



Agenda

Strategic Planning and Transport Committee

Wednesday 17 March 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, 17 March 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 stylized, sweeping flourish extending to the right.

Paul Garbett
Director Strategic Planning and Projects

12 March 2021

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CITY OF FREMANTLE

Strategic Planning and Transport Committee

Agenda

1. Official opening, welcome and acknowledgement

We would like to acknowledge this land that we meet on today is the traditional lands of the Whadjuk people and that we respect their spiritual relationship with their country. We also acknowledge the Whadjuk people as the Traditional Owners of the greater Walyalup area and that their cultural and heritage beliefs are still important to the living Whadjuk people today.

2. Attendance, apologies and leaves of absence

Mayor, Dr Brad Pettitt – Leave of Absence
Cr Sam Wainwright – apology
Cr Su Groome – apology

3. Disclosures of interests

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 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.

NIL

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 dated 18 November 2020.

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

PC2103-4 ESSEX STREET NO. 19 (LOT 8) FREMANTLE - CHANGE OF USE FROM OFFICE TO EDUCATION ESTABLISHMENT, SIGNAGE AND INTERNAL FIT OUT (JCL DA0525/20)

Meeting Date: 17 March 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Site photos

SUMMARY

Approval is sought to change the use of a portion of the existing two storey building at No. 19 (Lot 8) Essex Street, Fremantle from Office to Educational Establishment including an associated fitout and signage

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

- Land use
- Car parking
- Bicycle racks

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use of a portion of the existing two storey building at No. 19 (Lot 8) Essex Street, Fremantle from Office to Educational Establishment including an associated fitout and signage.

The existing building features four tenancies on the ground floor and one larger tenancy on the upper floor that sits over the southern half of the building. The use and works are proposed within Tenancy 2 on the ground floor and the entire upper floor area.

The scope of the proposal includes:

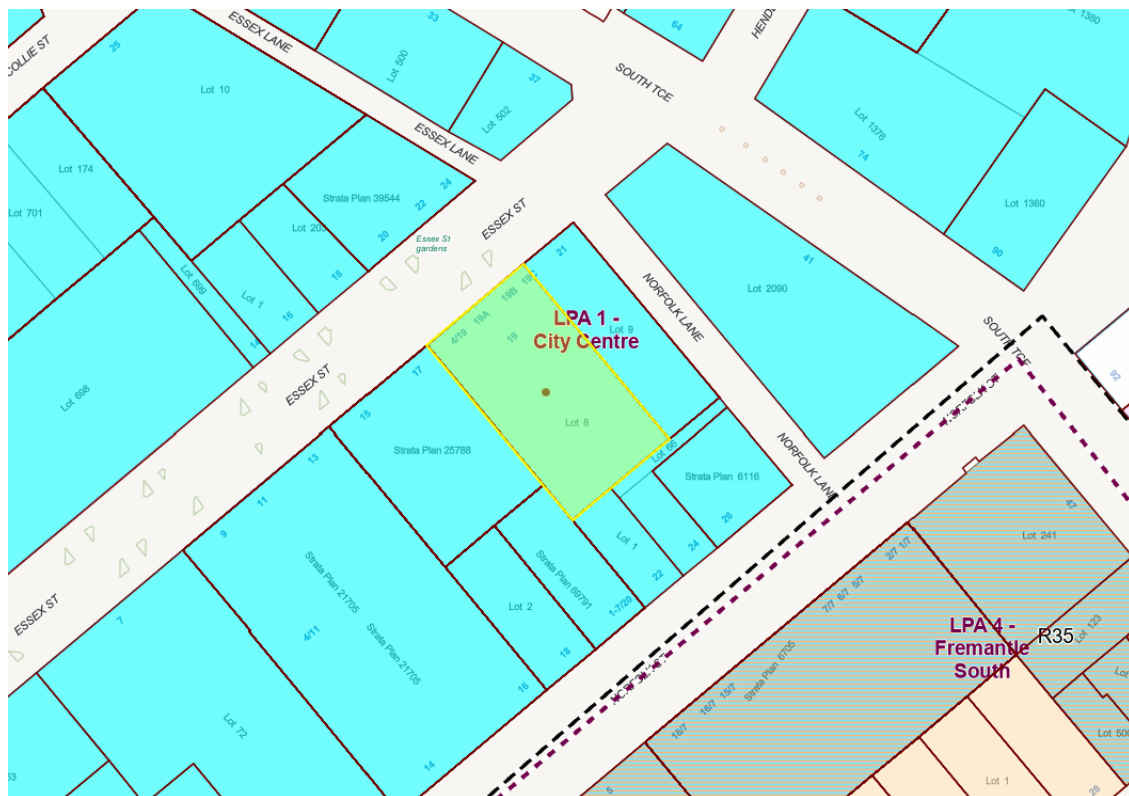
- Using the tenancy as an Educational establishment, proposing:
 - Provision of a literacy, numeracy and language course to allow for further study, training, or employment. The age range of students for this course is 15 to 67; and,
 - An 'Alternative Education Program for Educationally at Risk Youth' is also offered for clients between 15 to 18 years old.
- Two classes operate per day, comprising a maximum of 20 students. Additionally, two teachers, a youth worker, student counsellor, and assessor comprise the staff.

