened from view and integrated with the architecture of the development.</p> <p data-bbox="592 1664 740 1686"><u>Additional height</u></p> <p data-bbox="592 1709 1190 1778">1. The height of development on the site may exceed the building envelope shown in Figures 1 and 2 of this schedule up to a maximum of 76.5m AHD where:</p>



No.	Description of Land	Requirement
1	Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street (Cont'd)	<p>(i) the building envelope permits development to a height of 45.0m AHD;</p> <p>(ii) Lot 81 St Peters Road and Lot 423 King Street, or an area of a similar size and location, are transferred to the local government free of cost, for the purpose of public open space, or subject to appropriate measures to ensure the public is granted permanent and unrestricted access at all times;</p> <p>(iii) the land subject to (ii) above is to be upgraded and landscaped to a standard suitable for public open space purposes to the satisfaction of the local government, and if not ceded to the Local Government maintained by the owner of the open space;</p> <p>(iv) a tree protection and management plan which ensures that trees identified for retention on the land subject to (ii) above are protected, is provided to the satisfaction of the local government;</p> <p>(v) overshadowing of adjoining residential properties does not exceed the maximum permitted under the deemed to comply requirements of the R Code applying to the impacted land;</p> <p>(vi) development incorporates dwellings, private open space or communal open space at ground level overlooking and contiguous with the land subject to (ii) above; and</p> <p>(vii) in the opinion of the local government, having regard to the advice of its nominated design review panel, development achieves and demonstrates design consistent with the design objectives.</p> <p>2. Land subject to 1(ii) above shall continue to be considered as part of the site for the purposes of calculating the maximum plot ratio area.</p> <p><u>Figures 1 and 2</u></p>

No.	Description of Land	Requirement
1	Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street (Cont'd)	<p><b>Figure 1</b></p>



No.	Description of Land	Requirement
1	Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street (Cont'd)	<p><b>Figure 2</b></p>

**SDAU-023 -20 Referral of Form 17B Development Application**

**The Entrance – No. 91 – 93 (Lot 417 and 418) Canning Highway, Lot 81 St Peters Road and Lot 423 King Street, East Fremantle — Town of East Fremantle recommended conditions of development approval**

1. An Agreement being entered into between the owners of the site and the Town to provide for unrestricted public access to the open space area and to provide for a permanent pedestrian pathway through and around the site as indicated on plans stamped 24 December 2021 (submitted with this application), prior to occupancy of the development.

The pedestrian pathway and open space area must:

- i) provide for unrestricted public access (except for occasional closure necessary to prevent the establishment of an easement by prescription) connecting Sewell Street and the landscaped open space area;
- ii) be applicable to the areas indicated on the plans stamped 24 December 2021 for the pedestrian walkway/corridor from Sewell Street through to the café and ‘publicly accessible’ open space and for the footpath indicated on the St Peters Road frontage where it is located on private land; and
- iii) be constructed, landscaped and maintained as shown on the application plans and landscape plan stamped 24 December 2021.

**Note: Condition 1 assumes the WAPC supports the Council’s recommendation that the ‘publicly accessible’ open space be retained in private ownership if Council’s alternative proposal for use of this land for public parking and landscaping, under the Town’s care and control, is not considered.**

2. The owners of the land the subject of the legal agreement in condition 1 to be fully responsible for the ongoing maintenance and use of the open space area for recreation as indicated in the legal agreement including all costs associated with the maintenance, landscaping and use of the open space area for recreation. The open space to be maintained to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.
3. Notification of condition 1 must be lodged against the certificate of title for the site under Section 70A of the Transfer of Land Act prior to occupation of the development.
4. The amalgamation of Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street, East Fremantle into one lot on a certificate of title prior to occupancy of the development.
5. Prior to the issue of a building permit the owner of the land shall pay to the Town of East Fremantle \$522,000 representing a payment (cash) in lieu contribution for the vehicle parking shortfall (i.e., 58 bays) in accordance with Local Planning Scheme No. 3 – Deemed Provisions Clause 77G and 77H.

No works or use the subject of this approval may be commenced prior to the receipt of the contribution by the Town. The contribution is to be held in a reserve/trust fund by the Town and may be used for the purposes of funding in whole, or in part, the provision of public parking in the vicinity of the development site in relation to which any payment (cash) in lieu contributions have been received.

