

MINUTES

MINUTES OF THE SPECIAL ELECTORS' MEETING HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY, EAST FREMANTLE ON THURSDAY, 15 SEPTEMBER 2022

1 DECLARATION OF OPENING OF MEETING

The Mayor opened the meeting at 6.00pm.

Present

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr K Donovan	
Cr L Mascaro	
Cr A McPhail	
Cr D Nardi	
Cr A Natale	
Cr A White	
Cr M Wilson	

Mr G Tuffin	Chief Executive Officer (CEO)
Ms C Catchpole	Senior Planner (SP)
Mr P Kocian	Executive Manager Corporate Services (EMCS)
Mr N King	Executive Manager Technical Services (EMTS)
Ms L Motton	Marketing and Communications Officer (MCO)
Ms J May	Executive Assistant/Governance Coordinator (EA/GC)

There were 94 electors recorded in the attendance register.

2 ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past, present and emerging."

3 WELCOME TO GALLERY

Mayor O'Neill welcomed and thanked all attendees for coming along to the Special Electors' Meeting.

4 INTRODUCTION OF ELECTED MEMBERS AND STAFF

Mayor O'Neill introduced elected members and staff present to the gallery.

5 APOLOGIES

Mr and Mrs Saunders of 39 Dalgety Street.

6 MAYOR TO PROVIDE OVERVIEW OF PROCEEDINGS

Mayor O'Neill drew attention to Regulation 18 of the *Local Government (Administration) Regulations 1996* which states as follows:

Procedure at meeting (Act s. 5.31)

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

7 STATEMENT REGARDING ELECTED MEMBERS' POSITION

Mayor O'Neill read the following statement regarding the development process and elected members' role in the assessment of this development application.

- **Council's Quasi-judicial role**

Council must exercise a 'quasi-judicial' function when making a decision in the exercise of a statutory discretionary power which may affect the rights and interests of an individual or a corporation, including when deciding to approve or not to approve an application for planning or development approval.

Elected members must act in a 'judge like' manner when performing quasi-judicial functions. This means that elected members must show no bias, and make a decision on the merits of the case based on the facts, the law, Legislation and Regulations applying at the time.

Elected members when determining an application must act with judicial fairness and without bias and should:

- (a) consider only the relevant facts and principles which have been presented including any site meeting/s;
- (b) consider any other relevant facts and principles;
- (c) not consider any matter that is irrelevant;
- (d) act reasonably; and
- (e) in the case of a planning decision, act in accordance with the delegation to local government for the delivery of Planning decisions on behalf of the Western Australian Planning Commission based on sound planning principles.

If elected members, while being sensitive to the expectation of residents' interests being protected, are to perform their quasi-judicial functions properly, they must not put the residents' expectations any higher than one of the issues to be considered. The application must be considered on its merits.

Elected members and staff WILL NOT be able to provide personal opinion on this application.

- **Development Assessment Questions**

Whilst every effort will be made to answer the questions put tonight, some questions may be taken on notice to be answered at a later time.

Where an answer is considered not acceptable by residents, the matter will not be debated.

Matters in relation to the assessment of planning and the traffic impact assessment of the application have not been completed by the Administration and are subject to the provision of further information by the applicant and State government agencies and may not be able to be commented on at the meeting. These matters will be discussed in detail in the finalised Responsible Authority Report and will be made available to the public on the Town's website prior to the Council meeting at which the RAR will be considered.

- **Development Assessment Panel (DAP) - process and Council's involvement**

A development application with a value of \$10M or more is a mandatory DAP application and cannot be determined by the Council of the Local Government. The application will be determined by the DAP. The DAP is bound by the same legislation as the local government. The DAP comprises of 3 specialist members appointed by the State Government and two elected members nominated by the Council. The presiding member is a State government appointed panel member.

The Town's Administration becomes the Responsible Authority. The Responsible Authority assesses, advertises and refers the application in accordance with the local scheme. The Responsible Authority prepares a report on the application (RAR – Responsible Authority Report). The development application is advertised for a minimum period of 28 days. The application was advertised via letter to residents within a 200-250 metre radius of the subject site and was communicated to residents on the Town's website, local newspaper advertisement, signs on site, Town Hall reception TV screen, E Newsletters, Facebook page and other social media sites.

The DAP meets and considers the local planning scheme and policy provisions, the RAR and any other information within 90 days from lodgement of the application. If the Responsible Authority is unable to provide the RAR by the due date (ie within 78 days of receipt of the application), they can seek approval from the Presiding Member, with the consent of the applicant to extend the statutory timeframe.

Responsible Authority provides the RAR to the DAP, including:

- officer's recommendation
- stamped plans
- any advice received from referral bodies
- submissions received during advertising
- any additional information for the DAP to take into consideration when determining the application.

Administration refer the application to Council where it is considered at a Council Meeting. The RAR cannot be amended by Council. However, if the Council does not agree with the RAR and wishes to provide advice, conditions or an alternative recommendation this is written as a separate section within the RAR to the DAP.

The DAP Secretariat must publish the Agenda on the Department of Planning, Lands and Heritage website at least 7 days prior to the meeting. Should further information be required by the DAP, the DAP Secretariat will advise the Responsible Authority.

The DAP can:

- approve the application with conditions
- refuse the application with reasons
- defer the application with reasons and timeframe.

If the DAP refuses the application, the applicant can appeal to the State Administrative Tribunal (SAT) to have the refusal overturned. Also, the applicant can appeal to have conditions of approval overturned. Members of the public and the local government cannot appeal the DAP decision.

Ms Taggart requested the deadline dates for the deemed refusal and submission of the RAR.

The Senior Planner advised that the RAR was required to be submitted by the 4/10/22. The Deemed Refusal date is 16/10/22 (unless extension granted).

8 PRESENTATION

Mayor O'Neill advised that Mr Graeme Prior (CEO) of Hall & Prior accompanied by the Lead Architect and Town Planners for this project was in attendance and had advised him that rather than provide a presentation on the development he was prepared to answer questions from the residents present.

8.1 BRON SIBREE, 41 DALGETY STREET

Ms Sibree asked whether there had been planning considerations in the proposed development in response to the likelihood of future pandemics and questioned whether the proposed development was in conflict with the Royal Commission into Aged Care Quality and Safety's findings which indicated a preference for smaller aged care facilities.

Mr Prior outlined how his organisation had successfully cared for residents at all their care facilities during the COVID pandemic. He considered that the best place to care for an elderly resident with severe morbidities was in a well run nursing home with nurses and doctors on site.

Ms Sibree asked whether they had revised the plan in view of the recent Royal Commission. Mr Prior answered yes.

8.2 JOANNE TAGGART, 30 DALGETY STREET

Ms Taggart advised that residents were not happy with the height and scale of the proposed development and asked whether Mr Prior was happy to consult with residents over these issues.

Mr Prior advised he would be happy to set up a community working group to discuss all the issues raised.

Ms Taggart asked whether Mr Prior was prepared to stop the clock on the deemed refusal.

Mr Prior answered "absolutely yes".

8.3 KATE VIGILANTE, 22 IRWIN STREET

Ms Vigilante asked whether any studies had been completed on the impact of loss of sunlight to properties on Fortescue Street.

The Architect advised that overshadowing from the development was in compliance with the R-Codes.

8.4 TODD ANDERSEN, 28 DALGETY STREET

Mr Andersen asked why, as an adjoining neighbour, he had not been contacted by the applicants since February 2021.

Mr Prior advised he had no knowledge of this and couldn't comment on why there had been no contact.

8.5 LAURIE FOLEY, 17 FORTESCUE STREET

Mr Foley asked whether meal preparation and laundry services from the premises would be offered to other external establishments.

Mr Prior responded no.

8.6 ANTONY BROCKMANN, 37 DALGETY STREET

Mr Brockmann commented that the size of the proposed building is extraordinary and not in keeping with the look and feel of the surroundings.

8.7 BRAD KELLY, 21 DALGETY STREET

Mr Kelly thanked Mr Prior for his offer to establish a community working group and asked what format the consultation with local residents was going to take.

Mr Prior suggested that meetings take place at Council with 8-10 members of the community and some Council staff and perhaps elected members. Mr Prior hoped that there would be some common ground although he understood that height and scale was a problem for residents.