- Classes occur Monday to Friday between 9.00am and 2:30pm, with a maximum of 45 people attending the site on any given day;
- Signage is proposed on the ground floor in the form of window signs; and,
- Internal fit-out is proposed to create new classrooms and incidental elements, such as office rooms for the premises on the ground floor. No works are proposed to the upper floor.

Development plans are included as attachment 1.

Site/application information

Date received:	1 December 2020
Owner name:	Pacemate Pty Ltd
Submitted by:	Centacare Employment and Training
Scheme:	City Centre
Heritage listing:	Individually Listed (Level 2) and Cultural Fremantle Heritage Area
Existing land use:	Office
Use class:	Educational establishment
Use permissibility:	D



CONSULTATION

External referrals

Heritage Service (DPLH)

The application was referred to Heritage Services as the subject site is adjacent to State Registered Places (No. 17 Essex Street and 26-28 Norfolk Street). Heritage Services have advised that they have no objection to the proposal as it will not significantly impact the identified cultural heritage significance of *Port Flour Mill*.

Heritage Comments (internal)

The application was referred to the City Heritage Officer as the site is individually listed and located within the Central Fremantle Heritage Area. The site includes part of 19-21 Essex Street (corner Norfolk Lane), known as the Former Mills and Co building, which is identified as being significant in its own right within the context of Fremantle (Level 2) and its conservation is a priority. The proposed use and associated fitout and signage do not adversely impact on the significance of the building or the heritage area and can be supported.

Fremantle Ports (FP)

The application was referred to FP as the subject site is located within Fremantle Port Buffer Area 2. The FP have advised that they have no comments relating to the proposal.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as shortfalls to on-site car parking and bicycle racks are proposed. The advertising period concluded on 14 January 2021, and two (2) submissions were received. The following issues relevant to planning were raised (summarised):

- Parking concerns as visitors to nearby residential premises will need to compete for on-street parking in the locality, which will be made scarcer by the proposal;
- Anti-social behaviour;
- Suitability of site for the proposed use given there are other premises in the area which may be better suited;
- Stormwater issues between this and neighbouring properties has caused flooding issues during winter; and,
- No detail has been provided regarding noise levels during standard operating activities during any given day).

In response to the above, the applicant submitted the following response (relevant elements, summarised):

- Clients don't drive to class and are made aware of the lack of parking to be made available to them at initial enrolment. All sites are located to be easily accessible by public transport, which is a major mode used by the clients;
- Clients sign a code of conduct which is monitored and regulated by staff. Further, there hasn't been a history of anti-social behaviour by the organisation, and has strict standards of appropriate behaviour due to the ethos of the organisation;
- The subject property meets all desired criteria, specifically proximity to public transport. Other suitable locations may not be currently available;
- Stormwater impacts are not considered relevant to the proposal; and,
- Noise will fully comply with relevant regulations. Further, operations do not occur on the weekends and the organisation hasn't received any noise complaints.