6. Upgrading of the footpath on Canning Highway and Sewell Street and the dual use path adjacent to the eastern boundary of the site to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle and Main Roads WA prior to occupancy of the development.
7. No fencing of the open space area, pedestrian footpaths and internal building corridor/walkway on the site (the subject of the legal agreement) that would prevent use of, or restrict access to, the landscaped open space area, the café and access points to these areas of any kind to be erected on any boundary of the site or within the site.
8. The submission of amended plans and elevations indicating compliance with the maximum height of development under the Town of East Fremantle Local Planning Scheme No. 3 (Schedule 13), that is 76.5m AHD to the satisfaction of the Department of Planning, Lands and Heritage, prior to the submission of a Building Permit application.
9. The works are to be constructed in conformity with the drawings and written information date stamped (date to be inserted by SDAU) accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with the Department of Planning, Lands and Heritage further approval.
10. The balconies being designed as naturally ventilated spaces that are not to be enclosed, with no balcony treatments or furnishings being permitted that could in any way change the design and appearance of the balconies, or the overall building façade, or obstruct views to and from the balcony and the street.
11. The commercial tenancy and café facades are not to be glazed, covered in signage, or entries closed, removed or restricted so as to prevent visual permeability of the glazing or activation with the street.
12. 24/7 access to the basement parking off St Peters Road and Sewell Street is to be provided for commercial and residential tenants and visitors so access to parking bays is not restricted or prevented at any time.
13. The development shall at a minimum achieve the following Fremantle Port Buffer Area 2 built form requirements:
  - a) Windows and opening requirements:
    - i) Any glass used for windows or 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; and,
    - ii) All safety glass shall be manufactured and installed to an appropriate Australian Standard.
  - b) Air Conditioning Requirements:
    - i) Multiple systems to have internally centrally located shut down point and associated procedures for emergency use; and,
    - ii) Preference for split "refrigerative" systems.
  - c) Construction requirements:
    - i) Adopt the general principles of quiet house design for residential developments; and,
    - ii) All developments shall incorporate roof and/ or ceiling insulation.

14. All infrastructure in the road reserves adjacent to the development site shall be protected from damage for the duration of the construction of the development and reinstated to the same or better condition that existed prior to the commencement of the development. An infrastructure bond may apply as per the Town of East Fremantle's fees and charges and is to be paid prior to the issuing of the building permit by the Town.
15. Prior to the issue of a building permit, a Construction Management Plan shall be prepared to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.

This plan is to address the following matters during the construction/development period:

- i) Noise, vibration, air and dust management;
- ii) Contact details of essential site personnel, construction periods and construction operating hours;
- iii) Traffic management, including footpath closures and proposed signage;
- iv) Parking management for all trades, contractors and visitors to site;
- v) Public safety and amenity (traffic control and pedestrian management);
- vi) Site access/egress management;
- vii) Scaffolding management plan;
- viii) Management plan for the loading and unloading of vehicles;
- ix) Heavy construction machinery and deliveries;
- x) Bulk earthwork operations;
- xi) Stormwater and sand/sediment control;
- xii) Street tree management and protection;
- xiii) Protection of footpath and pedestrian underpass;
- xiv) Details of all concrete pours and requirements relating to piling methods or associated works;
- xv) Temporary fencing;
- xvi) Temporary toilets;
- xvii) Dilapidation of Town infrastructure and nearby properties;
- xviii) hoardings and gantries; and
- xix) any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process.

16. Prior to the issue of a building permit, a dilapidation report prepared by a suitably qualified professional shall be submitted to the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas), including ancillary structures located on these properties:
  - 59 Canning Highway, East Fremantle
  - 80 Canning Highway, East Fremantle
  - 83 Canning Highway, East Fremantle
  - 101 Canning Highway, East Fremantle
  - 7 Sewell Street, East Fremantle
  - 9 Sewell Street, East Fremantle
  - 10 Sewell Street, East Fremantle
  - 11 Sewell Street, East Fremantle



- 12 Sewell Street, East Fremantle
- 13 Sewell Street, East Fremantle
- 14 Sewell Street, East Fremantle
- 16 Sewell Street, east Fremantle
- 18 Sewell Street. East Fremantle
- 9 King Street, East Fremantle
- 11 King Street, East Fremantle
- 13 King Street, East Fremantle
- 15 King Street, East Fremantle

