



Agenda

Strategic Planning and Transport Committee

Wednesday, 19 May 2021, 6.00pm

CITY OF FREMANTLE
NOTICE OF A STRATEGIC PLANNING AND TRANSPORT
COMMITTEE MEETING

Elected Members

A Strategic Planning and Transport Committee meeting of the City of Fremantle will be held on **Wednesday, 19 May 2021**, in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read 'Paul Garbett', with a long horizontal stroke extending to the right.

Paul Garbett
Director Strategic Planning and Projects

14 May 2021

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CITY OF FREMANTLE

Strategic Planning and Transport Committee

Agenda

1. Official opening, welcome and acknowledgement

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

2. Attendance, apologies and leaves of absence

There are no previously received apologies or approved leave of absence.

3. Disclosures of interests by members

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

4. Responses to previous questions taken on notice

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

5. Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

6. Petitions

Petitions to be presented to the committee.

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

7. Deputations

7.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

There are no special deputation requests.

7.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

8. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Strategic Planning and Transport Committee confirm the minutes of the Strategic Planning and Transport Committee meeting 17 March 2021

9. Elected member communication

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

10. Reports and recommendations

10.1 Committee delegation

SPT2105-1 SOUTH TERRACE, NO. 65 (LOT 12), FREMANTLE – SIX STOREY HOTEL, OFFICE AND SHOP (SDAU REFERRAL) – (NB/JK DA0111/21)

Meeting Date: 19 May 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Extract of Applicants Submission

SUMMARY

In accordance with Part 17 of the *Planning and Development Act 2005*, the Western Australian Planning Commission has referred an application for a six storey Hotel with Offices and Shops at 65 South Terrace, Fremantle, to the City of Fremantle for comment. The application has been lodged with the Commission under the *Planning and Development Amendment Act 2020* as part of the State government response to COVID-19.

The proposal has been considered in accordance with policy *LPP 1.11: Planning and Development Act 2005, Part 17 Development Application Submissions* with the report below providing details of the proposed development, relevant background, a statutory assessment against the City's LPS4 or local planning policies, design matters, economic benefits and a recommendation.

It is recommended that the Strategic Planning and Transport Committee advise the WAPC that the proposed development is generally supported subject to further analysis of the potential impacts on the amenity of the locality and other specific design modifications.

PROPOSAL

Detail

Approval is sought for a six storey, plus basement, building comprising Hotel and Office uses at 65 South Terrace, Fremantle on the corner of Norfolk Street. The proposed specifically includes:

- 100 hotel bedrooms over levels 1 to 5
- 82sqm conference rooms and Gym (for hotel guest use) at ground level
- 27sqm commercial unit at ground level fronting South Terrace
- 210sqm (approximate) of office space on level 6 with an accessible external terrace area
- 82 sqm bar / café on ground level facing the northern corner
- 43 parking bays at basement and ground level
- 14 bicycle bays at basement level

Vehicle access is provided via a single width crossover on Suffolk Street (to basement parking) and a secondary single width crossover on South Terrace (ground level parking). Pedestrian entrance to the Hotel and Office lobby is via South Terrace, however direct access to the bar/café and conference rooms is provided at the northern corner and via Suffolk Street respectively.

The applicant describes the proposed building design approach as restrained, including its material palette that represents the proposed hotel brand whilst delivering a building which references the local heritage.

The proposed materials include face brick and mosaic tile walls, curved corner windows, filigreed metal screens and aluminium sunshades.

Development plans are included as attachment 1.

Site/application information

Date received:	17 March 2021
Submitted by:	WAPC
Scheme:	Mixed Use R35
Heritage listing:	Limestone Features
Existing land use:	Vacant lot
Use class:	Hotel, Office, Shop
Use permissibility:	A, P, A



OFFICER COMMENT

Background

The subject site is located on the southern corner of South Terrace and Suffolk Street, Fremantle, along a key entry route into the Fremantle CBD. The site has a land area of approximately 1169 m² and has been a vacant lot since the early 1990s.

The site is zoned Mixed Use and has a density coding of R35. The lot is located within sub area 4.3.1 of the South Fremantle Local Planning Area. The site is not located in a Heritage Area, however it is individually heritage listed for limestone features.

The immediately surrounding area varies in its zoning, built form and its land use. Immediately adjoining the site to the south and west is the Arundel Court residential development, which comprises of an eight storey residential building and car parking area. This site is also zoned Mixed Use with a density coding of R35.

Suffolk Street to the west is typically characterised by single and two storey residential dwellings, with many being identified for their cultural heritage significance for their contribution to the streetscape including a row of State Registered Terraces (No. 19 – 23) on the western side of the adjoining Arundel Court car park. This area is zoned Residential, with the properties fronting Marine Terrace zoned Mixed Use. Both areas have a density coding of R35.

Opposite the site to the north-east and south-east is an existing at grade public car park, Fremantle Oval and Fremantle Hospital. Fremantle Hospital is characterised by eight storey buildings. Both Fremantle Oval and Fremantle Hospital are reserved under the Metropolitan Region Scheme for Civic and Cultural Purposes and Public (Hospital) purposes respectively.

The site is located approximately 100 metres from the South Terrace and Norfolk Street intersection, where the City Centre zone starts. The site is also located within 250m of a high frequency bus route and within 800m of the Fremantle Train Station.

The site has a long history of previous planning proposals, generally seeking approval for a building envelope of three to four storeys in height. A variety of uses have been considered for the site over the last 20 years, including a backpackers hostel, a private hospital, a medical centre, consulting rooms and some private residential (apartment) use.

The most relevant previous applications include a four storey, plus basement mixed use development comprising a hospital, medical centre, and multiple dwellings. This application was refused by Council in 2008 as it was inconsistent with the building height provisions of LPS4. The decision was appealed to the SAT who, in 2009, upheld the decision providing the following reasons (summarised):

- There is a legal ability to approve a height variation under clause 4.8.1 (formerly 5.8.1) of LPS4, subject to the development meeting the four considerations of the clause, however, the SAT was not satisfied that the proposed development met the considerations.

- The variation to the wall height proposed would be detrimental to the character, and thus the amenity of the locality, because the height would be incongruous and unsympathetic to the South Terrace streetscape. Predominantly, the reasoning was that the development presented with a nil setback to three of the four boundaries and thereby made it read as being a part of the South Terrace streetscape, particularly the western side of the street, which is composed predominantly of single or single and a half storey buildings of heritage significance. The hard-edged nature of the entirety of the proposed development, combined with the design and the bulk was considered out of character with the streetscape. The implication was that had the development been set back from the street, similar to Arundel Court and, to a lesser extent, the Fremantle Hospital, the development might have been considered to read as separate enough from the existing streetscape so as not to detract from the amenity of the street.
- The SAT was not satisfied that the four storey development effectively graduated the scale between buildings of various heights within the locality. SAT accepted that scale is not simply height, but is a product of bulk, built form, architectural design and setbacks. As the development occupied the whole of the site, unlike Arundel Court next door, it would not effectively graduate the scale between buildings of various heights.
- The SAT was not satisfied that the development would conserve the cultural heritage value of the adjoining corner store building as it would not have provided an appropriate visual setting for the corner shop.
- The SAT was not satisfied that the development would preserve traditional building forms and streetscapes or relate to the scale, height, form and mass of existing buildings.
- The SAT opined that a three storey development, with the third storey set well back from the street, would be a more appropriate outcome, consistent with the locality.

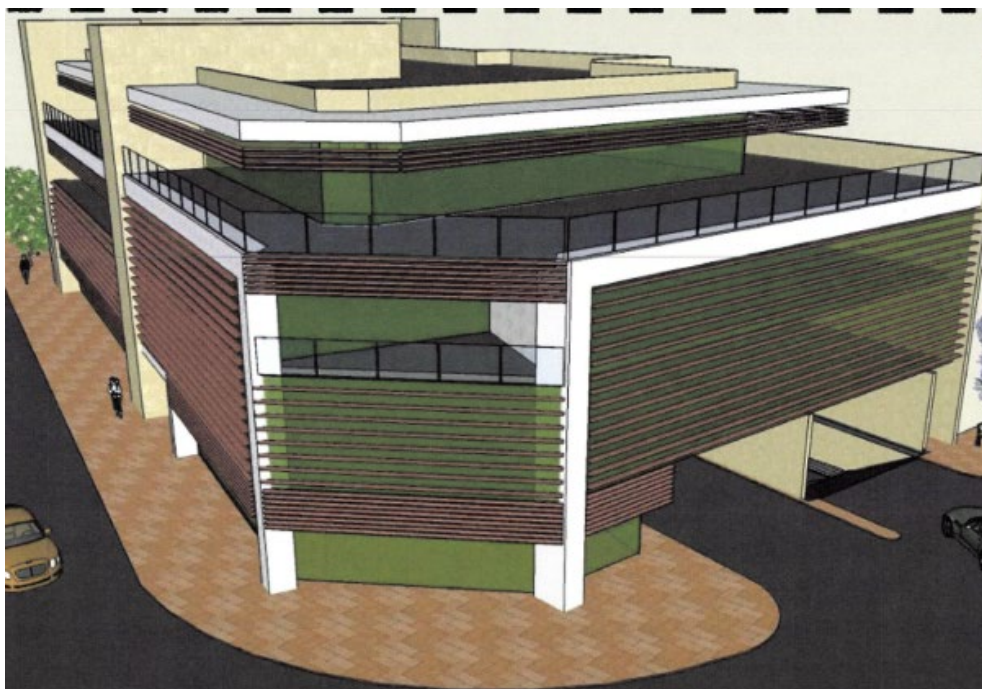


Figure 1: Proposed development as viewed from the corner of Suffolk Street and South Terrace.

Subsequent to the SAT decision, in June 2010 Council approved a three storey Medical Centre, Hospital and Multiple Dwelling development (see corner presentation in Figure 2 below).



Figure 2: Approved development as viewed from the corner of Suffolk Street and South Terrace.

Approvals for an extension to the term of development were applied for and issued in 2012, 2014 and 2016. In 2017 a further extension of time was refused.

Community Consultation

The WAPC is responsible for community consultation for all significant development applications submitted under the *Planning and Development Amendment Act 2020*. The application was advertised between 26 March and 30 April 2021. Submissions on the proposal were directed to the WAPC.

To assist in the WAPC's consultation process, the City provided a link to the Department of Planning, Lands and Heritage on its MySay Freo website. It is noted that the City was copied into a couple of submissions from nearby residents, however the WAPC will be required to give consideration to the comments raised in all submissions received.

Planning Assessment

In accordance with LPP 1.11: Planning and Development Act 2005, Part 17 Development Application Submissions, Officers have assessed the proposal against the relevant provisions of LPS4 and relevant Council local planning policies.

The site is zoned Mixed Use and has a density coding of R35. The site is located within sub area 4.3.1 of the South Fremantle Local Planning Area. The table below includes details of the assessment against the key LPS4 requirements of Land Use, Building Height, Car Parking and Bicycle Parking. The proposal is deemed to be compliant with the City's planning requirements with the exception of Building Height and Car Parking.