In response to the above, the following comments are provided by officers:

- As discussed in the body of the report, it is considered that the shortfall in on-site parking is supportable given the extensive on and off-street public parking options available in Fremantle city centre;

- The site is zoned 'City Centre', in which an 'Educational establishment' is a discretionary use. On this basis, and the assessments made in the body of the report, it is considered that the site is appropriate for use as an Educational establishment;
- No external works are proposed which will likely result in any adverse stormwater issues to neighbouring properties; and,
- The proposal will need to comply with the relevant noise regulations on an ongoing basis.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this application the areas outlined below do not meet the Scheme or policy provisions and need to be assessed under the appropriate discretionary criteria

- Land Use
- Car parking
- Bicycle racks

The proposed window signage is considered exempt per Clause 5 of Local Planning Policy 2.14 – *Advertisement Policy* as the signage relates to the subject operations occurring on site, and the extent of the signage is less than 50% of the window area of the tenancy as viewed from Essex Street.

The proposed ground floor fit out is also considered to be exempt in accordance with Local Planning Policy 1.7 – Development Exempt from Development Approval given the works are internal, non-load bearing and generally cosmetic in nature (i.e. new floor coverings etc).

The above discretionary matters are discussed below.

Background

The subject site is located on the south-eastern side of Essex Street. The parent lot has a land area of approximately 1,614m² and currently comprises several tenancies. The site is zoned City Centre. The site is individually heritage listed and is located within the Central Fremantle Heritage Area.

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

- DA0078/17 – Approval was granted on 20 February 2017 for an internal fit out to existing Office tenancy (subject tenancies).

Land Use

An 'Educational establishment' use is a 'D' use in the City Centre zone, meaning that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering this use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

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

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

- It is considered that the land use meets the aims the 'City Centre' zone by way of the following:
 - The use provides a community service due to it providing cost-free educational services to underserved sections of the community;
 - The use is considered to have no significant impact on any identified heritage elements of the place or neighbouring properties, as discussed in the body of the report.
- The identified character of the broader area is that of a transitional area between the City core and the lower scale surrounding residential and mixed-use areas. The specific locality contains a variety of land uses, including residential, commercial, and entertainment uses, in addition to health and government premises. On this basis, it is considered that the use is consistent with the existing, and contemplated future character of the locality and the 'City Centre' zone more broadly;
- It is considered that the proposal will have a net-positive social impact on the locality, as it will provide educational opportunities to underserved members of the community. It is considered unlikely that any greater risk of anti-social behaviour would occur by virtue of the proposal than would otherwise be present in the locality without it.

Car parking

Element	Requirement	Proposed	Extent of Variation
On-site car parking 1 bay per teaching room or* 1 bay per 6 students	6.6 (7)	2	5
Delivery bay	1	Nil	1

In accordance with clause 4.7.3.1 Council may waive or reduce car parking requirements. The proposal is considered to meet the discretionary criteria of LPS4 in the following ways:

- Ample street parking is available in the locality, in addition to City and privately operated off-street public car parks; and,

- Given its proximity to Fremantle Train Station, and several Transperth and CAT bus stops, it is considered that the site is highly accessible by public transport, which is considered the main mode by which clients will attend the site.
- The parent lot contains existing loading/unloading facilities. These existing facilities are considered adequate for delivery demands of the proposed use.

Bicycle parking

Element	Requirement	Proposed	Extent of Variation
Class 2: 1 per 1500 m ² gla;	1	Nil	1
Class 3: 2 plus 1 per 1500 m ² gla	3	Nil	3

The shortfall of bicycle racks is not considered to meet the discretionary criteria of LPS4 for the following reasons:

- The proposal is not considered to be a minor change of use given the nature of the new use as discussed, in addition to the extent of internal works being undertaken. Therefore, the Class 2 rack should be provided; and,
- The provision of Class 3 bicycle racks is not considered to adversely impact the design of the development. Additionally, no bicycle racks are currently available in the immediate vicinity of the site in the public realm.

Based on the above, it is considered appropriate to condition the required bicycle racks be provided on-site prior to occupation of the development.

Regarding end-of-trip facilities, it is considered that they may be waived, given a universal access toilet with shower is proposed as part of the fit-out, and existing amenities exist on the first floor.