In the event that access for undertaking the dilapidation survey is denied by a surrounding owner, the applicant must demonstrate in writing to the satisfaction of the Town of East Fremantle, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

17. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots and not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Department of Planning, Lands and Heritage.
18. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point, car parking bay or similar) is to be removed, modified, or relocated then such works must be approved by the Town of East Fremantle and if approved, the total cost and associated fees are to be borne by the applicant. The Town of East Fremantle must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
19. Prior to the issue of a building permit, suitable sightlines are to be provided to any approved loading/delivery/service bay/zone to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle and depicted on building permit plans.
20. Detailed plans and specifications for public realm works, including modification to existing on-street car parking shall be submitted to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle prior to the issue of a building permit.
21. Prior to occupation, no less than the five (5) street trees indicated in the application plans stamped 24 December 2021 on Sewell Street, shall be planted to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle and at the expense of the applicant.
22. Prior to occupation of the development, the required end of trip facilities shall be provided within the development to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.

23. Prior to occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle and at the expense of the applicant.
24. Prior to occupation of the development, all vehicle parking bays and delivery/loading/servicing bays required as part of this approval are to be clearly marked and maintained to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.
25. All external fixtures including, but not limited to TV and radio antennae, satellite dishes, communications equipment, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from Stirling Highway, Canning Highway, King Street, Sewell Street and St Peters Road. All external fixtures shall not be higher than 76.5m AHD or otherwise located to not be visually obtrusive to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.

#### **Vehicle Parking and Management**

26. The preparation of a transport management plan for staff and visitors to the building to the satisfaction of the Town, prior to the occupation of the building. The transport management plan is to include incentives for use of alternative modes of travel including cost subsidy for public transport fares, priority parking for carpooling, service and delivery vehicle parking, management of reciprocal car bays and maintenance of the bicycle end of trip facilities;

The approved transport management plan shall be implemented by the owners/occupiers/strata managers of the development to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.

27. Residential visitor parking bays (off Sewell Street) shall be permanently marked, maintained and accessible at all times for use exclusively by residential visitors to the property and shall be clearly sign-posted or visible from the street to the satisfaction of the Department of Planning Lands and Heritage.
28. Prior to the occupation of the development, a Parking Management Plan shall be submitted to, and approved by, the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle. The Parking Management Plan is to include detailed management measures for the operation of the commercial tenancy, café and residential and visitor parking, vehicular entry gates, management and maintenance of car park entry points at all times. The approved Parking Management Plan shall be implemented by the owners/occupiers/strata managers of the development to the satisfaction of the Department of Planning, Lands and Heritage.

#### **Land Use**

29. The apartment building dwellings being used only for the purposes of long-term or permanent residential accommodation.
30. Prior to the commencement of use of the building, an Operational and Delivery Plan, is to be submitted and approved by the Department of Planning, Lands and Heritage, in consultation

with the Town of East Fremantle. The Plan is to include detailed management measures, operating hours, security and noise management for the operation of the commercial tenancy(ies), end of trip facilities (for transport alternatives) and delivery timeframes and types of service vehicles, operating hours for the commercial uses (including the café) and any proposed incidental facilities/uses. Once approved, the Plan is to be implemented in its entirety. Should a change of use occur a review of the plan will be required to the satisfaction of the Department of Planning, Lands and Heritage.

31. The rooftop amenities and floor space are not to be used for commercial purposes associated with, or incidental to, the apartment buildings, café or commercial tenancy.
32. The landowner shall lodge a Notification under Section 70A pursuant to the Transfer of Land Act on the Certificate of Title for the site. This notification shall be sufficient to alert prospective landowners of the land to the following:
  - the location of the land/dwellings/premises within Area 2 of the Fremantle Port Buffer Zone where noise, odour, light spill and other factors might arise from the normal operations of a 24 hour working Port; and/or
  - the land/dwellings/premises potentially being impacted by noise and disturbances associated with the operation of a commercial/business/entertainment area where noise, odour, traffic, disturbance and disruption due to construction, light spill and other factors might arise from the normal operations of a mixed use zone; and/or
  - the land/dwellings/premises is situated in the vicinity of hotels and transport corridors and is affected by entertainment and freight transport noise.
33. Prior to the submission of a building permit application, all electrical and mechanical services, and in particular fire suppression and detection should be discreetly located in the Mixed Use development to ensure there is no impact on the Sewell Street and St Peters Road streetscape or Canning Highway to the satisfaction of the Department of Planning, Lands and Heritage in consultation with Heritage Council of WA.