Element	Requirement	Proposed	Extent of Variation
Land Use			
Land Use Table		Hotel 'A' Office 'P' Shop 'A'	Discretionary Land Uses
Building Height LPA4 – Fremantle South – Sub Area 4.3.1	7m	20.6m	13.6 m
Car Parking			
Hotel	1 bay/bedroom = 100	31 bays for Hotel guests + 12 bays for employees = 43 bays	103
Hotel Bar (82 sqm)	1 bay/2.5 sqm = 33		
Office (210 sqm)	1 bay/30 sqm = 7		
Reception Centre (Conference Rooms) (82 sqm)	1 bay/5 people (assuming 1 person per 4 sqm) = 4		
Shop (27 sqm)	1 per 20 sqm (minimum 2) = 2		
	Total = 146		
Bicycle Parking			
Hotel	Nil	Class 2: 14 in the basement	Class 1: 3 Class 3: 3
Hotel Bar (82 sqm)	Class 1: 3 Class 3: 3		
Office (210 sqm)	Class 1 or 2: 1 Class 3: Nil		
Reception Centre (Conference Rooms) (82 sqm)	Class 3: Nil		
Shop (27 sqm)	Class 1: Nil Class 3: Nil		
	Total Class 1: 3 Class 2: 1 Class 3: 3		

In regard to the above assessment, Officers can provide the following comments.

Land Use

Hotel and Shop uses are both 'A' uses and an Office is a 'P' use in the Mixed Use Zone. Ordinarily, an 'A' use is not permitted unless Council has advertised the proposed use for public comment and exercised its discretion to grant planning approval. An assessment of the suitability of the proposed uses would consider their consistency with the aims and objectives of LPS4, the compatibility of the proposed development with its setting and context and the likely environmental and social impacts it may have on the locality.

The location of the site is considered appropriate for the proposed uses including a Hotel, as it is within close proximity to the City Centre and across from the Fremantle Oval. The site is situated on the corner of South Terrace and Suffolk Street, which allows easy access to the nearby commercial and entertainment precincts without unduly impacting nearby residential properties. The site is separated from the single residential lots to the west by the road reserve, and separated from the south by the Arundel Court carpark. The land use in and of itself is considered an appropriate use of the site.

Building Height

Where the proposed building height exceeds the maximum permitted height of LPS4, Council can exercise discretion and grant approval for additional height in accordance with Clause 4.8.1.1 of LPS4 which reads as follows:

- 4.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following—*
- (a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
 - (b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
 - (c) conservation of the cultural heritage values of buildings on-site and adjoining, and*
 - (d) any other relevant matter outlined in Council's local planning policies.*

In regard to this proposal, the subject site is located immediately adjacent to Arundel Court (No. 1-77/34 Arundel Street), which is located within the same sub area of LPS4 and contains an eight storey Multiple dwelling development with a maximum height of 23.38m AHD. The height of this existing adjoining development 'triggers' the ability for the proposed height of the subject site to be considered under the variation clause of the City's scheme. In regard to (a) to (d) above, Officers consider the primary considerations would be the impact on the units within Arundel Court, and whether the height effectively graduates the scale between buildings within the locality.

The six storey development is primarily a Hotel development. The sixth floor includes two office tenancies accessible via a separate Office lobby on the ground floor. The Office floor, being a minor component of the overall development, is considered to somewhat unnecessarily add to the height of the proposed development, being approximately in line with the lift overrun of the Arundel Court development. However it is noted that the sixth floor is set well back from the street, will not be visible from the street from the immediate locality, and does not contribute to the extent of overshadowing. As such, although the floor will be visible from more distant views the floor itself is integrated into the design of the building and is considered as part of the following assessment.

In regard to the potential amenity impacts of the development on the amenity of occupants of Arundel Court, officers consider the most significant impact to be the degree to which the proposed development overshadows the courtyard and northern elevation of the apartment building during mid winter. The applicant has submitted a series of overshadowing diagrams to illustrate the amount of shadow cast by the development, however the proposal does not provide a qualitative assessment of the impact. As identified by the City's Design Advisory Committee the applicant should provide additional details to demonstrate that living areas of the adjoining residential building is protected from the impacts of the amount of shadow cast by the development at the scale proposed.

In regard to the degree to which the development graduates the heights of the existing buildings, it is noted that the SAT decision found that three storeys was a more appropriate height for the site given the design of the previous proposal and the existing scale of the immediate context. The design of the proposed development, subject to modifications recommended by the City's Design Advisory Committee, is considered to be of a quality that will make a positive contribution to the City's built environment containing elements that help mitigate the bulk and scale of the building. Although the design of the proposal is considered to be of substantially higher quality than previous proposals considered for the site, the scale of the immediately surrounding context is likely to make it difficult to support the proposal under a strict application of clause 4.8.1.1 of LPS4.

It is however noted that the context of the locality is currently undergoing changes with some significant developments expected to occur in the short to medium term. These include the new police station directly across from the subject site, and the newly released Fremantle Oval Masterplan. No plans have been released for public viewing for the police station, however, City Officers anticipate a four to five storey development on the site. That adjacent site has an existing natural ground level higher than the subject site, which will give more prominence to any future building and contribute to a further gradation in scale between the Fremantle Hospital and Arundel Court.

Ideally, any change in maximum allowable height for the area should be part of a holistic approach to the general South Terrace locality and form part of an amendment to the City's Local Planning Scheme No. 4 in regard to the maximum allowable heights around the City Centre. It is noted, however, that such a review and amendment would take some time to approve through the Western Australian Planning Commission and require a reallocation of City resources. Such a review is within the City's long-term strategic planning intentions but is some way off.

Notwithstanding a strict application of clause 4.8.1.1, the proposal is considered to have merit and is worthy of consideration under Part 17 of the *Planning and Development Act 2005*. Given the anticipated future changes within the locality, the quality of the building design, and the overall bulk and appearance of the building, the development is generally considered to fit within the existing and desired future context and character of the immediate and broader locality as demonstrated in the distant views provided in the applicant's submission.

Car parking

Where a development does not provide the minimum number of parking facilities Council may waive or vary the parking requirements where the proposal satisfies certain criteria in accordance with Clause 4.7.3 of LPS4. The subject site is appropriately located to access alternative parking and public transport options. The lot is situated within walking distance of the City Centre and approximately 800 metres from Fremantle Train Station. Further, a car park and a number of on-street car parking bays are readily available one block away along Alma Street. The proposed development is considered to include an adequate provision of on site car parking.

In regard to bicycle parking, the City's requirements are considered to be well below the demand particularly considering the improvements to the cycle network in Fremantle. As such, it is recommended that the number of bike racks be increased to a minimum compliant amount as shown in the table above to encourage alternative modes of transportation and offset the reduced provision of on site car parking bays.

The plans indicate one on site loading bay and one male and one female End of Trip facilities. The provision of these facilities is considered acceptable for the proposed development.

It is noted that the proposed vehicle crossover on South Terrace will require the removal of an existing semi-mature *Ulmus parvifolia* (potted elm) street tree. The existing tree is considered to make a positive contribution to the South Terrace streetscape and its retention is strongly encouraged. The City recommends that the WAPC encourage the applicant to reduce the width of the crossover to the minimum required to service the site and consider shifting the crossover further north along South Terrace to the approximate location of the proposed replacement tree, where it can be sited between existing trees. Should the crossover be approved in its current location, the existing tree should be transplanted to the location of the proposed new tree. Preparation of the tree for a transplanting should commence 12 months ahead of its removal and include an appropriate aftercare maintenance program of watering and fertilising for 3 to 5 years. As a final resort, the tree should be replaced with a new potted elm, however it is noted that even at its largest size it would not be of a comparable size to the existing which is consistent with the other street trees adjacent to the site.

Heritage

The subject site is listed on the City's Heritage List and MHI for 'limestone features' which exist on along the Suffolk Street and western boundaries of the site. The applicant has submitted a Heritage Assessment which concludes similar findings to the Heritage

Assessment obtained by the City in 2010, when it considered a previous proposal for the site. The limestone walls were constructed, using uncharacteristically large blocks, in the 1960's with the construction of the former service station on site. These particular limestone walls are not characteristic of the historic 19th century limestone walls, identified throughout Fremantle by the City in the 1980's and are considered to be of little to no significance and, consistent with previous decisions of Council, their removal is supported.

Other Matters

It is noted that the proposal includes the following elements, which are supported or recommended for appropriate conditions of approval should the WAPC approval the development.

- The project has committed to implement 4 star Green Star design requirements in line with the City's policy *LPP 2.13: Sustainable Buildings Design Requirements*.
- The development includes a landscaping plan which should implemented prior to occupation of the development and maintained for the life of the development.
- Although waste will be collected by a private company, a final Waste Management Plan and Delivery Management Plan should be submitted.
- The entrances should be modified to ensure appropriate pedestrian and vehicle sightlines.
- The Traffic Impact Statement indicates left in left out turns from both vehicle access points. Any impact on the median island, drainage and/or pedestrian crossing will need to be optioned and presented for further review to the City.

Design Quality

Prior to the receipt of the Significant Development Application by the Department of Planning, Lands and Heritage (DPLH), the proponent (Yolk Property Group), held preliminary discussions with the City of Fremantle including a preliminary presentation of the proposed design to the City's Design Advisory Committee. Preliminary plans were considered by the Committee at its meetings held on 14 September 2020 and 14 December 2020. Minutes of these meetings have been provided to the DPLH. Given the history of the pre-lodgement presentations to the City's Design Advisory Committee, the DPLH and the City have agreed to present the formal application to the City's Design Advisory Committee for its final comment. Comment from the City's Design Advisory Committee will form part of the DPLH (SDAU) assessment of the application for determination by the Commission in accordance with Part 17 of the *Planning and Development Act 2005*.

The proposal was presented to the City's Design Advisory Committee on 12 April 2021. A copy of the Minutes has been provided to the DPLH and are attached. The City's DAC has identified a number of design strengths of the proposal and provided comments and recommendations in accordance with SPP7.0 Design of the Built Environment, as detailed below.

Strengths

- The proposed height, bulk and mass of the development is considered to be an appropriate response to the corner site having regard to the context of the hospital buildings and Arundel Court.

- The improvements to the western façade including the additional detailing and setback is positive.
- Additional facade treatment to the southern elevation has assisted in improving its presentation to the public realm. In particular the corner returns of windows at the south elevation improves the termination of the blank southern aspect.
- The inclusion of Juliette balconies (safety, amenity) is supported and provides high quality amenity and facade articulation and interest.
- The details of the depth and recessed articulation evident in the facade modelling is commended and is key to the Panels support of the materiality of the development.
- The proposed pallet of materials including curved glass, face brick, perforated metal and ceramic tiles is supported.
- The intent to include feature limestone wall cladding at the basement car park entry is encouraged.
- Confirmation that all hotel room windows as well as windows to the corridors are operable.
- The proposed investment in placing most cars in an underground car park creates the opportunity for a vibrant and active ground plane and is commended.
- Active, engaged and protected ground plane incorporating conference, cafe, commercial/retail and hotel entry uses, which largely screen on grade car parking and service dock.
- The intent to deliver a 4 star green star energy rated building is encouraged.