8.8 SANDY HUBBARD, 27 DALGETY STREET

Mr Hubbard thanked Mr Prior for his offer to meet with residents but queried that if he was prepared to revise the proposal, why propose such a large development initially.

Mr Prior advised of his willingness to meet with community representatives to explain the requirements of the development.

Mr Hubbard remarked "so you are not going to reduce the scale of the proposal"?

Mr Prior responded "not at this point".

8.9 IAN SCOTT, 34 DALGETY STREET

Mr Scott queried the previous and current zoning of the site and why it had been rezoned.

The Senior Planner advised that in 2016 the site had been rezoned from a Local Reserve for Hospital to a Residential R15 zone. There had been no change since that time.

8.10 LYDIA WARBURTON, 32 FORTESCUE STREET

Ms Warburton asked what consultation had taken place regarding the heritage features of the original building from Fortescue Street and noted the heritage inventory work carried out by Phil Griffiths, Griffiths Architects on behalf of the Town .

The Hall & Prior Planner advised that they were working with Phil Griffiths regarding opening up the original building for the community.

Ms Warburton remarked "what about the four storey wall blocking the view of Woodside House"?

8.11 MEAGAN COX 31 DALGETY STREET

Ms Cox queried how a commercial building could be permitted within a R15 zoning.

The Hall & Prior Planner advised that the Residential zoning allows for the consideration of an aged care facility.

8.12 MR BOYD 26 DALGETY STREET

Mr Boyd queried the Heritage Impact Statement, prepared by the applicant's consultants, for the property at 26 Dalgety Street where it states that the removal of the extension is a positive. Mr Boyd also commented that the extensive garden would be replaced with a carpark.

9 BUSINESS OF MEETING – FORMER WOODSIDE HOSPITAL DEVELOPMENT SITE, 18-26 DALGETY STREET/29 FORTESCUE STREET

Mayor O'Neill advised that this Special Meeting of Electors has been called in accordance with section 5.28 of the *Local Government Act 1995* in respect to the following questions. Responses had been prepared by the Administration which were read to the meeting attendees by the Mayor.

- i) The Council to identify clearly all aspects of the Development Application for the proposed Woodside Care Precinct Lot 250 (#18) and Lot 114 (#26) Dalgety Street and Lot 116 (#29) Fortescue Street East Fremantle which are not compliant with the local planning scheme, local planning strategy and residential 12.5/15.0 code, such as zoning, land uses, scale, height, traffic, crossover design, access points, setbacks, requirement for on site parking, tree retention and removal, overshadowing, changes to natural ground level, proposed medical centre, proposed wellness centre and proposed training/research facility and any other matters, and the consequent impact of those matters on the amenity of all property owners and occupiers in East Fremantle.

ANSWER

The Council has been advised that from assessment of the development application to this point, the following matters are considered non-compliant with the Local Planning Scheme, the Local Planning Strategy and the Residential R15 and R12.5 codes.

- *Building height;*
- *Lot boundary setbacks for the northern elevation of the building (2nd and 3rd levels);*
- *Site works – changes to natural ground level in respect to proposed excavation and fill;*
- *Car parking bay requirement;*
- *All incidental uses proposed that do not comply with the definition of incidental use under the provisions of the Local Planning Scheme Regulations – Schedule 2 Deemed Provisions;*
- *Wellness Centre uses where the provision and use of the activities and facilities is not solely for, or by the residents of the facility, however, this statement is pending further investigation;*
- *Number of crossovers per lot permitted and width of crossovers;*
- *Removal of verge tree; and*
- *Percent for Public Art Policy.*

In general, the waste management plan is satisfactory and meets the Town's requirements. However, there is a number of matters that require clarification. The applicant will be requested to provide this information for further assessment. These matters will be discussed in the RAR.

The Transport Impact Assessment has been assessed by the Town and MRWA and further information, clarification and modification of the document has been requested by MRWA and the Town, so the review of the document can be completed. These matters will be discussed in the RAR.

The consequent impact of the above matters on the amenity of property owners and occupiers is assessed in accordance with the Design Principles of the R-Codes and the provisions of the Local Planning Scheme and will be discussed in the Responsible Authority Report to the DAP.

- ii) The Council to identify clearly the actual changes proposed to the site of the former heritage listed home of William Dalgety Moore, one of The Merchant Princes of Fremantle and latterly the former Woodside Maternity Hospital site, and the two adjoining heritage homes to the south.

ANSWER

The Council understands the changes proposed to Woodside House, include:

- *Internal changes to Woodside House to facilitate the provision of a multi-purpose room (former ballroom), dining/board room, lounge room, café, office sitting room and kitchen on the ground floor and 4 aged care accommodation suites on the upper floor;*
- *Walkway and landscaping connections to the proposed new buildings;*
- *Restoration of the building in general and of specific building elements which underwent changes during the time the building was used as a maternity hospital and/or are required to be renovated due to the age and deterioration of the building; and*

- *Reinstatement and restoration of building elements as approved by the Heritage Council of WA.*

The changes proposed to the dwellings at 26 Dalgety and 29 Fortescue Street include:

- *Removal of the additions to the original dwellings and new extensions to facilitate Supported Independent Living residents, this includes changes to facilitate an ensuite for each bedroom;*
 - *Internal changes to the original dwellings to provide appropriate and suitable accommodation for Supported Independent Living residents, including suitable communal facilities and amenities; and*
 - *Removal of pools, other rear garden structures and trees and other vegetation to facilitate the construction of parking bays for the aged care facility to the rear of the dwellings.*
- iii) The Council to identify clearly any commercial functions which have scope and uses beyond the provision of services for the residents, their visitors and staff of the site in question, and which are likely to detract from the amenity of affected local residents and ratepayers.

ANSWER

It is the Council's understanding that there are some commercial functions (for example, a training or educational establishment or external catering service) which have the scope to be approved by the DAP under Local Planning Scheme No. 3. However, in the Town's view these uses would not be considered incidental to the aged care facility use and would be required to be the subject of a separate development application and advertised for community comment before a decision maker could determine the application.

Moved Joanne Taggart, seconded Jesse Searls

That the Electors' Meeting follow the order of the following aspects of development:

- **Orderly and proper planning/consultation**
- **R-Code variations impact**
- **Design**
 - **Context and character**
 - **Built form and scale**
 - **Remaining principles**
- **Density**
- **Land use including commercial functions**
- **Traffic**
- **Construction**
- **Heritage matters**
- **Other**

(CARRIED)

9.1 ORDERLY AND PROPER PLANNING/CONSULTATION

Mr Andersen presented his proposed motion and outlined his rationale for seeking a local development plan for the redevelopment. **(Attachment 1)**

Moved Todd Andersen, seconded Joanne Taggart

That Council:

1. **NOTES** the extent of variations sought to the current planning framework as part of the Application for Development Approval dated 1 July 2022 relating to the redevelopment of the Woodside Hospital development site at Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street East Fremantle.
2. **NOTES** the inconsistency with the land use classification applied for under the Application for Development Approval dated 1 July 2022 relating to the redevelopment of the Woodside Hospital development site at Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street East Fremantle
3. **SUPPORTS** amendments to the current planning framework relating to Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street East Fremantle to provide for an orderly and proper approach to the redevelopment of the land.
4. **REQUESTS** the landowner to investigate an amendment to the *Town of East Fremantle Local Planning Scheme No. 3* as it relates to Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street East Fremantle to introduce an Additional Use zone to establish appropriate land use, built form and density controls and the requirement for a Local Development Plan prior to any development taking place on the land, in consultation with the Town of East Fremantle.
5. **SUPPORTS** the deferral of any Application for Development Approval relating to the redevelopment of the Woodside Hospital development site at Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street East Fremantle until such a time that the current planning framework is amended to facilitate the orderly and proper redevelopment of the site.

(CARRIED UNANIMOUSLY)

9.2 R-CODE VARIATIONS IMPACT

Mr Robert Cox read excerpts from the Communication Engagement Program prepared for the development application and disputed the comments of “significant community support” and feedback was “overwhelmingly supportive”. He advised that the majority of the community were totally against the height and scale of the development. **(Attachment 2)**

Ms Foley presented her proposed motion and provided information on how the proposal didn't meet the R-Code provisions

- 5.1.3
- 5.1.6
- 5.1
- 5.5.2 **(Attachment 3)**

Ms Foley also highlighted the proposal to provide additional parking bays in front of the development in Fortescue Street which would entail parking on the crest of the hill. With traffic generated by delivery trucks using the service entrance, traffic to the Stepping Stones Early Learning Centre and Baptist Church as well as local traffic this will create a danger to road users. **(Attachment 3)**

Mr Andersen commented on the removal of vegetation from 26 Dalgety Street for a carpark and the 5m height difference between his property and the development. He also considered there had been no consideration of the extra traffic generated at the Dalgety Street/Canning Highway crossing.