#### **Heritage**

34. Prior to the submission of the relevant building permit application, the applicant is to submit a geotechnical engineering report certifying that the land is physically capable of accommodating the development and will do no harm or cause damage to the adjacent heritage listed properties at No. 83 and 85 Canning Highway, Stirling Highway infrastructure or surrounding residential properties and assets to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Heritage Council of WA, MRWA, Water Corporation and other relevant authorities.

#### **Signage**

35. No signage is approved under this development application. A separate application is required for all signage and advertising. All signage is to comply with the Town of East Fremantle's Local Planning Policy 3.1.3 – Signage Design Guidelines, to be submitted to and approved by the Department of Planning, Land and Heritage, in consultation with the Town of East Fremantle.



#### **Stormwater Management**

36. Prior to the submission of the relevant building permit application, a stormwater management plan shall be submitted to and approved by the Department of Planning, Lands and Heritage on advice from the Town of East Fremantle and Main Roads WA. The approved Plan shall be implemented and adhered to all times.

#### **Waste Management**

37. Prior to submission of the relevant building permit application, a revised waste management plan shall be submitted to, and approved by, the Department of Planning, Lands and Heritage, in consultation with the Town of East Fremantle. The approved waste management plan shall be implemented and adhered to at all times by the owners and/or strata managers of the development, to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.

#### **Sustainability**

38. Prior to submission of the relevant building permit application, a revised sustainable design assessment shall be submitted to, and approved by, the Department of Planning, Lands and Heritage, in consultation with the Town of East Fremantle. The approved sustainable design assessment shall be implemented and adhered to at all times by the owners and/or strata managers of the development, to the satisfaction of the Department of Planning, Lands and Heritage.
39. The development is to achieve at least a 5 Star Green Star design rating or equivalent. Prior to the submission of the relevant building permit application, the applicant is to submit an updated sustainability report demonstrating how a 5 Star Green Star or equivalent sustainable design rating is to be achieved and confirming the final strategy that will guide construction. The accepted sustainability initiatives shall be incorporated into the development and thereafter maintained by the owners of the development to the satisfaction of the Department of Planning, Lands and Heritage.

#### **Acoustic Report**

40. Prior to submission of the relevant building permit application, an Acoustic Report is to be submitted which is prepared by a certified acoustic consultant, to the satisfaction of the Department of Planning, Lands and Heritage. The recommendations of the Report are to be incorporated in the development prior to occupancy of the development.

#### **Public Art**

41. Prior to submission of the building permit application a public art concept for the subject development is to be submitted in compliance with the Town of East Fremantle's Local Planning Policy 3.1.9 – Percent for Public Art and must be submitted to, and approved by, the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.

Prior to the occupation of the development, the approved public art, cash in lieu contribution or combination thereof shall be installed/paid to the Town by the applicant and maintained thereafter by the owners of the development/strata owners/strata management, to the satisfaction of the Department of Planning Lands and Heritage.



### **Landscaping**

42. Prior to occupancy of the development, all landscape areas as indicated in the Landscaping Report by Aspect Studios stamped 24 December 2021 and submitted with the development application shall be installed in accordance with the final approved landscaping plan. All landscaping areas shall be maintained thereafter to a high standard to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.
43. A tree protection and management plan which ensures that trees identified for retention in the development application documents stamped 24 December 2021 are protected and maintained to the satisfaction of the Department of Planning, Lands and Heritage.
44. Should the *Ficus macrocarpas* (fig) and any other trees identified as being retained in the approved landscaping plan perish during construction or at any time afterwards the owners/strata owners/strata management must replace with mature species and maintain and reticulate the trees to the satisfaction of the Department of Planning, Lands and Heritage.
45. The inclusion of Appendix D – Tree Protection Notes for Incorporation into Construction Drawings.

### **Materials and Finishes**

46. The development being constructed with high quality and durable materials and finishes and to a level of detailing that is consistent with the elevations and perspectives for the buildings and the landscaped open space areas as outlined in the development application documentation stamped 24 December 2021.
47. Prior to the submission of the building permit application, the applicant is to submit final details, including a sample board and written confirmation of the construction materials, colours and finishes of the exterior of the buildings, the cafe and the Sewell Street, St Peters Road, Canning Highway and Stirling Highway façade, street furniture, decking, bicycle racks and any other infrastructure indicated in the landscaping plan for the open space areas to the satisfaction of the Department of Planning, Lands and Heritage.
48. The buildings and landscaped open space areas are to be always kept clean and free of graffiti and vandalism and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Department of Planning, Land and Heritage.