CONCLUSION

Based on the above assessments against Clause 67 of the Planning and Development (*Local Planning Schemes*) Regulations 2015 and discretionary criteria of LPS4, it is considered that the proposal is supportable, and is thereby recommended for approval subject to the conditions contained in the officer recommendation below.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people working in Fremantle
- Increase the number of visitors to Fremantle

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Planning Committee acting under delegation 1.1:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of Use from Office to Education establishment, Signage and Internal Fitout at No. 19 (Lot 8) Essex Street, Fremantle subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 1 December 2020. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Prior to the issue of a Building Permit for the development hereby approved, 1 Class 2 and 3 Class 3, as defined in LPS4, bicycle racks shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

ADVICE NOTES

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.

PROCEDURAL MOTION

At 7.00pm the following procedural motion was moved:

COMMITTEE DECISION ITEM PC2103-4

Moved: Cr Andrew Sullivan

Seconded: Cr Geoff Graham

That the item be referred to the Strategic Planning and Transport Committee on 17 March 2021 to allow for submitters to be invited to the meeting.

Carried: 6/0

**Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin**

SPT2103-2 MEDIUM DENSITY CODE - SUBMISSION

Meeting date:	17 March 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Committee
Attachments:	1. Additional Detailed and Technical Comments
Additional information:	1. Areas within the City of Fremantle Coded R30-R60 2. Scope of Modification by Local Planning Framework

SUMMARY

Residential development in Western Australia is subject to the Residential Design Codes (or ‘R-Codes’), a state planning policy adopted by reference into most planning schemes.

The Western Australian Planning Commission has released for public comment a major revision to the R-Codes replacing all the medium density (R30-R60) provisions with a new ‘Medium Density Code’.

The purpose of this report is to consider the proposed changes and determine Council’s position on them.

This report recommends that Council make a submission on the draft Medium Density Code which, in summary:

1. Is broadly supportive of the preparation of the Medium Density Code, its objectives, structure and general approach.
2. Is supportive of the increased focus on external (including garden) and internal building design outcomes.
3. Is supportive of a number of the new standards including those relating to increased outdoor living areas, landscaping and tree planting, internal building dimensions and sustainability standards.
4. Suggests further consideration of a number of other deemed to comply standards with regards to their capacity to facilitate good design outcomes, particularly in infill contexts.
5. Flags a concern regarding the additional regulation of local planning policy proposed.
6. Queries the appropriateness and extent of the proposed density bonus provisions to enable higher density in suitable locations compared to a contextually responsive, strategically lead approach utilising local planning strategies and schemes which consider local capacity beyond simply proximity to public transport.
7. Makes a series of other more minor comments.

BACKGROUND

As has been outlined in previous reports to Council, the State Government is pursuing an agenda of planning reform aimed at:

1. Creating great places for people;

2. Making planning easier to understand and navigate; and
3. Making planning systems consistent and efficient.

For further details refer www.dplh.wa.gov.au/planning-reform.

As part of the program, a unit focussed on improving design quality has pursued a number of initiatives including:

1. Providing detailed guidance for the establishment and operation of design review panels
2. Establishing an overarching State Planning Policy 7.0 on 'Design of the Built Environment'
3. Establishing a Precinct Design policy which sits under the overarching Design policy, as State Planning Policy 7.2
4. Renaming the Residential Design Code (or 'R-Codes') as State Planning Policy 7.3 (or SPP7.3) and placing this under the overarching Design Policy
5. Breaking the R-Codes into two parts:
 - a. 'Volume 1 – Low and Medium Density'
 - b. A new 'Volume 2 – Apartments'

In response to concerns about the quality of design of much medium density development and an absence of housing diversity, the WAPC has released for public comment new provisions for Medium Density (generally R30-R60) development in the form of a new Part C 'Medium Density Code' for inclusion in Volume 1 of the R-Codes. Parts A and B of the R-Codes relate to general operation, and the Low Density Code, so that the structure of the R-Codes would become:

1. Volume 1: Low and Medium Density:
 - a. Part A – Operation of the Code
 - b. Part B – Low Density Code
 - c. Part C – Medium Density Code
2. Volume 2 - Apartments