Moved Jenny Foley, seconded Melissa Pillay

That the Council negotiate with the developer to reduce the height, bulk, scale and siteworks and to increase the setback to be more compliant with the Local Planning Scheme and significantly reduce the impact of the north wing on the amenity at 17 Fortescue Street.

If the current development application is approved, it must be conditional on the following:

That the developer provide cone of vision assessment for both southern and northern boundaries at 18 Dalgety Street, undertaken at each level of the building, to inform the design and placement of visual privacy screening.

That the design and location of the screening be to the satisfaction of the relevant property owners.

(CARRIED UNANIMOUSLY)

9.3 DESIGN – CONTEXT AND CHARACTER

Mr Connor presented his proposed motion whilst disputing the applicant's claim of compliance with the Context and Character principle contained within the State Planning Policy 7.0 Design of the Built Environment. Mr Connor considered the proposal a massive structure and completely out of character with the surrounding low rise character homes. **(Attachment 4)**

Moved Michael Connor, seconded Meagan Cox

That the proponent be required to provide realistic street elevations along Dalgety and Fortescue Streets to include at least five homes either side of the proposed development which should clearly depict the existing slope of the land. These images are to be provided prior to completion by Town of East Fremantle of the Responsible Authority Report and are to be referred to in the development of that report.

(CARRIED UNANIMOUSLY)

9.4 DESIGN – BUILT FORM AND SCALE

Mr Hubbard presented his proposed motion and expressed concern with:

- the height, bulk and scale
- disregard for the natural topography. **(Attachment 5)**

Moved Sandy Hubbard, seconded Robert Cox

That the Council do not support the approval of the development application unless the built form and scale is reduced to the deemed-to-comply height specified in the Residential Code for the site's R15 zoning.

(CARRIED UNANIMOUSLY)

9.5 DESIGN – REMAINING PRINCIPLES

Mr Searls provided a presentation of what he believed were the shortcomings of the proposal in relation to the State Planning Policy 7.0 Design of the Built Environment. He considered the proposed development out of context with local culture, community and environs, its scale is industrial, its recognition of heritage and landscaping is tokenistic. The proposal is completely silent on the Aboriginal culture and history of the site. **(Attachment 6)**

9.6 TRAFFIC

Mrs Connor presented her proposed motion and expanded on the shortcomings of the Transport Impact Assessment report prepared by the applicant's consultants. **(Attachment 7)**

Moved Geraldine Connor, seconded Tom Puddy

That the Town of East Fremantle Council commissions an independent traffic impact assessment to address the anticipated increase in car and truck traffic that will be generated by the former Woodside Hospital Redevelopment to:

- a) identify and articulate community concerns about increased traffic, and
- b) address the impacts that will arise for the community from this increase in traffic.

(CARRIED UNANIMOUSLY)

9.7 CONSTRUCTION

Ms Cox presented two proposed motions relating to potential amenity disturbance and damage to residences in the vicinity of the proposed development. **(Attachment 8)**

Moved Meagan Cox, seconded Kate Vigilante

That the Town of East Fremantle engage a suitably qualified professional, or professionals, to prepare two reports:

A Construction Management Plan addressing but not limited to:

- The control of the associated vibration asbestos dust, noise, waste, dewatering, sand and sediment;
- The proposed development will clash with the amenities of the surrounding area for at least two years.
- site access/egress; deliveries of construction materials; heavy construction machinery, parking for contractors and tradespersons; and traffic control and that:
- the approved plan be implemented and adhered to at all times during the construction phase, unless otherwise approved by the Town of East Fremantle.

(CARRIED UNANIMOUSLY)

Moved Meagan Cox, seconded Kate Vigilante

That a professional be engaged to advise and detail the current condition of all homes including the status of all buildings, surrounding paved areas and ancillary structures. A distance to be advised by an independent structural engineer. Hall and Prior, as a condition of their contract, be responsible to meet the cost of restoring any affected properties to their former condition where any damage arises.

(CARRIED UNANIMOUSLY)

9.8 HERITAGE MATTERS

Ms Sibree presented her motion and highlighted concerns regarding:

- comments from the Heritage Council in 2020 stating that the proposal would have a substantial impact on the values of the building associated with its period of use as a maternity hospital;
- restoration works to the original building; and
- the impact of the height, setbacks and scale of the new buildings on the streetscape character and amenity.

(Attachment 9)

Moved Bron Sibree, seconded Katie Mutzke

That the Council obtain an opinion from the National Trust about the proposed demolition of the mid-century maternity buildings and an Independent Heritage Impact Assessment of the proposed development.

(CARRIED UNANIMOUSLY)

9.9 OTHER

- Katie Mutzke commented that this development proposes to put R80 density in an R15 zoned site. **(Attachment 10)**
- Joanne Taggart explained the political context of this development. She believed the applicants were attempting to use the Business Model for their Karingal Green facility in High Wycombe and shoehorn a similar development into a smaller completely different site.

Moved Ian Scott, seconded Kate Vigilante

That the meeting attendees express their gratitude and thanks to Joanne Taggart and her team for their detailed and professional presentations tonight.

(CARRIED UNANIMOUSLY)

- Rebecca Davy asked what progress had staff made on the RAR and the timeline for the application report to the DAP.

The Senior Planner advised staff had commenced the RAR but would need to discuss the timeframes needed to complete the report and to receive additional information. Officers were currently waiting for this additional information from government agencies and would be requesting additional information from the applicant. She advised that those residents who had registered their email address on tonight's attendance register would be provided with an updated timeframe when available.

- Ms Vigilante commented that she looked forward to Council setting up the community working group mentioned earlier tonight.
- Following a question from a resident as to why the high level of community consultation for the EF Oval redevelopment had not been carried out for the Woodside Hospital site, Mayor O'Neill responded that the EF Oval redevelopment was the Town's project.
- Joanne Taggart asked what advice/arrangements would be made regarding the Council's consideration of the motions in concurrence with the progress of the development application.

Mayor O'Neill advised all motions (minutes) will be considered by Council at the next practicable Ordinary meeting of Council, which will be the October Ordinary Council meeting (18/10/22).

10 CLOSURE OF MEETING

There being no further business, Mayor O'Neill closed the meeting at 9.20pm.

ATTACHMENT 1

Motion:

That Council:

1. NOTES the extent of variations sought to the current planning framework as part of the Application for Development Approval dated 1 July 2022 relating to the redevelopment of the Woodside Hospital development site at Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street, East Fremantle.
2. NOTES the inconsistency with the land use classification applied for under the Application for Development Approval dated 1 July 2022 relating to the redevelopment of the Woodside Hospital development site at Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street, East Fremantle.
3. SUPPORTS amendments to the current planning framework relating to Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street, East Fremantle to provide for an orderly and proper approach to the redevelopment of the land.
4. REQUESTS the landowner to investigate an amendment to the *Town of East Fremantle Local Planning Scheme No. 3* as it relates to Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street, East Fremantle to introduce an Additional Use zone to establish appropriate land use, built form and density controls and the requirement for a Local Development Plan prior to any development taking place on the land, in consultation with the Town of East Fremantle.
5. SUPPORTS the deferral of any Application for Development Approval relating to the redevelopment of the Woodside Hospital development site at Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street, East Fremantle until such a time that the current planning framework is amended to facilitate the orderly and proper redevelopment of the site.