### **Lighting**

49. Prior to submission of the building permit application, a lighting strategy and plan for the development must be submitted to, and approved by, the Department of Planning, Lands and Heritage, in consultation with the Town of East Fremantle, in order to address Element 3.7 (Pedestrian Access and Entries) of State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments. The specifications and measures contained in the lighting strategy shall be installed and maintained thereafter, to the satisfaction of the Department of Planning, Lands and Heritage, prior to occupancy of the development.

#### **Utilities and Facilities**

50. External clothes drying facilities shall be screened from view from the street or any other public place to the satisfaction of the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle.

#### **Clearance of Conditions of Approval**

51. A covering letter and a copy of the final working drawings (prepared for submission of an application for a building permit) and all associated reports and information that address the conditions of approval are to be submitted to, and cleared by, the Department of Planning, Lands and Heritage in consultation with the Town of East Fremantle where applicable.

#### **Advice Notes**

- (i) This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development.
- (ii) With regard to condition 28, the parking management plan is to include details of a visual/audio warning system that is to be installed at the entrance to the car park within the basement, as well as the ground floor entrance to the basement car park. This shall warn drivers not to proceed if a vehicle is not able to proceed or is required to queue. Priority should be given to incoming vehicles so as not to cause congestion or obstruction on Sewell Street and St Peters Road.
- (iii) With regard to condition 37 the applicant is to be advised that the Waste Management Plan submitted with the development application dated 6 December 2021 is not satisfactory and is not approved.
- (iv) With regard to condition 38 the applicant is to be advised that the Sustainable Design Assessment Report submitted with the development application dated 15 December 2021 is not satisfactory and is not approved.
- (v) The applicant must seek approval of the Town of East Fremantle that confirms the design of any crossover is to the specifications and satisfaction of the Town of East Fremantle.
- (vi) With regard to condition 42, the landscape plan is to include details for the area of works adjacent to Stirling and Canning Highway and any works within the road reserve and is to be endorsed by Main Roads WA.
- (vii) The existing verge levels at the property boundary and trees within the road reserve shall not be altered without prior approval of the Town of East Fremantle.
- (viii) In relation to building matters, the applicant is advised of the following:
  - a) Under part 6 of the Building Act 2011 the Responsible Contractor / Builder must ensure that the work does not adversely affect land beyond the boundaries of the works land;  
and

- b) The energy use of the proposed building must comply with the minimum requirements of Section J of the Building Code Volume One - 2016 or 2019. For further information regarding these matters, please contact the Town's Regulatory Services.
- (ix) In relation to environmental health matters, the applicant is advised of the following:
- a) The applicant is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended).
  - b) Collection of waste is limited to the following timeframes without further approval from the Town in accordance with the Environmental Protection (Noise) Regulations 1997 (as amended) and be included in the revised waste management plan:
    - 0700 hours and 1900 hours on any day that is not a Sunday or a public holiday; or
    - 0900 hours and 1900 hours on a Sunday or public holiday.
  - c) All mechanical service systems including air-conditioners, roller doors etc. 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).
  - d) Premises selling food as defined under the Food Act 2008 are required to submit a Town of East Fremantle Food Business Notification/Registration form.
  - e) A suitable bin enclosure is to be provided in accordance with the Town of East Fremantle Health Local Laws 1999 which require bin enclosures to be of sufficient size to accommodate all bins used on the premises and serviced with an approved liquid refuse disposal system, have a tap connected to an adequate supply of water, have walls at least 1.8m in height, have an access way of not less than 1.0m in width and have a self-closing gate.
  - f) The applicant is to ensure the car park design and construction complies with the Health Act (Carbon Monoxide) Regulations 1975 (as amended).

For further information regarding these matters, please contact the Town's Environmental Health Services.

- (x) In relation to sustainability matters, the applicant is advised that consideration should be given to a commitment to a 5 star Green Star certification. A Green Star certification will ensure that the development performs well in practice and in a range of areas in addition the thermal comfort, including in water, waste, materials etc.