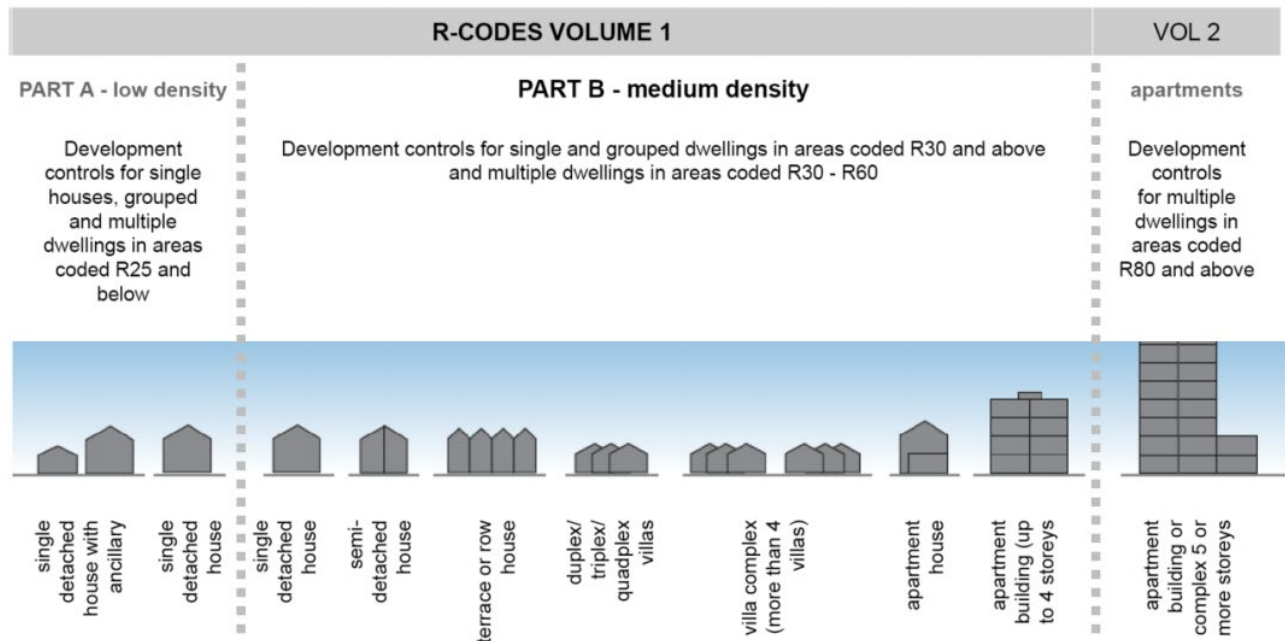
The purpose of this report is to consider the new Medium Density Code and determine Council's position on it, to provide the basis of a submission on the revisions. A copy of the new Code can be viewed on the Department of Planning, Lands and Heritage's website at <https://consultation.dplh.wa.gov.au/strategy-and-engagement/medium-density/>

The R-Codes apply to almost all residential development and so have implications for a number of Council's strategic objectives including those relating to housing diversity, quality of design, places for people and sustainable urban and built form.

The Medium Density Code is proposed to apply to:

- All single houses and grouped dwellings in areas coded R30 and above; and
- All multiple dwellings in areas coded R30-R60.

Higher density multiple dwellings would be subject to the Volume 2 Apartment Code, whilst development under R30 would be subject to Volume 1 Part 1 (essentially the existing R-Codes, though subject to some minor updates recently reported to Council. (refer Item SPT2008-2)



Under Local Planning Scheme No. 4, the following areas are zoned R30-R60 and so would be subject to the Medium Density Code:

- Parts of central Fremantle
- The Wray Avenue precinct
- South Fremantle
- Small pockets of Beaconsfield (along the ridge)
- Small pockets of Hilton (north of South Street)
- The area east of Gibson Park
- Northbank
- Pockets of North Fremantle
- Various 'Development' zone sites where the approved Structure Plan provides for medium density. (refer Additional Information attachment 1 for an indicative plan)

OFFICER COMMENT

As a starting position, the challenges with facilitating quality development and genuine housing diversity under the current R-Codes, and the importance of both of these objectives is agreed, and so the focus of the review and the preparation of the new Code is supported.