Rationale

- 1 Clause 47(c) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that a local development plan in respect of an area of land in the Scheme area may be prepared if "another provision of this Scheme requires a local development plan to be prepared for the area".
- 2 The inclusion of Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street, East Fremantle as an Additional Use Site under Schedule 2 of the *Town of East Fremantle Local Planning Scheme No. 3* would enable the land to be identified with special conditions expressly requiring the preparation of a local development plan to be prepared prior to any development taking place over the land. An additional use zone for the land would also establish a set of agreed land use and development requirements for the land to control land use, building height, built form and density outcomes.
- 3 The Western Australian Planning Commission's *Position Statement: Residential accommodation for ageing persons* (December 2020) references the need for the preparation of a local development plan to inform development applications for residential aged care facilities "in circumstances where development standards do

ATTACHMENT 1

not yet exist, or if the application for development approval proposes to vary existing development standards or any of the above considerations". Reference to the 'above considerations' includes:

- 1 *relevant provisions of the local planning scheme, including any development standards developed specifically for these land uses/sites*
 - 2 *the relevant provisions of the R-Codes*
- 1 The Application for Development Approval dated 1 July 2022 relating to Lot 250 (18) Dalgety Street, Lot 114 (26) Dalgety Street and Lot 116 (29) Fortescue Street, East Fremantle seeks to vary existing development standards of both the *Town of East Fremantle Local Planning Scheme No. 3* and *State Planning Policy 7.3 – Residential Design Codes Volume 1* in relation to car parking, site area, side boundary setbacks, building height and site works. Therefore, a local development plan is clearly supported under the position statement for this form of development.
 - 2 The Town of East Fremantle's *(Draft) Local Planning Strategy* (July 2021) also supports the orderly and proper planning outcomes for the provision of residential aged care through the preparation of local development plans for redevelopment sites.

My issue RELATES TO THE COMMUNITY ENGAGEMENT PROCESS AND STATED OUTCOMES.

Hall and Prior in their JDAP report indicate there is significant community support for their proposal given the community engagement process Appendix 08 – Community Engagement Report prepared by Creating Communities Ltd.

While there is community support for an aged care facility, the notion that the affected community ie neighbours are in total agreement with the height and scale of the design is outrageous.

Appendice 3 relating to the Overall Support for the Project, advises that the open day at Woodside attracted 85 residents with 46 asking questions, with only 20 attendees completing a feedback form prior to leaving.

The main question the feedback form asked was:

“How supportive are you of the proposed plans and designs for the site?”

2 were supportive
3 were neither
4 were supportive
11 very supportive.

The notion that 55% ie 11 persons represents significant community support when there were only 20 respondents in a community that has approximately 5,500 electors is outrageous and not worthy of credence.

Appendice 3.2 Phase 1 Engagement (meetings and focus groups as well as the open day) indicates that the most common theme of concerns were:

1. *the built form including the potential of overlooking and overshadowing of neighbours and the visual impact of the building*
2. *traffic and parking and*
3. *impact during construction.*

Given the above., for Planning Solutions to suggest in their **Woodside Care Precinct Development Application, page 50** that

- *The proponent has engaged all relevant stakeholders through the design process and sought to address the any concerns where possible and that the feedback from the stakeholders has been overwhelmingly positive,*

is also an outrageous assertion.

My reading of the engagement process with crucially affected residents consulted amounted to:

- the 20 respondents mentioned above

and according to Planning Solutions

- *15 one on one meetings with close neighbours.*

However my information is that none of the neighbours in the vicinity of Woodside had a one on one consultation.

Furthermore under Relevant Matters to be Considered, page 51 of the same report, (point m) Planning Solutions state that

- *We need to consider the compatibility of the development with its setting including the relationship of the development on adjoining land, or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*

Then in respect to the above being addressed by the developer they state:

- The proposed development is compatible with its setting for the following reasons one of which states:

the building is appropriately designed and setback from all boundaries to ensure the impacts on adjoining properties and the streetscape are insignificant.

My question being the impact is insignificant to whom?

Certainly neighbours within close proximity would totally disagree with that statement. It still remains a significant issue and will continue to do so until the height and bulk is scaled back.

And in their Conclusions (page 53) Planning Solutions further state:

- *The proposed development will not have any significant impact on the amenity of the area and satisfactorily mitigates any perceived impacts on adjoining properties.*

This statement is ABSURD for the reasons mentioned above.

ATTACHMENT 3

In reference to:

R CODES VOLUME 1
Design principles

5.1.3 LOT BOUNDARY SETBACK

P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- . reduce impacts of building bulk on adjoining properties;
- . provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties.
- . minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

This proposal fails on all 3 points.

Building bulk is increased by the fact that the deemed NGL is just below the level of the eaves at 17 Fortescue Street and at approximately gutter height at 16 Dalgety Street. This means that the ground floor will be above proposed fence height. The height of the building above NGL is measured at 14.26m and therefore 4.26m above the limit under the R code.

This does not appear to include the main rooftop plant room that is 25.5m in length and runs almost $\frac{1}{2}$ the length of our property at 17 Fortescue Street, adding another 2.5m in height, thus making the overall height 16.76m above NGL.

The venting of the north wing main plant room (which I am informed is the major source of noise from that room) faces north toward the adjoining property at 17 Fortescue Street rather than toward the property that it is servicing. Although it is planned to apply noise attenuation to limit noise to a prescribed level, this does by no means prevent noise emanating from that source. As we live in a relatively quiet neighbourhood, the most frequent noise is birdsong and we are not welcoming to the prospect of constant hum (at best) from the air-conditioning and mechanical plants.

The setback for both the 1st and 2nd floors does not comply with the R code. The setback for a 1st floor should be 8.7m and is proposed at 7.4m. The setback for a 2nd floor should be 11m and is also 7.4m.

This wall runs parallel to the properties at 17 Fortescue Street and 16 Dalgety Street for 52.5m on the Northern boundary. All of that length and approximately $\frac{1}{3}$ of the curved portion of the wall on the North Eastern corner extrude into what should be the required setback under the R code. The length of that encroachment is equal to $\frac{2}{3}$ the length of both properties.

There are proposed 24 balconies/courtyards overlooking our property at 17 Fortescue Street, all of which would be above the level of the proposed 1.8m boundary fence. There is a proposal to soften the impact of this very substantial building, by planting deciduous trees at lower ground level, which is by no means a solution to the detrimental effect on our privacy and amenity.

There is no adequate screening of the balconies or courtyards that would prevent overlooking of the properties on the Northern boundary and even

ATTACHMENT 3

adjacent properties further down both streets. This will have an obvious adverse impact on the amenity of our homes and backyards.

In relation to provision of direct sunlight into adjoining properties, although there is no adverse impact on the Northern border, the residents in the newly acquired properties at 29 Fortescue Street and 30 Dalgety Street will be severely affected during the winter months.

In relation to ventilation to open spaces of adjoining properties, the proposed building by its excessive bulk will block the sea breeze to 17 Fortescue Street. This will result in increased use of air conditioning and power causing an increased financial cost and will affect the comfortable amenity of our back and front gardens when we would be most inclined to use them.

Design principles

5.1.6 HEIGHT

P6 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves.

5.1 Context

Objectives

(b) To ensure that designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale.

(e) To ensure that development and design is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings.

5.5.2 Aged or dependent persons dwellings for the housing of aged or dependent persons designed to meet the needs of aged or dependent persons: and
P2 . does not impinge upon neighbour amenity

On the Eastern and Southern wings the height is 18.57m. This is 8.57m above the 10m limit. The Northern wing is 14.26m high, being 4.26m above the limit. The proposed building dwarfs Woodside House, which should be the feature of this development, being the only heritage building on the main site that is not being demolished. In surrounding this significant heritage building by such a tall and bulky structure, where the 4th storeys are 1.6m higher it visually diminishes this precious icon of local history.

The residences in both Fortescue and Dalgety Streets are predominantly heritage-listed homes and in most cases are single storey but not more than 2 storeys. The construction of what is described as a 3-4 storey development is in fact 4-5 storeys due to the difference in NGL at the Northern and Southern boundaries of 18 Dalgety Street. It does not comply with the R code for the site and is completely out of proportion with every other building in this residential area. In Fortescue Street where many local residents enjoy their daily walk in pleasant and peaceful surroundings, it will block out much of the view of sky, increase local traffic, reduce privacy in many backyards and has the potential for many to significantly decrease the enjoyment of living in this beautiful street. It will create adverse impact on the streetscape and amenity of adjoining properties and the local community.

ATTACHMENT 3

PARKING ON FORTESCUE STREET.