Recommendation

The SDAU (DPLH) is advised that the City of Fremantle Design Advisory Committee supports the design of the proposed six storey mixed use development subject to the following:

1. The proponent satisfactorily demonstrating that the overshadowing impact of the development will not adversely impact on primary living spaces within the adjoining Arundel Court building and therefore not detrimentally impact on the amenity of the occupants of this existing residential development.
2. Further consideration being given to the façade treatment of the ground level, particularly adjacent to the vehicle access areas, to optimize activation, fenestration and streetscape engagement.
3. Further consideration being given to the treatment of the southern elevation, including the provision of a greater recess to the corridor windows and a recessed break in the parapet above the windows, to further mitigate the bulk and scale of this elevation.
4. Further consideration being given to improving the functionality and amenity of the ground floor level, including legibility for users, opportunities for further interaction with the street from within the ground level and the necessary functional requirements of the commercial spaces.

Officers agree that the design quality of the proposed development responds appropriately to each of the Principles of Good Design and will make a positive contribution to the built form in Fremantle. Officers recommend that the WAPC encourage the applicant to submit amended plans in response to the above points 1 to 4. The applicant's response to point 1 above will require further review to ensure that the amenity of the occupants of the adjoining Arundel Court development are not adversely affected by the proposed height of the development.

Officers understand that the applicant is currently reviewing the comments and recommendations of the City's DAC and intends to submit amended plans to the DPLH that respond to points 1 to 4 above.

Economic Benefit

The significant development pathway under Part 17 of the Act requires that applicant to demonstrate that the project is 'shovel ready' to begin construction within 12 months of approval, and that it provides an economic benefit to the locality.

The applicant's submission includes an Economic Benefit Report which concludes that the proposed development is estimated to generate the following benefits:

- A \$27.5 million contribution to the development investment in Fremantle;
- 81 direct and indirect construction jobs, adding approximately \$10.5 million to the WA economy with much of this locally;
- 46 ongoing direct and indirect jobs in hospitality, hotel operations and commercial industries;
- An additional 25,550 overnight visitors to the City yearly with an estimated expenditure of \$3.5 million per year.

Although the WAPC will be responsible for determining if the proposal satisfies their expectations in regard to economic benefit, it is acknowledged that the development will make a positive contribution to Fremantle's visitor and tourism economy.

Conclusion

The proposed development has been considered in accordance with LPP 1.11: Planning and Development Act 2005, Part 17 Development Application Submissions. Officers acknowledge that the proposal development is capable of being considered under LPS4, however the proposed building height may not strictly satisfy all the criteria of the scheme's building height variation clause. Notwithstanding this assessment the bulk and scale of the proposed development is considered to be compatible with the Arundel Court development, the Fremantle Hospital buildings and expected future developments in the immediate locality including the future Fremantle Police Station and potential development around Fremantle Oval.

The proposed development is considered to be of a high design quality that will make a positive contribution to the built environment of Fremantle and deliver positive short and long term benefits to the Fremantle economy.

Subject to a satisfactory response to the issues raised above, Officers recommend that the WAPC be advised that the Council generally supports the proposed mixed use development.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

The proposed development is considered to make a positive contribution to the diverse economy of Fremantle. The development will increase the number of hotel rooms

available in Fremantle and tourism economy, increase the number of visitors to and workers in Fremantle within close proximity of the CBD and its amenities.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

That the City of Fremantle advise the Western Australian Planning Commission that it supports the proposed six storey mixed use development at 65 (Lot 12) South Terrace, Fremantle subject to the following:

- A. Following the submission of additional information relating to the proposed overshadowing of the adjoining development (Arundel Court), the WAPC being satisfied the development will not adversely impact on the primary living spaces within this residential building and thereby having minimal impact on the amenity of the occupants of this existing development.**
- B. The WAPC requiring the submission of amended plans to address the following recommendations by the City of Fremantle's Design Advisory Committee:**
 - Further consideration being given to the façade treatment of the ground level, particularly adjacent to the vehicle access areas, to optimize activation, fenestration and streetscape engagement.**
 - Further consideration being given to the treatment of the southern elevation, including the provision of a greater recess to the corridor windows and a recessed break in the parapet above the windows, to further mitigate the bulk and scale of this elevation.**
 - Further consideration being given to improving the functionality and amenity of the ground floor level, including legibility for users, opportunities for further interaction with the street from within the ground level and the necessary functional requirements of the commercial spaces.**
- C. The WAPC requiring the submission of amended plans to relocate the South Terrace vehicle crossover further to the north (to the location of the proposed new street tree) to avoid the requirement to remove an existing street tree. If the street tree is to be removed, it must be transplanted to a location along South Terrace in accordance with the City's instructions.**
- D. The WAPC requiring the submission of amended plans to provide a minimum of 14 Class 1 or 2 bays (as proposed) and 3 Class 3 bicycle racks in accordance with the minimum requirements of LPS4.**
- E. Any approval be subject to standard conditions requiring the submission or satisfaction of the following:**

- **Retention of stormwater on site;**
- **Containment of development wholly within the boundaries of the site;**
- **Submission of final details of the proposed materials and finishes of the building;**
- **Submission of a final Waste Management Plan;**
- **Submission of a final Landscaping plan with requirements for its implementation and ongoing maintenance;**
- **Implementation of a 4 star green star building design;**
- **Provision of suitable sightlines at the vehicle entries;**
- **The submission of a construction management plan;**
- **The protection of street trees during construction; and**
- **And ongoing compliance for the life of the development.**

10.2 Council decision

SPT2105-2 SCHEME REVIEW: AMENDMENT 84 – NORMALISATION OF COMPLETED STRUCTURE PLAN AREAS - INITIATION

Meeting date:	19 May 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Agenda attachments:	1. Amendment maps
Additional information:	1. LPS4 Scheme Review Report 2020 Recommendations 2. WAPC Decision on LPS4 Scheme Review Report 2020

SUMMARY

The purpose of this report is to consider an amendment to Local Planning Scheme No. 4 (LPS4) to 'normalise' completed structure plans in development areas where development has been mostly or fully realised. These development areas are:

- Development Area 7 - Southern portion, around Mather Road south of Lefroy Road quarry
- Development Area 8 - Bellamy Street, Edwards College site
- Development Area 12 - former Kim Beazley School site [WGV]

The amendment proposes to replace the Development zone in each of these areas with the respective reserves, zones and density codings of the approved structure plan, and remove obsolete clauses from Schedule 6 of the scheme.

The amendment is considered a basic amendment under Part 5 of the *Planning & Development (LPS) Regulations 2015*.

The report recommends that Council:

1. Initiate basic Scheme Amendment 84 and process it in accordance with the provisions of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Make a minor amendment to Local Planning Policy 3.15 (applicable to the Kim Beazley school / WGV site) to reference the Local Development Plan approved over Lot 11 to update controls and reduce potential confusion over the development potential of this site in light of its recent subdivision.

BACKGROUND

In 2019, the City undertook a review of Local Planning Scheme No.4 and in February 2020, Council adopted the recommendations of the review report (SPT2002-4). These recommendations included pursuing some administrative amendments to the scheme and staging a series of issue and area-based reviews to update specific aspects of the scheme (refer Additional Information attachment 1 for recommendations in full).

The Western Australian Planning Commission (WAPC) supported the report's conclusions subject to a modification to require the preparation of a new Local Planning Strategy prior to any further substantive amendments to the planning scheme (refer attached letter of advice – Additional Information 2): this was on the basis that the WAPC does not appear

to have formally adopted the existing Local Planning Strategy in its approval of Local Planning Scheme No. 4 in 2007.

Work on updating the Local Planning Strategy is progressing, with a draft expected to be submitted to Council later this year. Parallel with this work, the 'short term' administrative updates to the scheme outlined in recommendation 2a of the Review Report are being progressed to maintain the scheme's currency and meet state requirements. One of these proposes rationalisation of Development zones. The purpose of this report is to consider 'normalisation' of structure plans for those Development zone areas where development has been essentially completed, and the Development zoning and structure plan are consequently no longer necessary. This involves rezoning of completed lots from 'Development' zone to the zone or reserve specified in the approved Local Structure Plan to which the site has been developed. Deletion of obsolete clauses of Schedule 6 of the scheme outlining the requirements for completed Development Areas is also proposed.

The maintenance of town planning instruments contributes to the advancement of multiple strategic objectives, aligned and transparent decision making, and good governance.

OFFICER COMMENT

Three development areas have been identified where development has been mostly or fully realised in accordance with the approved structure plans:

- Development Area 7 – Southern portion of development area, around Mather Road south of Lefroy Road Quarry
- Development Area 8 - Bellamy Street, Edwards College site
- Development Area 12 – former Kim Beazley School site [White Gum Valley]

1. Development Area 7 - Southern portion of development area, around Mather Road south of Lefroy Road Quarry

In 2008, the WAPC approved a structure plan for the southern portion of Development Area 7. This structure plan is known as the Mather Road Structure Plan and applies to the area on the corner of Mather and Clontarf Roads. The main new internal road created by the structure plan and subsequent subdivision has been named Butterworth Place.

The structure plan, provided in Figure 1, is a map with no accompanying material. The map outlines the following information: lot layout; public open space location; residential zone locations and density coding; and tree planting locations. The structure plan does not provide any other planning provisions, meaning that development proposed in the structure plan area is assessed in accordance with the scheme and Residential Design Codes ('R-Codes').



Figure 1 - Mather Road Structure Plan, which is a portion of Development Area 7 – Lefroy Road Quarry.

The structure plan includes 40 lots. Subdivision and development in this portion of the development area has occurred in accordance with the approved structure plan. Two lots remain undeveloped [21 and 23 Mather Road], one of which [23] received development approval on 17 March 2021.

The proposed scheme amendment would rezone this portion of the development area, in accordance with the approved structure plan, from development zone to:

- Open Space reserve, and
- Residential zone with density codes including R20, R40 and R50.

The amendment and proposed rezoning would not affect development opportunities and requirements currently applicable under the structure plan.

Specific lot details, which are the subject of the proposed amendment, are provided in Table 1.

Rezone from development area to:	Apply density coding	Address - Beaconsfield
Residential	R20	Mather Road: Lots 25 (No. 23) and 26 (No. 25)
Residential	R40	Keady Way: Lot 14 (No.8), Lot 15 (No.6), Lot 16 (No.4), Lot 17 (No.2), Lot 18 (No.1), Lot 19 (No.3), Lot 20 (No.5), Lot 21 (No.7). Mather Road: Lot 24 (No.21) Butterworth Place: Lot 1 (No.20), Lot 2 (No.22), Lot 3 (No.24), Lot 4 (No.23), Lot 5 (No.21), Lot 6 (No.19), Lot 7 (No.17), Lot 8 (No.14), Lot 9 (No.12), Lot 10 (No.10), Lot 11 (No.8), Lot 12 (No.6), Lot 13 (No.4), Lot 22 (No.3), Lot 23 (No.5).
Residential	R50	Vickridge Close: Strata Lots 1-5 (Nos. 8, 6, 4, 2, 1), 6-14 (Nos. 19, 17, 15, 13, 11, 9, 7, 5, 3), Lot 15, Lot 16 (No. 15F).
Public open space reserve	N/A	Lot 30 (Sardelic Park, No.30 Butterworth Place, Beaconsfield)

Table 1 – Lot details, zones and density codes in the Mather Road Structure Plan.

2. Development Area 8 - Bellamy Street, Edwards College site

In 2008, the Council approved the Taylor's College Structure Plan over Development Area 8 (referred to in the scheme as 'Bellamy Street - Edwards College'). The development area is in eastern O'Connor and was the location of Taylor's College, which relocated from the site in January 2006. Edwards College Reserve, located within the development area, explains the name given to the development area.

The structure plan provides the following information: context analysis; site analysis; statutory and strategic planning considerations; community consultation outcomes; public open space location; and, residential zone locations and density coding. The structure plan does not provide any other planning provisions meaning that development under the structure plan is assessed in accordance with the Residential Design Codes. The structure plan map is provided in Figure 2.

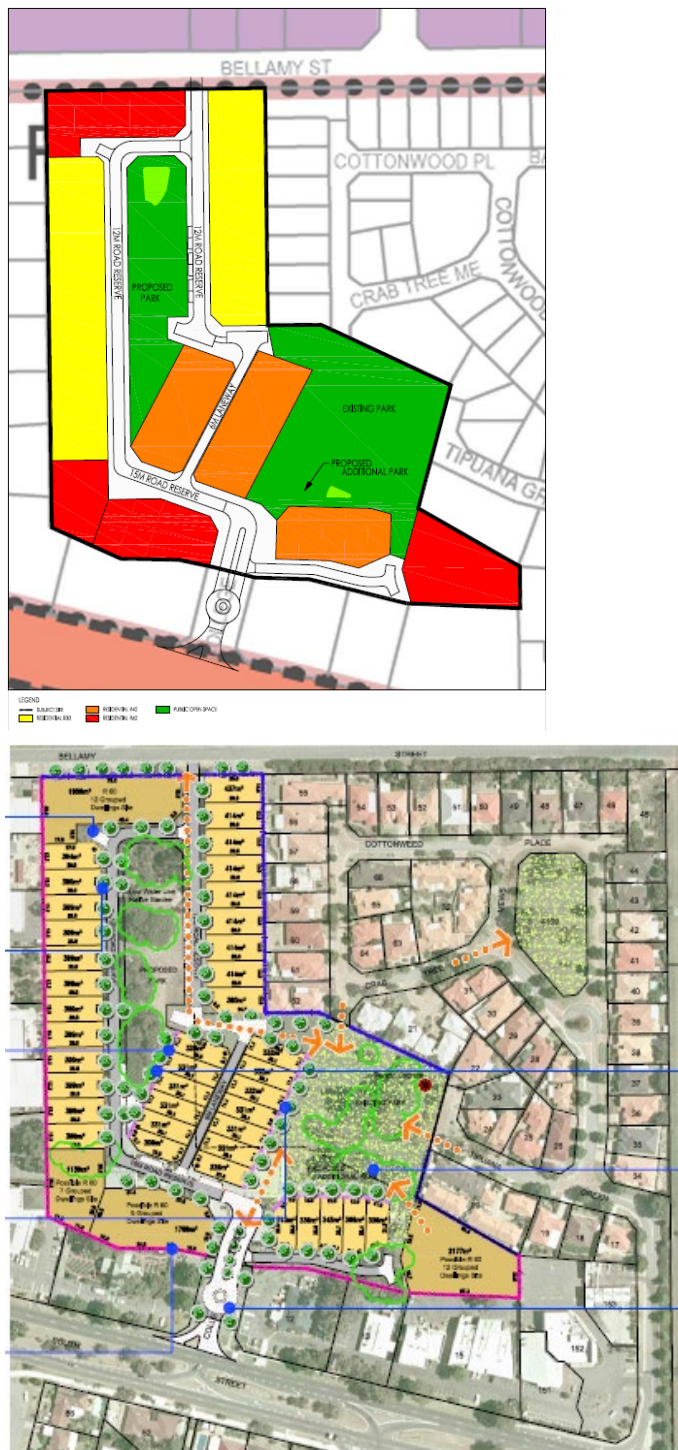


Figure 2 - Taylor's College Structure Plan (left) and landscape plan showing individual lots (right), Development Area 8.

The structure plan includes 43 lots. Subdivision and development of land in Development Area 8 has occurred in accordance with the approved structure plan. One lot remains undeveloped [14 Terrene Lane]: development approval for this lot appears to have lapsed.

Properties on the western side of the development area, neighbouring the industrial zoned land, have notifications on their certificate of title which advise current and prospective owners that these lots may be subject to noise, odour and other amenity impacts resulting

from the neighbouring industrial/commercial estate. In the future, it may be appropriate to consider the extension of the existing industrial interface area along Bellamy Street and Lander Street, to help ensure the retention of the industrial estate and compatibility with adjacent residential uses. This can be considered in the review of industrial area buffers, identified as a project in the Scheme Review Report.

Restricted covenants apply to residential lots along Terrene Lane and Delrosso Place to ensure that development provides a suitable interface with, and adequate surveillance of, adjacent public open space. Specifically, the covenants require low fencing and orientation of structures toward the parkland. These would remain in place irrespective of the zoning.

The proposed scheme amendment would rezone the development area, in accordance with the approved structure plan, from development zone to:

- Open Space reserve, and
- Residential zone with density codes including R30, R40 and R60.

The amendment and proposed rezoning would not affect development opportunities and requirements currently applicable under the structure plan. Council may like to note, however, that should the Medium Density Code be approved as drafted, a number of lots in this area may be eligible for the density bonuses offered under the draft Code. However given the relatively recent development of these lots in accordance with the structure plan, further redevelopment in the near future would seem unlikely.

Specific lot details, which are the subject of the proposed amendment, are provided in Table 2.

Rezone from development area to:	Apply density coding	Address – O'Connor
Residential	R30	College Corner: Lot 103 (No.15), Lot 104 (No.17), Lot 105 (No.19), Lot 106 (No.21), Lot 107 (No.23), Lot 108 (No.25), Lot 109 (No.27), Lot 110 (No.29), Lot 111 (No.31), Lot 112 (No.33), Lot 113 (No.35), Lot 114 (No.37). Wexford Way: Lot 116 (No.1), Lot 117 (No.3), Lot 118 (No.5), Lot 119 (No.7), Lot 120 (No.9), Lot 121 (No.11), Lot 122 (No.13), Lot 123 (No.15), Lot 124 (No.17).
Residential	R40	Terrene Lane: Lot 125 (No.14), Lot 126 (No.12), Lot 127 (No.10), Lot 128 (No.8), Lot 129 (No.6), Lot 130 (No.4), Lot 131 (No.2), Lot 132 (No.1), Lot 133 (No.3), Lot 134 (No.5), Lot 135 (No.7), Lot 136 (No.9), Lot 137 (No.11). Delrosso Place: Lot 138 (No.1), Lot 139 (No.3), Lot 140 (No.5), Lot 141 (No.7), Lot 142 (No.9).
Residential	R60	College Corner: Strata Lots 1-20 (No.7), Strata Lots 1-9 (No.39).

		Delrosso Place: Strata Lots 1-18 (No.13).
Public open space reserve	N/A	Lot 8001 (Edwards College Reserve, No.6 College Corner, O'Conner) Lot 8002 (Lookout Park, No.12 College Corner, O'Connor)

Table 2 – Lot details, zones and density codes in the Taylor's College Structure Plan.

3. Development Area 12 - Kim Beazley School [White Gum Valley) – 'WGV'

In 2014, the WAPC approved a structure plan for Development Area 12, known as the White Gum Valley (formerly Kim Beazley school site) Structure Plan or "WGV". The development area is in White Gum Valley and was the former site of the Kim Beazley School, which closed in 2008.

The structure plan provides the following information: land description; regional, district and local site contexts; strategic and statutory planning framework; site analysis; design vision; public open space location; and, residential zone locations and density coding. The structure plan does not provide any other planning provisions.

The structure plan, residential density plan and lot layout are provided in Figures 3 to 5.

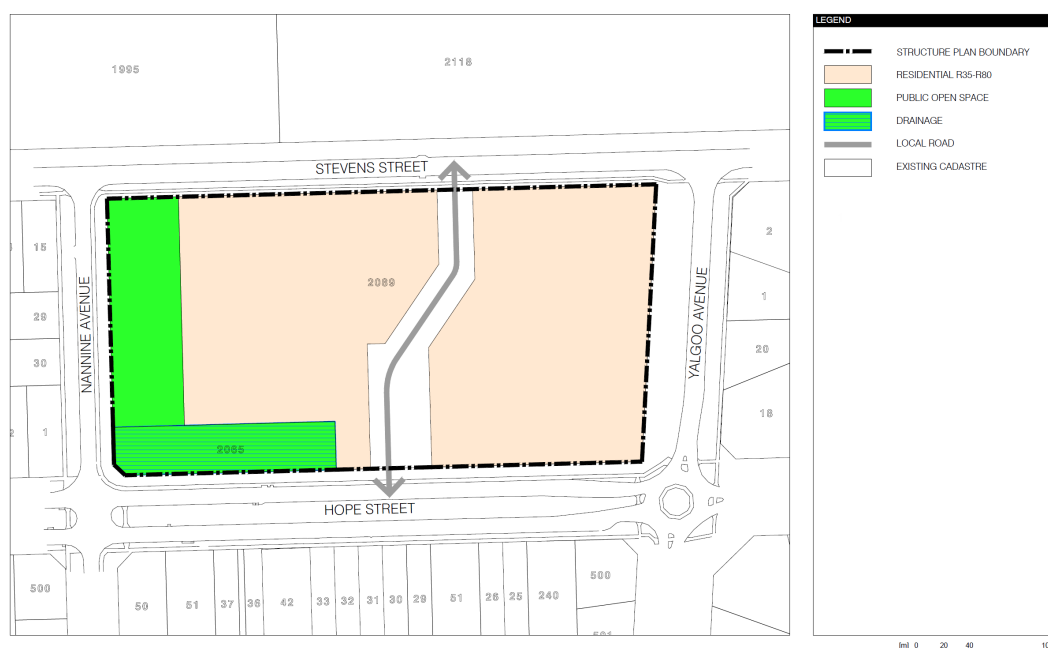


Figure 1: LOCAL STRUCTURE PLAN
KIM BEAZLEY PRIMARY SCHOOL SITE
LOT 2089 STEVENS STREET, WHITE GUM VALLEY

PROJECT NO: P2017
CLIENT: LANDCORP
DATE: 25/12/13
DRAWN BY: JTP/01
REV: 2
SCALE: 1:10000A3
DRAWN: DILL
CHECKED: JT

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Base data supplied by: MCH/Urban/Urban Group
Datum: Geocentric Datum of Australia 1984 (GDA84)
Projection: MGA 94 Zone 50
Positional accuracy: +/- 0.1m

LEVEL: 1, 60 ST GEORGES TCE
PERTH WA 6000 AUSTRALIA
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Figure 3 – Local structure plan, from White Gum Valley former Kim Beazley school site, local structure plan (2013), showing the intended zones, public open space reserve and drainage reserve.