It is proposed that as there is inadequate parking on site that 11 parking bays be constructed parallel to the street on the road reserve in front of the development in Fortescue Street. This would entail parking on the crest of the hill. There will be delivery trucks and rubbish trucks entering and leaving the property from the service entrance near the Southern boundary that will add to the local traffic in the street. That includes drop offs and pick ups to the Stepping Stones Early Learning Centre and events at the Baptist Church on the corner of Canning Highway. I am concerned that there will be a danger to road users from cars pulling in and out of those parking bays and that I or other local residents may be called upon to perform first aid or even CPR in that event.

ATTACHMENT 4

My name is Michael Connor. My wife Geraldine and I have lived at 61 Dalgety Street for 39 years and our two children (now adults) attended Richmond Primary School.

I have worked as an architect for 49 years and was a councillor of the Town of East Fremantle from 1984 to 1991.

I should acknowledge before I start that I am still coming to grips with a development application process whereby the applicant, Fresh Fields Projects (Hall and Prior and Fire and Emergency Services Superannuation Fund), has its development application assessed by the STATE DESIGN REVIEW PANEL under STATE PLANNING POLICY 7.0 DESIGN OF THE BUILT ENVIRONMENT.

This proposal does not comply with the requirements of the Town of East Fremantle Town Planning Scheme which would make it subject to the same constraints as its neighbours – the local residents /US.

I can't explain the technicalities around this process or its context because I don't fully understand it myself but it is a given and we have to respond to it.

As part of its development application Fresh Fields aims to demonstrate compliance with the aforementioned State Planning Policy. That document sets out a number of Design Principles to establish a definition of "good design". There are 10 principles – Context and Character / Landscape quality / Built Form and Scale / Functionality and build quality / Sustainability / Amenity / Legibility / Safety / Community / Aesthetics.

In the Development Application Report prepared by Planning Solutions for Fresh Fields it addresses each of the 10 principles in turn.

Tonight I intend concentrating on the first and, to local residents, probably one of the most immediately relevant, being Context and Character.

It is quite brief so If you will just bear with me I would like to read out what the State Planning policy says regarding Context and Character... While I read try to visualise the current proposal.

READ – SCHEDULE 1 – DESIGN PRINCIPLES 1. Context and character.

Now. I read that and ask myself to what extent that characterises the current proposal.

In specifically addressing this Principle this is what Fresh Fields says ...

READ – Development Assessment – 8.1 SPP 7.0 Design principles assessment etc etc – Comment – 1. Context and character.

It says that the *site benefits from its location and setting in a historic area of East Fremantle, providing easy access to tree-lined streets and amenities in the area.* That is true. It benefits the proponent because at the moment it is such a beautiful place. I would question how it benefits the neighbourhood.

It says that *The form of the new buildings recognises and opens up the significant views to and from the existing Woodside house to the north west.* Not so. It closes down and restricts the view to a tunnel between the proposed new multi- storey structures.

It does not address the design principle that *Good design also responds positively to the intended future character of an area. It delivers appropriate densities that are consistent with population growth, and able to be sustained by existing or proposed transport, green and social infrastructure.*

ATTACHMENT 4

The current proposal does not deliver on this design principle. Rather it plans to impose densities far in excess of those currently existing or projected.

Scale and height are also part of the local context and existing character of the area. The scale and height proposed are massively greater than the existing local context.

Another one of the Policy's Good Design principles is that *Consideration of local context is particularly important for sites in established areas that are undergoing change or identified for change*. This is addressed by the statement that *The proposed design responds to the local context and existing character of the area through its architectural feature, and the use brick and limestone materials, skillion/pitched roof elements, and seasonal landscaping*.

All I can say is that it doesn't look very neighbourhood East Fremantle to me and I don't see too much in the way of skillion or pitched roofs apart from the old Woodside House itself.

It talks about *Restoration of the existing Woodside building*. Woodside House was originally largely unpainted brickwork and under this proposal it will simply be painted over again. It further states that its proposed *re-use for aged care uses is entirely consistent with its former uses as a private hospital and public maternity hospital*. I am not sure if that is correct, but the scale and range of other facilities dwarfs the former uses.

After all the words and the many and varied justifications for the proposal, if it were to be approved in its present form, I think that most people would be horrified by the reality of a massive structure, completely out of context and character, overwhelming its near neighbours, towering above Woodside House and dwarfing its surroundings.

I do not think the proposal is acceptable in terms of context OR character. It does not suit this site.

A sympathetically designed one or two storey aged care facility would be a welcome addition to the area.

I am sure that if The Town was driving the approval process we would have been provided with realistic street elevations running along Dalgety and Fortescue Streets to show the proposal in the context of the homes either side along the street. I think this would demonstrate to most people how overwhelmingly out of context and character the proposal really is. Instead we have been presented with drawings showing the proposed building in isolation from any realistic renderings of the surrounding and adjacent homes. Even the beautifully presented coloured images of the development show the surrounding homes as sterile flat topped white cubes.

I do not personally have any objections to the design of the proposed building. It is clean and contemporary BUT it is far too imposing for this site and just doesn't fit the context and character of this old established historical, low rise, residential neighbourhood of East Fremantle.

I ask the Town of East Fremantle to refuse to grant approval to the application in its present form.

THANK YOU.

15 September 2022
Michael Connor
61 Dalgety Street
East Fremantle

ATTACHMENT 5

Built form and scale of the Fresh Fields Project.

JDAP DA Report Rev 1 Development Application Report prepared for Fresh Fields Projects (WA) Pty Ltd July 2022

8.1 SPP 7.0 Design principles assessment

Design Principle and Objective Comment 3. Built form and scale Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

The site is located in a predominately low-density, one-to-two storey residential area. The development proposes a maximum four-storey building height along a portion of the Fortescue Street frontage, and three-storey building along the northern boundary. The proposed development has been designed to respond to the surrounding context and site's heritage values, and minimise the impact on adjoining properties, through its siting and architectural features. Buildings are generally compliant with the setback requirements and include various design features to reduce the impacts on neighbours and perceived bulk and scale, including use of materials, articulation and landscaping. The proposed redevelopment is also designed to respond to its heritage and residential context, with the use of materials reflecting the natural and built environment in the area. Importantly, the supporting Heritage Impact Assessment concludes that the proposal will result in no significant impact on the heritage values of the place, and the proposed new building elements are compatible in scale and visually sympathetic in terms of scale, bulk, mass and materials palette.

State Planning Policy 7.0 Design of the Built Environment

3. Built form and scale Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area. Buildings can define open spaces by enclosing them. Good design delivers buildings and places of a scale that responds to landform characteristics and existing built fabric in a considered manner, mitigating the potential for negative amenity impacts on both private land and the public realm. The scale, massing and height of new development should respond positively to that of the adjoining buildings, the topography, the general pattern of heights, and the views, vistas and landmarks of the place, reinforcing a coherent local identity. The orientation, proportion, composition, and articulation of built form elements should deliver an outcome that is suited to the purpose, defines the public domain, contributes to the character of adjacent streetscapes and parks, and provides good amenity for people at ground level

Height, bulk and scale

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The building height should be reduced to ensure it is considerate of the impact on the amenity of adjoining and nearby properties. The maximum height of the buildings should conform to the 'height limit line' as described and illustrated in the Residential Design Codes Volume 1.

The height of the north and east buildings exceeds the maximum height permitted by the Codes by 4.26m and 8.57 m respectively. The height of the south building exceeds the maximum height permitted by the Codes by the equivalent of 2 to 3 storeys. Noting the south building is in fact 5 storeys above street level (NGS). Those storeys being the car park, Levels 1-3 and the Roof Garden and its associated habitable areas and plant.

The developers have attempted to justify the height of the development due to the need to 'stack' the buildings to maintain a view of Woodside House from the northwest and to retain adequate curtilage around Woodside House. We are somehow to imagine this is merely the rearrangement of a compliant two-storey footprint. The fact is that when the developer purchased the site the building envelope was substantially less because the mid-century buildings associated with the significant use of the site as a maternity hospital for around half a century also had a heritage classification preventing demolition. The developers successfully managed to have the mid-century buildings removed from the heritage register and propose to demolish them. The loss of this important heritage asset emphasised by the Heritage Council. The concession for the community is the restoration of the original home of William Dalgety Moore. The reclassification has resulted in a windfall to the developer as far as the building envelope is concerned, it now being substantially greater than when the property was originally purchased. Is this important heritage asset to be diminished further by allowing building height well in excess of the development standards, in order to enhance the commercial prospects and profitability of the developer?

The height of the buildings is excessive relative to the surrounding single and 2 storey residential homes. It detracts from the local heritage character and amenity of the neighbourhood. It is not appropriately scaled, particularly in respect to bulk and height, and is not sympathetic to the scale of the street and surrounding heritage buildings. It does not achieve the desired future character identified in the Strategy.

The height of the buildings is required to achieve the maximum possible density for commercial gain. The Council planners have told residents that 'density' is not an issue because the development is not residential therefore 'density' does not apply. How can this be? By any standards the proposed density on the site is excessive for a residential area. The scheme is flawed if this is the case. As noted earlier there are numerous planning instruments that could have been created to deal with this but the Council chose not to do so.

The buildings are not compliant with setbacks and the bulk and scale is hardly 'perceived' and is more than evident from the drawings provided by Kerry Hill Architects. It towers over the heritage building in the same manner as the Richmond Quarter buildings in the Town Centre Precinct, except the gap between them, on the Woodside site, is less.

ATTACHMENT 5

The negative visual impact of building bulk on residential homes around the site is significant because the new buildings occupy 88 metres (88%) of the south boundary, 74.9 metres (74.9%) of the north boundary and 86.6 metres (86.6%) of the east boundary, in a continuous run on each boundary. Variations in the setback of the buildings do not sufficiently ameliorate the dominance of the continuous run of buildings. The claims that extensive landscaping on the boundaries reduces the impact are exaggerated. For example, on the south side of the five-storey south building the existing landscaping of several mature large trees will be completely removed and replaced with one mature tree and low scale planting which is insufficient to screen the building and incapable of being increased because of the inadequacy of deep soil in that area. The substantial screening provided by the mature back gardens of 26 Dalgety Street and 29 Fortescue is to be completely removed for the outdoor car park, exposing the building further to residents from 28 - 32 Dalgety Street. Again, limited small scale planting is proposed.

The Council itself acknowledges these issues in the Strategy Part 1-Table 2:

- Due to the small, established, historic nature of the Town with its predominantly low-rise building form, factors such as building height, bulk and scale can have significant impacts. Guidance relating to areas/circumstances where these factors may be more acceptable, encouraged or prohibited in a local sense requires review.
- There are further areas of high concentration of heritage listings that, although recognised individually, also have importance as a group entity and no specific controls are in place to address this. This is particularly relevant to the balance of the Plympton Precinct and the Woodside Precinct.

Topography

The development does not avoid major interference with the pre-existing site levels and associated soil disturbance and as such does not respect the natural topography of the area by minimising the cut and fill of land. It does not retain the visual impression of the natural level of the site, resulting in diminished character of the area and increased development impact.

The natural topographical features of the site contribute significantly to local character, in particular the siting of Woodside house. It has remained relatively unchanged since 1905, likewise the topography of the street since at least 1916. We have compared the existing contours of the site and street to a 1916 government map obtained from the State Records Office and found them to be consistent on paper and on the ground.

The development ignores the natural slope of the land, with resulting privacy and overshadowing of active habitable spaces, including the independent living residences at 26 Dalgety Street and 29 Fortescue Street.

ATTACHMENT 5

It would take many years, if at all, for residents to achieve any satisfactory level of evergreen vegetation screening which would also compromise amenity by sacrificing solar access, winter sun and light to the north.

Source: Residential Design Codes- Explanatory Guidelines, May 2019, Department of Planning, Lands and Heritage.

‘Housing design which proposes extensive excavation, fill and re-contouring of a site, without regard to neighbouring properties and their amenity, should not be supported. The R-Codes Volume 1 calls for skilful and site-sensitive design to make the best of the natural terrain, in turn resulting in diversity of housing styles and a sense of place and neighbourhood identity.

Personally, I experienced this when in 2013 we added a single level extension to our home that during the planning stage the council required we lower the roof height of the extension so as it was not visible from the street due to the street scape heritage. We made that change accordingly.

Speaking notes regarding the Development Application for the Woodside site

By: Jesse H Searls – Physicist
Resident of 25 Dalgety St, East Fremantle

Dated: 15 Sept 2022

Notes for speaking to the Meeting of the Town of Fremantle Council and rate payers, 15 September 2022

Introduction

Mayor, Council, and ladies and gentlemen.

My name is Jesse Searls, and I live at 25 Dalgety St – just opposite the Woodside site. I have been part of the Dalgety St community for 18 years. I live with Kerry Taylor who has been part of this community for 26 years.

I am here tonight to speak as a member of what I call DAGs, FAGs and WAGs... That is: The Dalgety Action Group, The Fortescue Action Group and The Woodside Action Group.

Search that online if you are interested to Crowd Fund us.

Levity aside:

I am here tonight because I strongly oppose the development of the Woodside site as proposed by the submissions of Hall & Prior and their cohort of consultants and companies.

The proposal is egregious and insensitive. It has already fractured our community, with at least 4 very long-term residents already leaving the area because of the proposed development, and others feeling undue stress caused by the ongoing threat to the amenity of our location.

Argument

You will have already heard the proposed development contravenes the existing Density Code and planning principles in many ways.

It is my role tonight to address the shortcomings of the proposal in relation to the State Planning Policies guidelines for Quality Design which have not already been addressed.

Yes, the developer has engaged quality consultants and completing the required “development application templates”.

But... and I apologise in advance for stealing the words better scriptwriter than I:

This is “ALL ABOUT THE VIBE”.

And, it all feels just a little like it is an episode of Utopia. But this is real and a little less laughable.

The proposed development is out of context with the local culture, community and environs, its scale is Industrial, its recognition of heritage and landscaping is tokenistic. The Vibe is all wrong.

To support my views, I am going to address the Proposal in the context of the Design Principles of the State Planning Commissions document SPP 7.0 which sets out the criteria that developers must meet to comply with the guidance of State Planning and to ensure “Quality Outcomes”.

By doing so, I hope to convince you that while the words of the Proposal fill in the Template of SPP 7.0 the actual Outcome of the proposal will not.

The Design Principles

Design Principle 1 – Context and character

This has been addressed by Michael Connor, so I will leave that.

I do note however, that in respect of this clause that the proposal is completely silent on the Aboriginal culture and history of the site. If time allows, I may return to that.

Design Principle 3 – Built form and scale

This has been addressed by Sandy Hubbard

Design Principle 2 – Landscape quality

The State Planning Policy 7 states the principle and objective of Landscape quality is: “*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*”

SPP7 details Landscape quality as: “**Good landscape design protects existing**



environmental features and ecosystems, promotes biodiversity, offer a variety of habitats for flora and fauna, enhances the local environmental context and restores lost or damaged ecosystems, where possible.”

The developer’s design proposal hardly respects existing environmental features or the natural lay of the land. The Design Application proposes raising and levelling of approximately 70% for the site to meet the level of the floor of the current Woodside house. This does not respect the natural lay of the land and forces the retention and building up of the soil around sections of the perimeter of the site to over 2 meters above its current level. This forced levelling of the site also increases the actual height of all the new structures to be well above the current boundary levels. This may be addressed under heading 3, but it effectively means that **the height of the new roof and the “cooling structures” is some 21.0 metres above the level of Dalgety St at the entrance of the site.**

To put that in context, or to give you a feeling for what that looks like, 21.0 metres is higher than the height of 7 Standard Shipping containers stacked on top of each other.

You might like to visit Rous Head. The highest stack of containers I could find there is 7 high, the majority of stacks are 6 high. As you drive around, you can imagine those walls of containers lined up



along the boundaries of the Woodside site. That will be the effect of the new buildings.

Therefore, the Proposal does not meet the criteria of protecting the existing environment. It obliterates it.

Fail #1.

Landscaping part 2 – Planting

The developer's proposal does provide for what one might call planting and layout for the open spaces on the site,

- a) The proposed plantings are insignificant in scale in comparison to the scale of the proposed buildings.
- b) There is a significant loss of old established trees.
- c) Proposed trees are of inappropriate and non-indigenous non-endemic species which will not grow to the scale of the proposed buildings.

Fail #2.

Design Principle 4 – Functionality and build quality

I am not going to comment on Functionality and build quality – that is a matter for the operator.