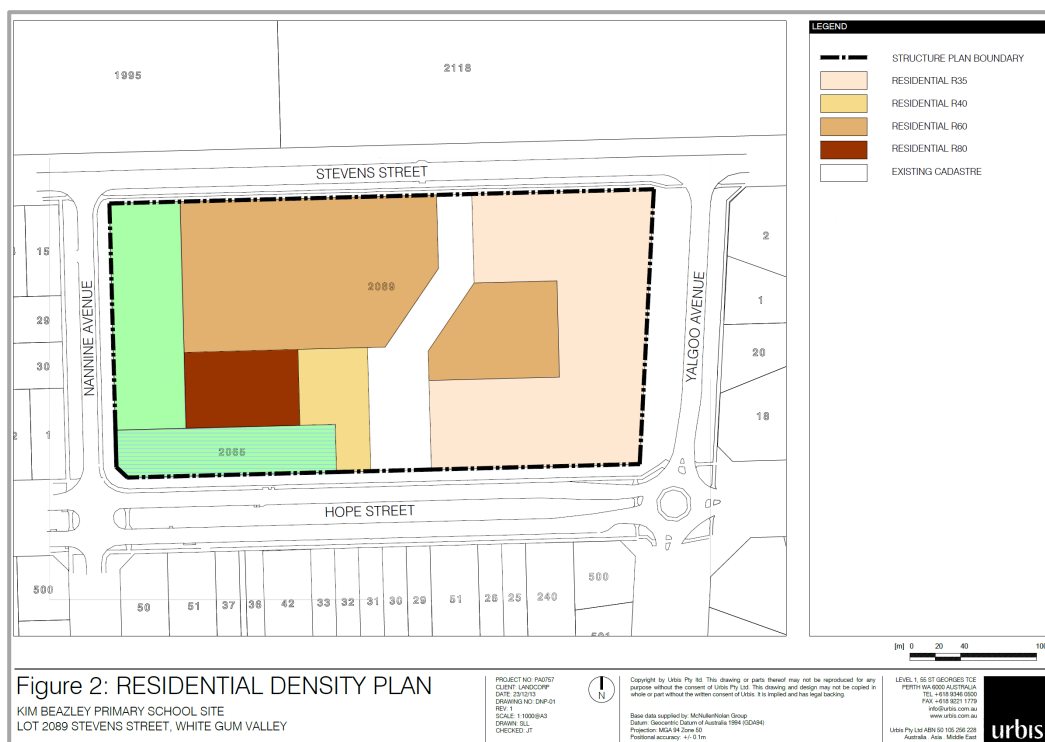


Figure 4 – Residential density plan, from White Gum Valley former Kim Beazley school site, local structure plan (2013), showing the residential density coding.



Figure 5 – Map from Local Planning Policy 3.15 - White Gum Valley - Former Kim Beazley School Site (2014), showing the lot layout.

The structure plan includes 28 lots. Subdivision and development of land in Development Area 12 has mostly occurred in accordance with the approved structure plan, except for Lot 11 (explained below). Most of these lots have been developed, resulting in 67 completed dwellings.

In 2018, the WAPC approved a six lot, survey-strata subdivision of Lot 11 (No.3) Mouquet Vista, including a common property access lane. The average lot size of the subdivision is 266m², equivalent to residential density coding R35. On referral from the WAPC, the City recommended refusal of the subdivision because of inconsistencies with the approved structure plan's R60 density coding however the WAPC approved the subdivision subject to approval of a Local Development Plan to guide development of the site. This was approved in 2019.

Development assessment across the development area is guided by: *Local Planning Policy 3.15 – Former Kim Beazley School Site – White Gum Valley*; *Local Development Plan Lot 11 Mouquet Vista, White Gum Valley*; the scheme and the Residential Design Codes. It is not proposed to rescind the local planning policy or local development plan and therefore, rezoning of the development area would not affect these controls. A minor amendment to the local policy to reference the approved local development plan for Lot 11 is, however, recommended to reduce confusion over its development potential and to clarify the standards applicable to this site.

One multiple dwelling lot in the structure plan area is yet to be developed: Lot 2 (No.1) Beazley Way. Four townhouse lots located within the six lot, survey-strata subdivision controlled by *Local Development Plan Lot 11 Mouquet Vista, White Gum Valley*, are also yet to be developed. Development approvals for two of these lots were issued in February 2021 [13 Karak Lane and 9 Mouquet Vista].

The proposed scheme amendment would rezone the development area in accordance with the approved structure plan, from Development zone to:

- Open Space reserve,
- Drainage / Waterway reserve, and
- Residential zone with density codes including R35, R40, R60 and R80.

The amendment and proposed rezoning would not affect development opportunities and requirements currently applicable under the structure plan or the local development plan. In the local development plan area (formerly Lot 11), each block is less than 300m², meaning that further subdivision under an R60 density coding (the original coding of the structure plan) would not be possible unless as multiple dwellings (with the approved Local Development Plan providing further guidance / restrictions on form) - or with a potential density bonus if provided for in the gazetted version of the Medium Density Code. Built form would continue to be subject to the policy and LDP controls in either event.

Specific lot details, which are the subject of this proposed amendment, are provided in Table 3.

Rezone from development area to:	Apply density coding	Address – O'Connor
Residential	R35	Karak Lane: Lot 8 (No.15), Lot 9 (No.13), Lot 10 (No.11). Hope Street: Lot 12 (86A), Lot 13 (86B), Lot 14 (No.86C), Lot 15 (No.88A), Lot 16 (No.88B).

		Yalgoo Avenue: Lot 17 (No.3B), Lot 18 (No.3A), Lot 19 (No.1C), Lot 20 (1B), Lot 21 (1A). Stevens Street: Lot 22 (No.133), Lot 23 (No.131), Lot 24 (No.129), Lot 25 (No.127), Lot 26 (No.125), Lot 27 (No.123), Lot 28 (No.121).
Residential	R40	Beazley Way: Strata Lot 2 (No.12). Mouquet Vista: Strata Lot 1 (No.10), Lot 5 (No.12), Lot 6 (14), Strata Lot 1 (No.16A), Strata Lot 2 (No.16B), Strata Lot 3 (No.16C).
Residential	R60	Beazley Way: Lot 2 (No.1) and Strata Lots 1-24 (No.2). Karak Lane: Strata Lot 2 (No.13), Strata Lot 3 (No.11), Strata Lot 4 (No.9). Mouquet Vista: Strata Lot 1 (No.5), Strata Lot 5 (No.9), Strata Lot 6 (No.7), Strata Lot 7 (No.3).
Residential	R80	Cower Mews: Strata Lots 1-14 (No.3).
Public open space reserve	N/A	Lot 29 (Un-named park, 2-4 Nannine Avenue, White Gum Valley)
Drainage / Waterway reserve	N/A	Lot 2065 Hope Street Swale

Table 3 – Lot details, zones and density codes in the White Gum Valley (formerly Kim Beazley school site) Structure Plan, with variation to accommodate the six lot, survey-strata subdivision of Lot 11 (No.3) Mouquet Vista.

This scheme amendment is considered a basic amendment under Part 5 of the *Planning & Development (LPS) Regulations 2015*, for reasons outlined under regulation 34(g):

“an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan” (p.25).

FINANCIAL IMPLICATIONS

There are no financial commitments required to implement the proposed scheme amendment; the amendment can be completed in-house.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Consultation on basic scheme amendments is not required by the *Planning and Development (Local Planning Schemes) Regulations 2015* and is not considered

necessary given the proposed amendments are administrative and align with previously advertised and approved documents.

Consultation on amendments to local planning policies is required by *Planning and Development (Local Planning Schemes) Regulations 2015* except where the amendment is considered minor, as is considered to be the case for the proposed amendment to LPP 3.15.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Council:

- 1. Pursuant to Section 75 of the *Planning and Development Act 2005* resolves to prepare Amendment No. 84 to the City of Fremantle Local Planning Scheme No. 4 to:-**
 - i) Rezone and reserve lots in the Mather Road Structure Plan area within Development Area 7 - Lefroy Road Quarry, Beaconsfield from Development Zone to Residential zone (density coding R20, R40 and R50) and Open Space reserve to reflect the approved Structure Plan, as depicted on the Scheme Amendment Map (Attachment 1).**
 - ii) Amend the boundary of Development Area 7 to exclude the lots to be rezoned or reserved in the Scheme Amendment Map (Attachment 1).**
 - iii) Rezone and reserve lots within Development Area 8 - Bellamy Street, Edwards College site from Development Zone to Residential zone (density coding R30, R40 and R60) and Open Space reserve to reflect the approved Taylor's College Structure Plan, as depicted on the Scheme Amendment Map (Attachment 1).**
 - iv) Delete Development Area 8 - Bellamy Street, Edwards College site from the Scheme map and Schedule 6 – Development Areas of the Scheme.**
 - v) Rezone and reserve lots within Development Area 12 - Kim Beazley School [White Gum Valley] from Development Zone to Residential zone (density coding R35, R40, R60 and R80), Open Space reserve and Drainage / Waterways reserve to reflect the approved Former Kim Beazley School Site, White Gum Valley Structure Plan, as depicted on the Scheme Amendment Map (Attachment 1).**
 - vi) Delete Development Area 12 - Kim Beazley School [White Gum Valley] from the Scheme map and Schedule 6 – Development Areas of the Scheme.**
- 2. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves that Amendment No. 84 is a basic amendment for the following reasons:-**
 - i) the amendment satisfies r. 34(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, basic amendment: “an**

amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;

3. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation, refer the Amendment to the Environmental Protection Authority for determination of whether an environmental review is required, and process the Amendment in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Amend Local Planning Policy 3.15 'Former Kim Beazley School Site – White Gum Valley' to delete reference to Lot 11 in the heading above Clause 9, and add a new clause 'Lot 11: 15. Refer to approved Lot 11 Mouquet Vista, White Gum Valley Local Development Plan'
5. Upon the gazettal of Amendment 84 to Local Planning Scheme No. 4, revoke the local structure plans applicable to the rezoned lots, namely:
 - a. Mather Road Structure Plan
 - b. Taylor's College Structure Plan
 - c. White Gum Valley former Kim Beazley school site

SPT2105-3 AMENDMENT 85 TO LPS 4 – CORRECTION OF LOCAL & NEIGHBOURHOOD CENTRE NOMENCLATURE

Meeting date: 19 May 2021
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Attachments: 1. Nil
Additional information: 1. SPP 4.2 Extract – Hierarchy, Role & Characteristics of Centres

SUMMARY

The purpose of this report is to consider an amendment to Local Planning Scheme No. 4 (LPS4) to ‘correct’ (by reversing) the naming of Local and Neighbourhood Centres to correspond with the categorisation of centres used in State Planning Policy 4.2 ‘Activity Centres in Perth and Peel’. Currently, the scheme definitions for these two centre types are opposite to those of the Policy, creating confusion.

The amendment is purely administrative and would have no effect on objectives or land use permissibility within both types of centres. However, it would allow the City to reference centres, and their role and zoning, within strategic documents (including the updated Local Planning Strategy currently under preparation) and in discussions with applicants without the complexity and confusion associated with the current misalignment.

The amendment is considered a basic amendment under Part 5 of the *Planning & Development (LPS) Regulations 2015*.

The report recommends that Council initiate basic scheme amendment 85 to Local Planning Scheme No.4 and process it in accordance with the provisions of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

In 2019, the City undertook a review of Local Planning Scheme No.4 and in February 2020, Council adopted the recommendations of the review report (SPT2002-4). These recommendations included pursuing some administrative amendments to the scheme and staging a series of issue and area-based reviews to update specific aspects of the scheme.

The Western Australian Planning Commission (WAPC) supported the report’s conclusions subject to a modification to require the preparation of a new Local Planning Strategy prior to any further substantive amendments to the planning scheme: this was on the basis that the WAPC does not appear to have formally adopted the existing Local Planning Strategy in its approval of Local Planning Scheme No. 4 in 2007.

Work on updating the Local Planning Strategy is progressing, with a draft expected to be submitted to Council later this year. Parallel with this work, the ‘short term’ administrative

updates to the scheme outlined in recommendation 2a of the Review Report are being progressed to maintain the scheme's currency and meet state requirements. One of these proposes "*review of and alignment of land use definitions with Model Scheme Text and centre nomenclature*". The purpose of this report is to consider a scheme amendment to address this.

The maintenance of town planning instruments contributes to the advancement of multiple strategic objectives, aligned and transparent decision making, and good governance.

OFFICER COMMENT

Activity Centres are a key structural component of cities, and the economic and social exchanges they facilitate, and they are consequently a focal point of urban planning.

State Planning Policy 4.2 'Activity Centres in Perth and Peel' ('SPP 4.2) defines a hierarchy of centres, defining broad roles to each (refer Additional Information 1), from the Perth Capital City, Strategic Metropolitan Centres (including Fremantle City Centre), District Centres, Neighbourhood Centres, Local Centres and Specialised Centres (such as University, hospital and airport precincts). The Policy is under review to improve its efficacy, but the general role and classification of centres in the hierarchy is unchanged.

The City's Local Planning Scheme contains specific zones for City Centre, Local Centre and Neighbourhood Centre.

The stated role for a Neighbourhood Centre and a Local Centre in the City's Local Planning Scheme No.4 (and the supporting Local Planning Strategy) are essentially reversed when compared with the stated objectives of SPP 4.2.

Centre Type	SPP 4.2	Revised Draft SPP 4.2	LPS 4
General comments	<i>Neighbourhood centres are important local community focal points that help to provide for the main daily to weekly household shopping and community needs. They are also a focus for medium density housing. There are also many smaller local centres such as delicatessens and convenience stores that provide for the day-to-day needs of local communities.</i>		
Neighbourhood	<i>Neighbourhood centres provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services</i>	<i>Neighbourhood centres are important local focal points that provide for daily to weekly household shopping needs, community facilities and a small range of other convenience</i>	<i>provide for the daily and convenience retailing, shops, café, office, administration and residential uses (at upper levels or where proposed as part of a mixed use development) which</i>

		<i>services. They are also a focus for medium density housing. These centres play an important role in providing walkable access to services and facilities for local communities... Catchment: 2,000-15,000 people</i>	<i>serve the local community and are located within and compatible with residential areas</i>
Local	<i>LOCAL CENTRES (Any centre with a shop-retail floorspace under 1500m2 NLA)</i>	<i>Local centres provide for the day to day needs of local communities. These centres provide an important role in providing walkable access to services and facilities for local communities</i>	<i>provide for weekly and convenience retailing including small-scale shops, showrooms, cafes, restaurants, consulting rooms, entertainment, residential (at upper levels), recreation, open spaces, local offices, cottage industry, health, welfare and community facilities which serve the local community, consistent with the local—serving role of the centre.... encourage the provision of suitable and accessible services to residents of the locality</i>

This can create confusion in discussions with applicants, and in planning documentation, particularly as standardisation increases and proponents make more automatic assumptions about strategic intent based on name. It is also the type of local variation the planning reform program is seeking to remove (albeit small in scale) in the interests of establishing a more simple, clear and comprehensible planning framework. It is therefore likely to be of concern to the Western Australian Planning Commission when it considers the currency of the planning scheme.

Whilst update of the scheme to align with the state's Model Provisions is proposed to occur as a separate project in due course, inclusion of this 'correction' is proposed separately because of the potential for confusion over its impact. The proposal will have no impact at all on the land use permissibility for centres or individual lots within them and is purely administrative. However, because of the change in zone name, there is potential for landowners to presume that changes are being made to the zoning permissibility. A separate (albeit very simple) scheme amendment has consequently been proposed to remove this anomaly.

This scheme amendment is considered a basic amendment under Part 5 of the *Planning & Development (LPS) Regulations 2015*, for reasons outlined under regulation 34(e):

“(e) an amendment to the scheme so that it is consistent with a State planning policy;”

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The requirements and process for scheme amendments are defined by the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Consultation on basic scheme amendments is not required by the *Planning and Development (Local Planning Schemes) Regulations 2015* and is not considered necessary given the proposed amendments are administrative only.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Council:

- 6. Pursuant to Section 75 of the *Planning and Development Act 2005* resolves to prepare Amendment No. 84 to the City of Fremantle Local Planning Scheme No. 4 to:-**
 - vii) Amend Clause 3.2.1 to replace the stated objectives of the Neighbourhood Centre zone with those of the Local Centre zone, and to replace the stated objectives of the Local Centre zone with those of the Neighbourhood Centre zone.**
 - viii) Amend Table 1 Zoning to replace ‘Local Centre’ in the header row with ‘Neighbourhood Centre’ and replace ‘Neighbourhood Centre’ in the header row with ‘Local Centre’.**
 - ix) Amend Clause 1.6.1 (h) to replace the words ‘local centres’ with ‘neighbourhood centres’**
 - x) Amend Clause 5.6.1 (c) to replace the reference to the South Street Local Centre with reference to the South Street Neighbourhood Centre**
 - xi) Amend the text to replace all other references to ‘Local Centre’ with ‘Neighbourhood Centre’ and to replace all other references to ‘Neighbourhood Centre’ with ‘Local Centre’ including:**
 - a. Clause 2.1 in Schedule 7**
 - b. Clause 3.1 in Schedule 7**
 - c. Clause 4.1 in Schedule 7**
 - d. Clause 5.1 in Schedule 7**

- e. Clause 6.1 in Schedule 7
 - f. Clause 7.1 in Schedule 7
 - g. Clause 8.1 in Schedule 7
 - h. Clause 9.1 in Schedule 7
 - xii) Amend the legend of the scheme map to reverse the designation of 'local centre' and 'neighbourhood centre' zones by replacing the zone name 'local centre' with 'neighbourhood centre' and replacing the zone name 'neighbourhood centre' with 'local centre' within the legend.
7. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves that Amendment No. 84 is a basic amendment for the following reasons:-
- ii) the amendment satisfies r. 34(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, basic amendment: "an amendment to the scheme so that it is consistent with a State planning policy";
8. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation, refer the Amendment to the Environmental Protection Authority for determination of whether an environmental review is required, and process the Amendment in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

SPT2105-4 REVIEW OF WHITE GUM VALLEY LOCAL PLANNING POLICIES

Meeting date:	19 May 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. D.G.W1 – Samson and Watkins Streets, Nannine and Wiluna Avenues Local Area2. D.G.W2 – Watkins and Hope Streets, Nannine and Yalgoo Avenues Local Area3. D.G.W3 – South Street Local Centre Local Area4. D.G.W4 – Carrington, Hope and Watkins Streets and Minilya Avenue Local Area5. D.G.W5 – Watkins and Samson Streets, Minilya and Wongan Avenues Local Area
Additional information:	Nil.

SUMMARY

As part of the ongoing review of the City's local planning policy manual, officers have reviewed local planning policies for the suburb of White Gum Valley. These policies are classified as 'design guidelines' and relate to:

- Samson and Watkins Streets, Nannine & Wiluna Avenue;
- Watkins and Hope Streets, Nannine and Yalgoo Avenues;
- South Street Local Centre;
- Carrington, Hope and Watkins Street and Minilya Avenue; and
- Watkins and Samson Streets, Minilya and Wongan Avenues.

These policies mostly relate to management of infill development along the rights of way within these precincts and are considered outdated, with many of the provisions superseded by other planning instruments, notably the Residential Design Codes (R-Codes).

This report recommends that Council revokes all five policies.

BACKGROUND

On 26 February 2020, Council considered a report on the status of the City's local planning scheme. This identified (amongst other things) that the City currently has close to 100 local planning policies which cover numerous matters relating to planning and development of land within the Fremantle municipality. A number are quite dated. The scheme review report concluded that the City's planning scheme is satisfactory in its existing form but should be maintained based on an agreed program of projects including "periodic / recurrent / ongoing policy review for the purpose of rationalising the policy framework" (SPT2002-4). In addition to maintaining a robust and up to date policy framework, this recommendation responds to the State Government's planning reform agenda which promotes a planning system that is more contemporary and easier to navigate, and more streamlined and consistent.

Maintenance of the local planning framework supports the Capability objectives of the Strategic Community Plan relating to governance. Revocation of superfluous policies reduces unnecessary administrative burden and strengthens the City's efficiency, effectiveness and credibility in review (i.e. appeal).

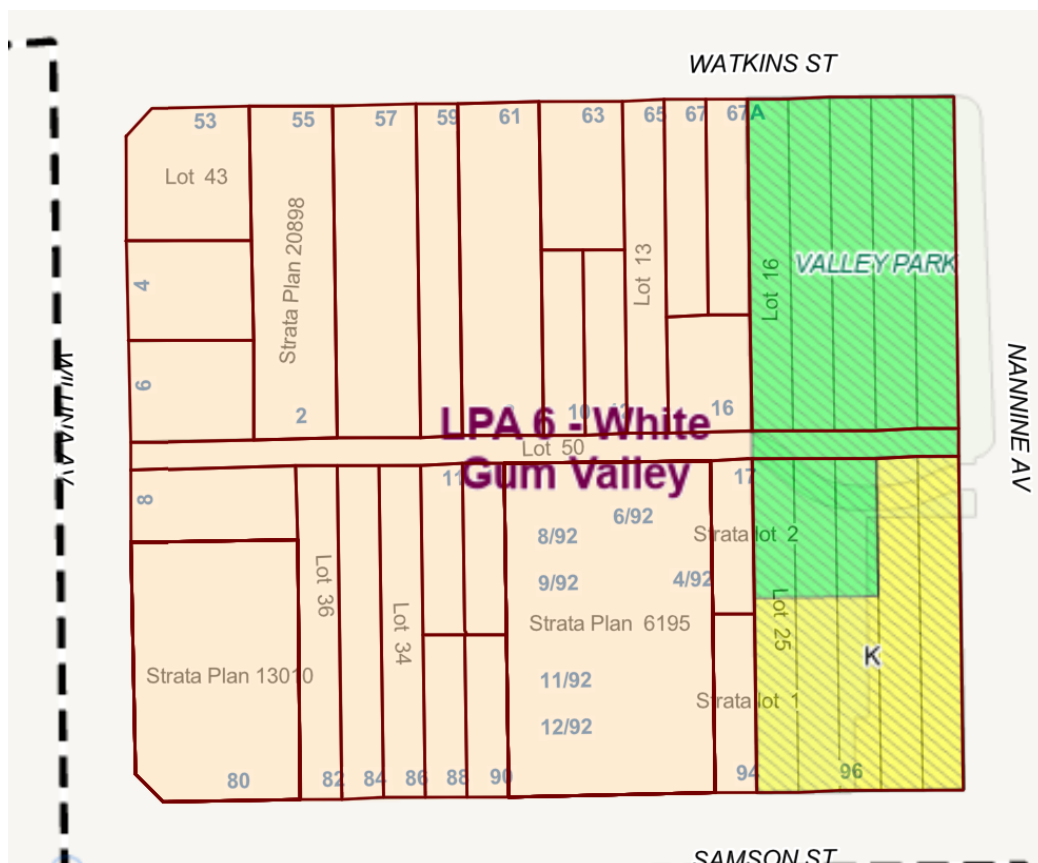
As part of a staged review of the City's local planning policy manual, officers have reviewed five local planning policies relating to White Gum Valley. These policies are designated as 'design guidelines' with each detailing development requirements for specific precincts within the suburb. Each policy was prepared in the 1980s or 90s, and none have been reviewed since this time.