Design Principle 5 – Sustainability

SPP7 states : *“Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*



Currently, the State Design Review Panel describes the developer's target of a 4 Star Rating as: "Underwhelming". I am advised that a rating target should be 6 or above.

Personally, I am glad to see that the developer foresees the implementation of solar and natural solar and wind to provide a pleasant and low impact environment for its residents. That said, there is no statement in the proposal regarding carbon emissions. The hot water is all GAS.

The developer tries to shore up their claims to Sustainability by claiming: "the proposed development will deliver social benefits through increased diversity and choice of housing and positive economic outcomes by providing employment opportunities for residents in the area."

I find that hard to believe, consider it to be nice "Policy Speak". Remember Utopia?

Fail #3.

Design Principle 6 – Amenity

SPP7 states that the principle and objective of Amenity is: *"Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy."*

It goes on to say: *“Places should incorporate a mix of uses that work together to create viable environments that respond to the diversity of the local community and its culture.”*

The developer’s response says the proposed development will *“create viable environments that respond to the diversity of the local community and its culture.”*

I find that a bit laughable.

Egregious Exploitation

The scale and built form of the proposed development will significantly detract from the local environment and detracts from the amenity of the local community and is contradictory to its culture by impinging on the boundaries and views of the surrounding neighbourhoods and introducing various ongoing activities which will degrade the peaceful nature of the neighbourhood for years to come – vis a vis traffic, increased rubbish removals, inevitable ambulance and fire department attendances, and increased traffic hazards.

In fact, I would say that in regard to Amenity, the proposal is an egregious exploitation of the “Amenity” asset built around the site by the contributions over a very long period of time by the Original Custodians, the council, and local community. By the communal caring for the landscape, the local street scape, the nurturing of trees, gardens, and the building and maintenance of

their homes and the maintenance of a peaceful communal atmosphere.

The Woodside site has been chosen by the developer because they recognise the value of the existing amenity created by those efforts and know that it will contribute to the saleability and value of their development. They are capitalizing on that Amenity, not contributing to it.

Fail #4.

Design Principle 7 – Legibility

SPP7 states: “Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.”

I don't have too much to say here other than:

a) The details of the comings and goings in relation to the Wellness Centre are unclear on the drawings.

b) The 2-metre-high metal fence encircling the whole premises as shown on the North, South, East, and West Elevations is entirely “Legible” – You can't come in, and you can't get out.



Design Principle 8 – Safety

SPP7 states: *“Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.”*

The developer’s comments on how they address Safety focuses entirely on internal and residential safety. It is good that they are serious about that.

However, it completely refrains from considering the Safety of the local community. Issues not mentioned or considered include:

- a) The safety of those entering or leaving the premises;
- b) Increased traffic risks caused by the positioning of the Dalgety St car park entrance just over the crest of the Dalgety St hill;
- c) The increased traffic risks to the large number of school children that pass the site each day;
- d) Traffic risks resulting from the level and size of service vehicles arriving and departing from the Fortescue St service entrance; and
- e) Increased traffic risks caused by the increase of daily traffic journeys at either Fletcher St or the already rather dangerous Dalgety St – Canning Highway intersection which is both partly blind and includes the cross walk for children on their way to and from Richmond Primary.

Fail #5.

Design Principle 9 – Community

SPP7 states: *“Good Design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.”*

The developer’s comment to this in the Development Application is: *“The Woodside Care Precinct responds to the needs of the local community by providing a high quality residential aged care facility and supported independent living housing options to meet the growing demand in the area, and providing an opportunity for local residents to ‘age in place”.*

The Development Application does not demonstrate that the “local community” is seeking residential aged care facilities of this magnitude, nor that local residents who may wish to “age in place” need to have a facility in their back yard.

On the other hand, the proposal has already alienated and offended the local community due to its scale and ignorance of the local environment.

Fail #6.



Design Principle 10 – Aesthetics

SPP7 states: “Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.”

I think that the proposed development is the product of a skilled design team resulting in attractive and inviting buildings and places suitable for location in an INDUSTRIAL AREA.

A handwritten signature in black ink, appearing to be 'JL.', located to the right of the main text block.

Conclusion:

I won't keep you much longer, but I thought it might be interesting for you to consider this interesting feature of the proposed design.

Remember my comment about Aboriginal Heritage?

Well, if you view the floor plan of the new buildings with an artistic eye in the it becomes apparent that the proposed development will look like the Noongar's Great Wagyl come to swallow up the house of William Dalgety Moore.

I wonder if there is a Truth Telling that needs to be told about the origins of the Woodside estate?

Art and Culture aside... Mayor and Councillors:

It is clear that the responses of the developer to the requirements of the States Planning Policy are deficient.

The submissions of those before me bear up that the proposal is deficient and damaging to the culture, amenity and quality of the local community.

I ask you to reject it.

And I suggest Messer's Hall and Prior visit the area between Sainsbury and Forsythe Streets in O'Connor, there is a site there that would suit their proposal very well.



ATTACHMENT 7

Geraldine Connor, 61 Dalgety Street, East Fremantle WA 6158

Rationale for Motion:

The Traffic Impact Assessment report notes that the proposed development will generate additional traffic. In 2020 a traffic count conducted in Dalgety and Fortescue Streets recorded a total of 123 vehicle trips per hour at the morning peak of 8.00 to 9.00 am. The report estimates that the development is expected to generate approximately 64 two-way vehicle trips per hour in the morning peak, an increase of roughly 50% on the 2020 data. The figures available for the afternoon peak (4.30 – 5.30) represent an increase of roughly a 100%. Overall, it is anticipated the development will generate just under 700 vehicle trips per day.

The report references the existence of the school crossing and bus stops at the Dalgety St/Canning Highway intersection. The focus of the report's discussion about this intersection was on right hand turns and queueing times out of Dalgety Street, which may have some implications, but cannot compare to the obvious need to consider the impact of increased traffic on the school crossing so that it remains safe and secure. For example, it makes no reference to the possibility of increased left hand turns, which will take more traffic straight into the crossing itself. This is an omission I think should be urgently addressed.

Nor does the report consider the impact of increased traffic for pedestrians crossing Dalgety St at the intersection with Canning Highway. The time that some pedestrians need to cross Dalgety St safely can be incompatible with the time motorists have to turn right off the highway.

Similarly, the report did not address any potential impacts of traffic increase in Fortescue St for either pedestrians or the Early Learning Centre. Opening at 7.00 and closing at 5.30, the Centre is located close to Canning Highway. Once again, it is possible that the increased traffic (which, according to submitted plans, will definitely include trucks) will impact on access in and out of the Early Learning Centre's carpark.

The plans for the development show that delivery and service vehicles will mainly access the facility via Fortescue St. The Waste Management Plan identified five waste streams that require collection three times a week. Presumably this means 15 more waste trucks coming into Fortescue St per week but possibly more, because the plan notes other waste collections will be required. This represents a significant increase in truck traffic for Fortescue Street.

The traffic generation numbers that I referred to earlier are presented in the report as specifically applying to the nursing home and the clinic, but it is not clear whether they also include the wellness centre, so it is possible that further increases in traffic will be experienced once the wellness centre is fully operational. The vehicle access for the clinic and wellness centre and the residential facility have been planned to accommodate vehicles up to the size of a 22 seater bus, so we can conclude that in the mix, there will be an increase in larger vehicles using Dalgety St.

The proponent has stated that the facility is expected to become a training hub for the aged care sector. The traffic report did not provide any traffic generation data for this activity, nor did it provide any figures for the use of the 'Great Hall', but it can be predicted that a training hub and a hall will also result in increased traffic.

The traffic report suggests that 55% of the traffic to the facility will use the basement parking via Dalgety St. The line of sight is somewhat compromised at the proposed entry because it lies just below the crest of the hill. At quiet times this may represent a relatively low risk, but

ATTACHMENT 7

if cars are already parked on Dalgety St and if traffic is approaching quickly over the crest, the hazard risk could feasibly escalate quickly. The plans indicate that this access point is designed for vehicles up to the size of a waste truck, so it can be expected that some of the traffic at this potentially difficult site might include some large vehicles.

Both ends of Dalgety St are already under significant parking pressure. The traffic report does not address the interaction between the increase in traffic generated by the development (which will include trucks) and these parking hot spots.