OFFICER COMMENT

The following provides a brief summary of each reviewed policy, along with a recommendation. Each policy is provided in its entirety in Attachment 1.

D.G.W1 – Samson and Watkins Streets, Nannine and Wiluna Avenues Local Area

This policy was adopted in March 1990. It relates to a specific street block bounded by the above-mentioned roads. The policy promotes infill development within the street block and seeks to provide for a coordinated development outcome, by promoting upgrade and use of the right-of-way for access. The document contains six points promoting green title subdivision, dedication and widening of the right-of-way, orientation of dwellings towards the lane, contributions towards upgrade from adjoining development and potential 'cul de sac-ing' of the lane.



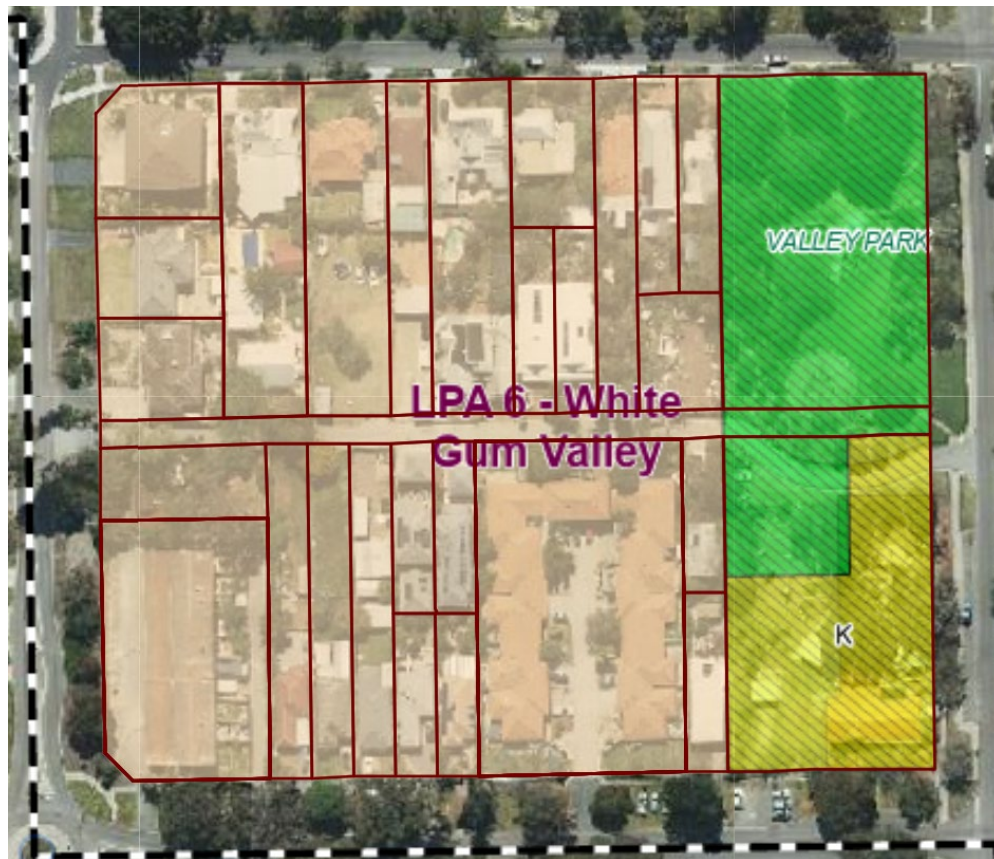


Figure 1 – Street block bounded by Samson and Watkins Streets, Nannine and Wiluna Avenues, White Gum Valley

The policy has limited application, the laneway (Mulberry Farm Lane) having been sealed, drained and residing under the care and control of the City as a City-owned (but undedicated) lane. Matters relating to dwelling orientation and access are addressed by the Residential Design Codes (R-Codes). Green title subdivision is no longer considered preferable to other tenure forms especially given the emergence of survey-strata subdivisions as a common land tenure form in the years after this policy's adoption. For these reasons, the policy is recommended to be revoked. Retrospective contributions to the upgrade of the laneway could no longer be levied in the absence of a clear scheme provision enabling this, however upgrade works necessary to render the laneway suitable to service new subdivision can be applied to subdivision irrespective of the existence of the policy.

Future management (and potential dedication) of the laneway can be considered independent of this policy, under the broader 'Policy and Procedures for the Dedication, Upgrade or Closure of Rights of Way' policy.

D.G.W2 – Watkins and Hope Streets, Nannine and Yalgoo Avenues Local Area

This policy was adopted in June 1991 and applies to a nearby street block. It is similar in function to D.G.W1, however contains provision for 0.5 metres of each site to be ceded to the City for the creation of a widened right-of-way to facilitate vehicle access to infill development. From cadastral information on the City's GIS, it would seem that this has only been achieved for one site within the street block.

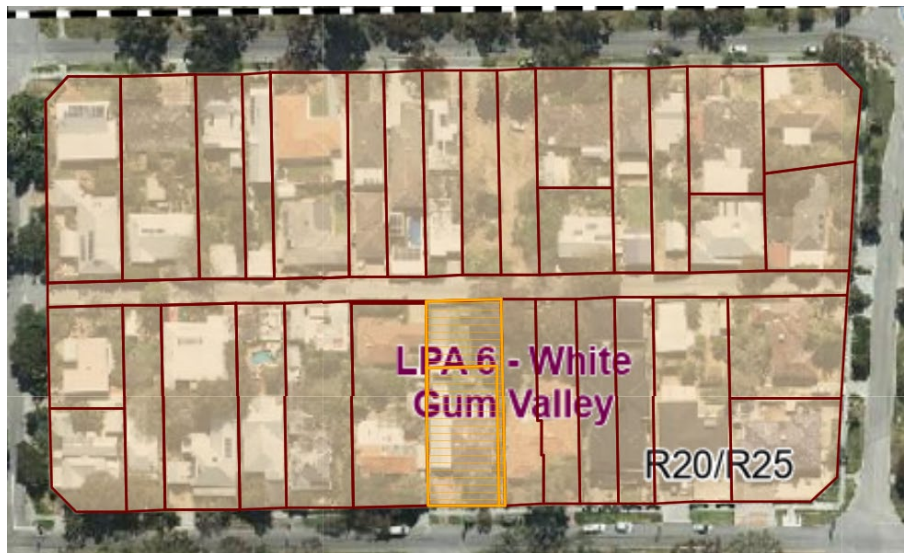
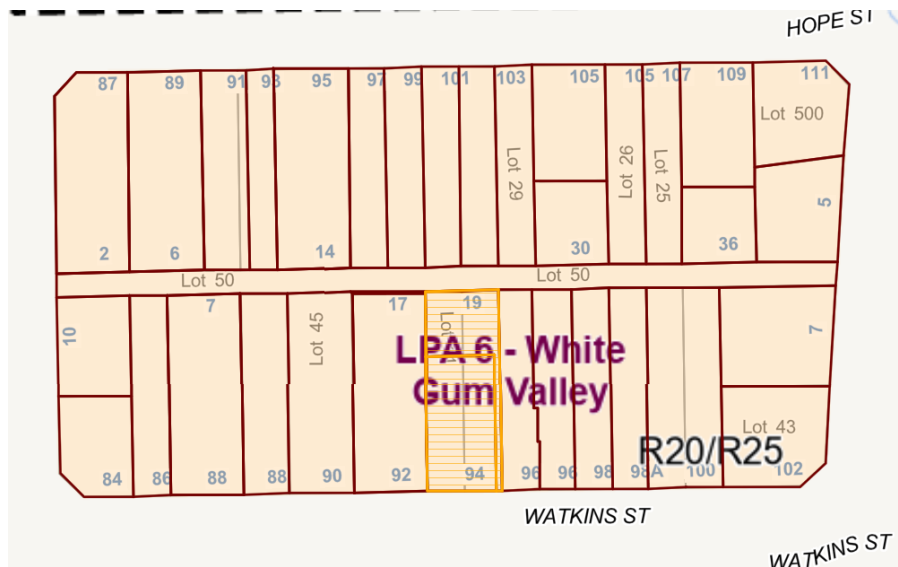


Figure 2 – Street block bounded by Watkins and Hope Streets, Nannine and Yalgoo Avenues, White Gum Valley

Notwithstanding, the rear right-of-way (Farrier Lane) has since been sealed and drained by the City and remains under its management as a private lane. It is also noted that the width of the laneway is 6 metres, which is the typical width to facilitate vehicle manoeuvrability, and as such further widening is not required. Other design considerations are appropriately dealt with through other City policies and the R-Codes, and the planning framework more generally. As such, the policy is recommended to be revoked.

D.G.W3 – South Street Local Centre Local Area

This policy was adopted in May 1995 and amended in June 1997. It effectively applies to the South Street Local Centre zone (partly located in Beaconsfield) which is now covered by the more contemporary Local Planning Policy 3.18: Beaconsfield and White Gum Valley Local Centre Areas adopted in December 2017. LPP 3.18 contains a

comprehensive set of standards, aligned with LPS4 provisions, that effectively supersedes D.G.W3. As such, the policy is recommended to be revoked.

D.G.W4 – Carrington, Hope and Watkins Streets and Minilya Avenue Local Area

Adopted in November 1998 and amended in June 2000, this policy serves a similar function to the first two policies and contains provisions for ceding of land to facilitate laneway widening.