Another traffic consideration that has been raised is the impact of heavily loaded trucks and ancillary vehicles associated with the build of the facility which I understand could take up to 2 years and possibly more. There is trepidation about the impact of this traffic on the safety and amenity of our local streets and the safety of the school crossing.

In the Conclusion section of the Development Application Report, it was noted that the proposed development is justified and appropriate for a number of reasons. The fifth reason was, and I quote: "The proposal is supported by a traffic impact assessment which concludes that the proposed development will not have a negative impact on the surrounding road network."

I consider that my community is more than just a road network and that as a social community there will be a loss of amenity from increased traffic, both car and truck, and that the only available traffic impact report does not address these matters from the perspective of local residents.

Meagan Cox 31 Dalgety

Due to the size and scale of the proposed development my concerns relate to the potential damage and clash of amenities that may occur to houses in the vicinity as a consequence of the construction process.

As the owner of a home in close proximity to Woodside (less than 100m) and in excess of 100 years old as are many surrounding houses, all of heritage importance to the TOEF, the potential for damage arising during the construction phase is huge. The town sits on a limestone geological formation. Hence excavation to accommodate an underground car parking area will cause severe vibration to many homes surrounding Woodside.

Therefore, I would like to move two motions:

Background - Given I understand that the TOEF has no construction policy, prior to the commencement of development, I request that the TOEF engage a suitably qualified professional, or professionals, to prepare two reports:

MOTION ONE

Construction Management Plan addressing but not limited to:

- The control of the associated vibration, asbestos dust, noise, waste, dewatering, sand and sediment;
- The proposed development will clash with the amenity of the surrounding area for at least two years.
- site access/egress; deliveries of construction materials; heavy construction machinery; parking for contractors and tradespersons; and traffic control and that:
- the approved plan be implemented and adhered to at all times during the construction phase, unless otherwise approved by the Town of East Fremantle

MOTION TWO

Dilapidation Report

Background – For the benefit of ratepayers present a dilapidation report is necessary as these homes will be vulnerable to potential structural and other damage due to:

- the substantial excavation required for the underground car parking area proposed and
- the amount of compacting required above the existing ground level to achieve the developer's proposed site datum levels being raised in the vicinity of approx 2.7 and 3.17 additional metres on the southern and northern sides.

Therefore my **second motion** is:

A professional be engaged to advise and detail the current condition of all homes including the status of all buildings, surrounding paved areas and ancillary structures. A distance to be advised by an independent structural engineer.

That Hall and Prior, as a condition of their contract, be responsible to meet the cost of restoring any affected properties to their former condition where any damage arises.

https://environment.des.qld.gov.au/data/assets/pdf_file/0028/89380/eis-gl-noise-vibration-blasting.pdf

HERITAGE

MOTION

Mr Mayor, council and councillors, I would like to move a motion that the Council obtain an opinion from the National Trust about the proposed demolition of the mid-century maternity buildings and an Independent Heritage Impact Assessment of the proposed development.

Heritage Impact Assessment

- **I am struggling to reconcile myself with the heritage consultant's conclusion in the Heritage Impact Assessment that says -- and i quote**
- **'the development application drawing set indicates a scheme that does not significantly impact on the stated heritage values, and many of the impacts are on non-original fabric'-**
- **Because the following comments from the Heritage Council in 2020 seem to say the opposite- HERE IS THE LETTER FROM THE HERITAGE COUNCIL WHICH SAYS--AND I QUOTE**
- **'the Revised proposal addresses some of the Heritage Council's comments of 26 May 2020'. * Now, for those not totally familiar with the developers revised proposal it seeks**

demolition of the mid-century maternity buildings apparently as a trade -off for the restoration of Woodside house.

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- **So, the Heritage council's letter continues : 'While Approach to retention and adaptation of Woodhouse House is generally acceptable.'**
- **'The proposed development will have a substantial impact on the values associated with its period of use as a maternity hospital...'**
- **'As a result of this major loss of physical fabric...'**
- The Heritage Council advised us this week that they still stand by those comments and concerns.
-

Heritage Agreement

- It's doubly interesting to note that the developer had already signed a Heritage Agreement with the Heritage Council in 2017. The agreement committed the developer to a Schedule of Conservation Management, for the whole site, with 1yr, 5yr and 10 yr requirements to facilitate, enhance and preserve the site. So a conservation plan exists regardless of any further development to the site. In other words they had to do it anyway because as the new custodians it's a requirement of the Heritage

Act.

- **HOWEVER** It is difficult to see any evidence of this existing agreement being implemented -- apart from some lawn mowing and intruder fencing. The weeds growing in the gutter on the Fortescue St side are about 30 cm high.
- So this does NOT bode well for the preservation of this site by the developer.
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- And if anyone thinks it will be restored to the exceptional quality of the old Post Office, restored by Yard Property, your expectations will probably not be met. Because the original brickwork is not to be restored --as in the depictions in the Heritage Impact Statement--- and the interior heritage is to be altered significantly.
- Another thing of Interest to note, is that the Department of Planning Lands and Heritage , in its response to the review of the Local Planning Strategy, recently recommended to the Town of East Fremantle the addition of a policy on the preservation of 'interior heritage'.

Amenity - heritage streetscape

- The heritage nature of Dalgety Street and Fortescue Street is fundamental to the amenity and character of the locality and is highly valued by the residents of East Fremantle. The

proposed height, setbacks and scale of the new buildings do not respect the continuity of the existing historic setback and scale of heritage houses in the streets, impacting on the streetscape character and amenity. Moreover Residents have actually invested substantial funds over many years to preserve the heritage character of the houses and streetscape.

- Yet the height, bulk and massive scale of this proposed development would negatively impact the streetscape and heritage character that local residents have invested so much to preserve over the years . And particularly in the Woodside Precinct, which has a high concentration of heritage listings. Indeed Many of the oldest, most well preserved buildings in the Woodside Precinct and indeed East Fremantle, are on Dalgety Street, particularly between Fletcher Street and Canning Highway.
- Likewise, the topography of the street is mostly unchanged since at least 1916, based on a qualified surveyors comparison of the existing contours of the site and street against a 1916 government map obtained from the State Records Office. The same map employed by the developers heritage consultant.

Commented [bs1]: DO WE NEED THIS --GIVEN MY FINAL PARA--IS IT PERHAPS OVERSTATING, OR WORTH KEEPING IN GIVEN LOCAL INVESTMENT?

This cultural history, this heritage and this streetscape is a source of immense pride to the residents of Dalgety Street and to East Fremantle residents in general. However this will all be not only negatively impacted if this proposed development -- with its substantial height, bulk and massive scale ---were to go ahead in its existing form, but destroyed forever. And so too, would the amenity of its residents ---- which i'm sure, of course, the council has at the very forefront of its consideration.

Hi my name is Kate Mutzke. I have a masters architecture and urban design. I do not support the Woodside development 'Proposal' in it's current form. It will have a detrimental impact on the quality, character and liveability of Dalgety and Fortescue streets and neighbouring streets. This proposal will create traffic, excessive density, destroy heritage buildings and established trees.

I am not opposed to developing the Woodside site for elderly accommodation. In fact I am completely behind supplying quality affordable housing for the elderly. I understand the benefits of density and mixed used developments however, the issue needs to be addressed, this is a proposal with a density of R80 on a R 15 zoning.

The local Planning scheme does not have any sites of R80 density anywhere in the Woodside precinct.

And the recently reviewed and updated Local Planning Strategy which will guide the next review of the Local Planning Scheme doesn't show high density on that site into the future either. Quite the opposite. It emphasises the importance of protecting the unique qualities of Woodside.

In my opinion the riverside of the highway has not had tight enough planning laws and the result is a less cohesive, built fabric with a scattering of low density developments, elderly accommodation and significantly reduced tree canopy because of subdivision and the ratio of house to land. This is where we are heading if we allow such developments as the Hall and Prior that we are discussing.

I agree we need to address density. However not in Woodside. Not in an area that is unique because of it's character, it's heritage, it's established trees and biodiversity.

If we start relaxing these planning laws for large scale developments and we treat everywhere with the same infill strategy we will create a very homogenous and unremarkable urban fabric.

Now more than ever we need to be preserving every established tree and re-using all existing buildings especially heritage listed ones which contribute to authentic place. This is where there is value in the future.