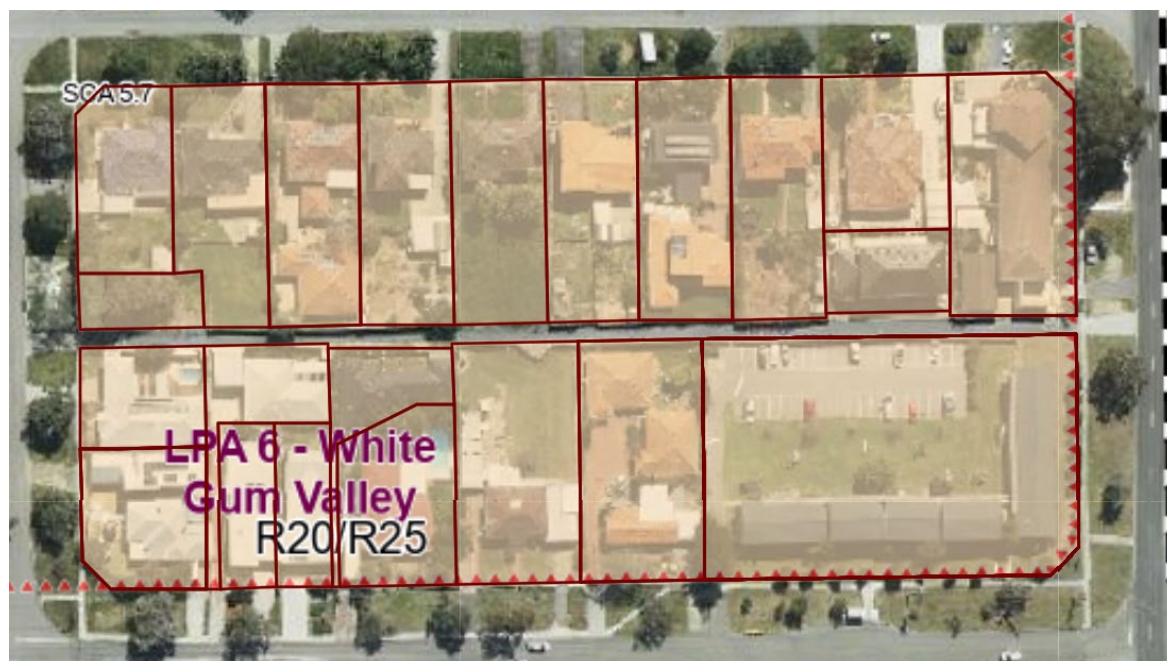
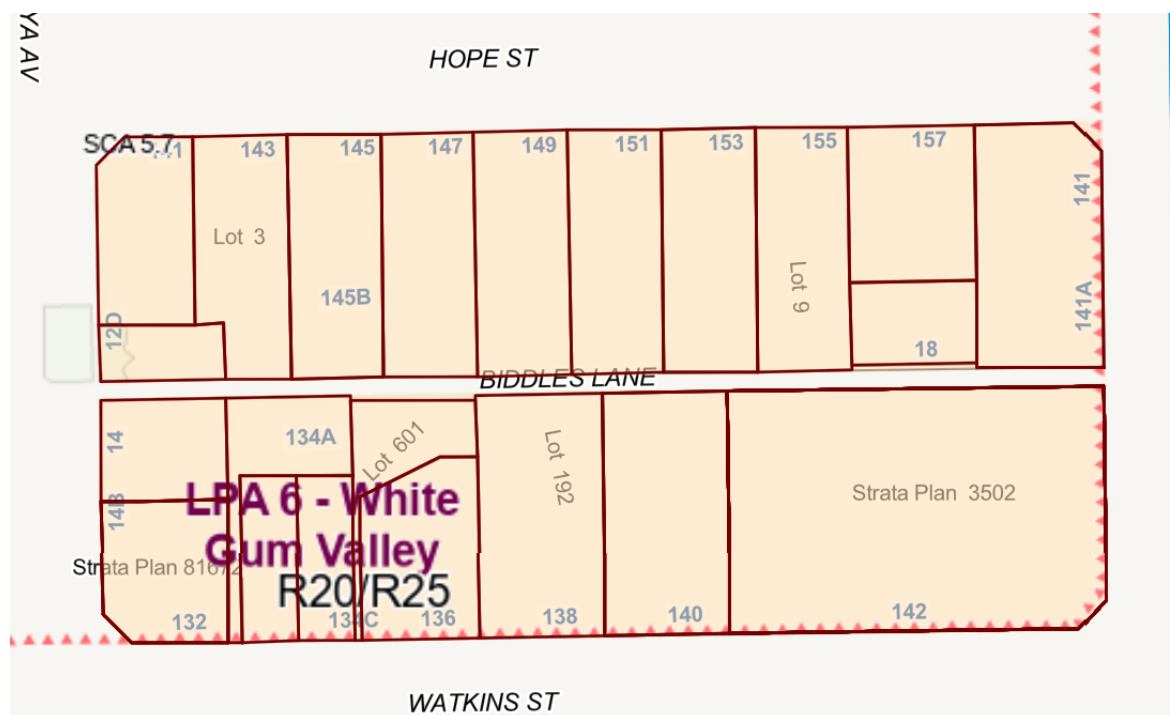


Figure 3 – Street block bounded by Carrington, Hope and Watkins Streets and Minilya Avenue, White Gum Valley

The subject laneway has since been paved, drained and dedicated (as Biddle Lane), however being 4 metres wide is only suitable for one-way traffic. Notwithstanding the policy provisions, subdivisions have been approved within this street block without any ceding of land, with only two rear-facing lots appearing to have achieved this, effectively removing the opportunity for any comprehensive widening of the laneway. Whilst unfortunate, it is recommended that this be accepted and pursuit of widening be abandoned as no longer feasible. As per the previous policies other provisions are superseded by other more contemporary documents. As such it is recommended that the policy be revoked.

D.G.W5 – Watkins and Samson Streets, Minilya and Wongan Avenues Local Area.

This policy was adopted by Council in October 1988 and amended in November 1998. It is similar in form and content to D.G.W1, though provides more detailed design direction on the placement of dwellings and open space, appearing to anticipate a recoding then presumably under consideration. As with Biddle Lane, the laneway has been dedicated (as Lois Lane) as well as sealed however widening attempts have been similarly unsuccessful. The policy is recommended be revoked for the reasons already discussed above in relation to D.G.W1.

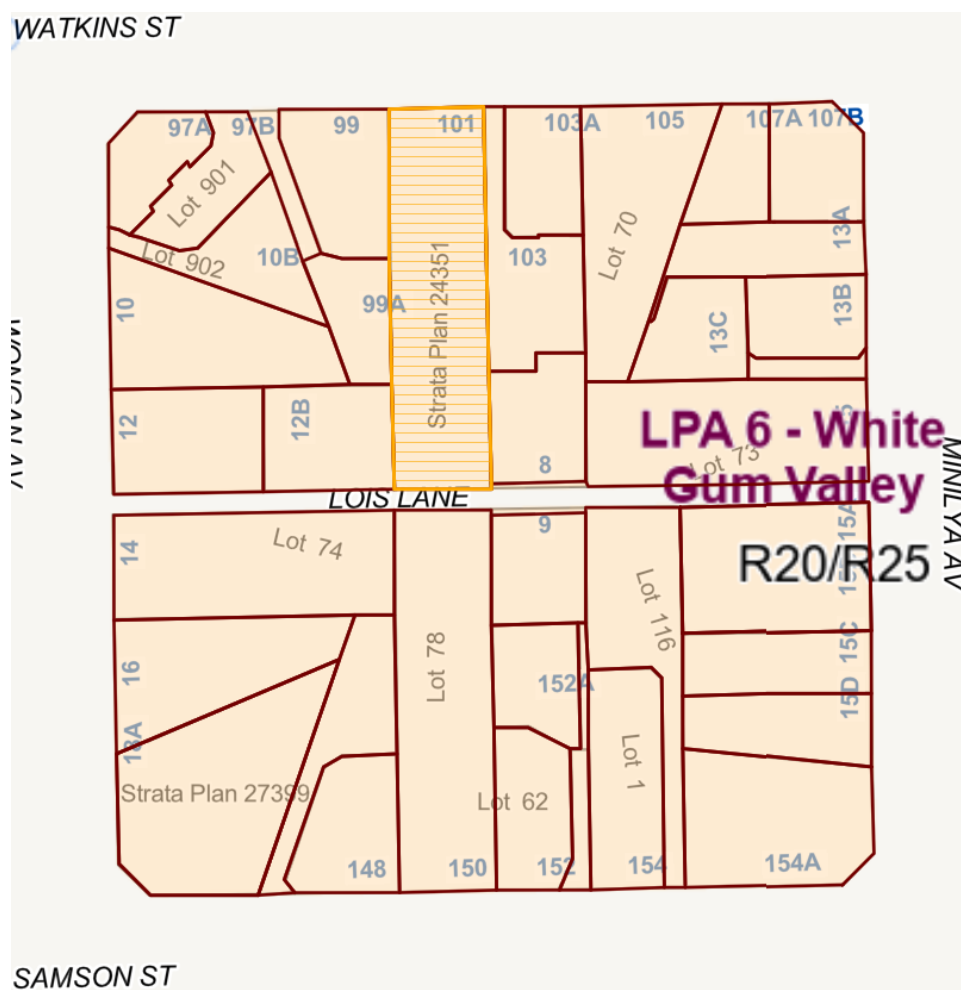




Figure 4 – Street block bounded by Watkins and Samson Streets, Minilya and Wongan Avenues, White Gum Valley

In the event that Council wished to continue to pursue widening of laneways (particularly those under 6m), it would be recommended that this be included as an additional provision in the City's existing policy relating to right-of-way dedication and upgrade – D.A.15. It should be noted that the WAPC will typically only apply such provisions where the laneway has been dedicated, and where the subdivision utilises the laneway for access. This in part explains the inconsistent application of widening in the above examples. Irrespective of the existence of a policy, where a laneway's width proves insufficient to support development / subdivision / vehicle manoeuvring, it would be the responsibility of the applicant to resolve this and ensure adequate provision.

Review of D.A.15 may provide the opportunity to standardise upgrade and contribution condition requests for laneways, taking into account contemporary WAPC requirements. Provisions for lighting easements in particular, may be advisable.

FINANCIAL IMPLICATIONS

Nil: Contributions towards upgrade of laneways referenced in policies existed without the statutory backing of the planning scheme established as necessary and have

consequently long-since ceased to be applied to subdivision. Establishment of a retrospective cost recoupment scheme is considered unfeasible.

LEGAL IMPLICATIONS

The procedure for revoking a local planning policy is provided for under Schedule 2, Part 2, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Consultation is not required for revoking a local planning policy: publication of a digital notice is required, with the option to publish a notice in a local newspaper if the local government considers it appropriate. Given the age and limited application and impact of the policies, digital notification is considered sufficient.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Council:-

- 1. In accordance with Schedule 2, Part 2, Clause 6 of the Planning & Development (Local Planning Schemes) Regulations 2015:**
 - a. Revoke the following local planning policies:**
 - **D.G.W1 – Samson and Watkins Streets, Nannine and Wiluna Avenues Local Area.**
 - **D.G.W2 – Watkins and Hope Streets, Nannine and Yalgoo Avenues Local Area.**
 - **D.G.W3 – South Street Local Centre Local Area.**
 - **D.G.W4 – Carrington, Hope and Watkins Streets and Minilya Avenue Local Area.**
 - **D.G.W5 – Watkins and Samson Streets, Minilya and Wongan Avenues Local Area.**
 - b. Publish a notice of the revocations on the City of Fremantle website.**

11. Motions of which previous notice has been given

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

Nil

12. Urgent business

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

Nil

13. Late items

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

Nil

14. Confidential business

Members of the public may be asked to leave the meeting while confidential business is addressed.

Nil

15. Closure