Medium Density Code Overview

The Medium Density Code is divided into 4 sections:

1. Land
2. The Garden
3. The Building
4. Neighbourliness.

A series of individual design elements is provided under each of these sections, as follows

R-Codes Volume 1: Draft Part C – Medium Density Code	
Section	Key Elements Covered
1. Land	<p>Site area provisions, including:</p> <ul style="list-style-type: none"> • Basic site area requirements for each R-Coding (R30-R100+); • Method of calculating medium and average site area for dwelling yield/subdivision purposes; • Requirements for where small lots of less than 100sqm in size can be created ('microlots'); • 'Opt-in' bonuses for reduced site area, subject to satisfying certain locational characteristics and design criteria (discussed later in this report).
2. The Garden	<p>Landscaping and tree considerations, including:</p> <ul style="list-style-type: none"> • Provision of a primary garden area for each dwelling or alternatively private open space for multiple dwellings; • Requirements for tree planting, landscaping and deep soil areas; • Communal open space for grouped dwellings and multiple dwellings (i.e. where common property is provided in a development).
3. The Building	<p>Internal site planning and building design factors, including:</p> <ul style="list-style-type: none"> • Provision of a primary living space, of minimum internal dimension, for each dwelling; • Access to natural light and ventilation considerations, including provision of external windows for habitable rooms and shading devices; • Size and layout requirements for particular dwelling types, including minimum internal floor areas; • Minimum and maximum car parking requirements; • Storage, waste management, external fixture and outbuilding provisions; • Minimum universal design requirements for larger grouped and multiple dwelling developments. • Ancillary dwelling, aged and dependent dwelling and 'small dwelling' (previously single bedroom dwelling) design requirements; • Special criteria for housing on lots less than 100sqm.
4. Neighbourliness	<p>Amenity considerations for adjoining properties and the streetscape, including:</p> <ul style="list-style-type: none"> • Site coverage/open space; • Building height, lot boundary setbacks and boundary walls, including revised method of calculation; • Site works and retaining walls, including a revised method of calculation for retaining wall setbacks; • Street setbacks, building frontage, surveillance, street fencing and garage width;

R-Codes Volume 1: Draft Part C – Medium Density Code	
Section	Key Elements Covered
	<ul style="list-style-type: none"> • Site vehicle and pedestrian access; • Solar access (i.e. overshadowing) and visual privacy (i.e. overlooking) of adjoining sites.

This structure and the focus of each section is clearer than in the current R-Codes and so is supported. Update of Part B (Low Density) to the same structure would also be beneficial.

The changes are extensive, with the detail often proving critical. Reviewing the new document in sufficient depth to capture every point is difficult, however key points noted are highlighted below, with various additional more detailed comments provided in Attachment 1. These comments supplement earlier, officer-level feedback provided on a previous draft which the City was invited to informally trial.

Part A – Operation of the Code

Volume 1 of the Codes (Low and Medium Density) is proposed to continue to provide two approval pathways to applicants:

- A streamlined ‘deemed to comply’ set of standards under each design element, compliance with which will provide approval; and
- A performance-based set of ‘design principles’ requiring the exercise of judgement.

Whilst this approach limits the capacity of approval authorities to negotiate good design, particularly where deemed to comply standards are low, it is understood to have been retained to provide the simplicity and streamlined approval process sought under the Planning Reform agenda. More pragmatically, it also recognises the capacity limitations of the current framework and industry. For these reasons, it is supported as not ideal from a design perspective, but appropriate, subject to deemed to comply standards being lifted to require a better base level of built form quality.

In pursuit of greater consistency of standards between local governments, the current R-Codes include a list of design elements in relation to which local government cannot adopt replacement standards through local planning policy. The Medium Density Code proposes to expand these exclusions, providing the WAPC with much greater oversight and control over local residential planning policy (refer Additional Information attachment 2).

Whilst it is to be hoped and assumed that well justified and formulated local planning policies will be supported by the WAPC, the reduction in autonomy inherent in this approach will be of concern to local government. It is recommended that this concern be flagged along with a request that the revised Codes make clearer statements confirming the suitability of local variation through policy to reflect local context, and to exclude Heritage Area Policies from the requirement to obtain WAPC approval.

The revised Codes also propose that all local governments undertake an audit of local planning policies and provide conflicting policies to the WAPC for approval within 12 months of gazettal of the Code, after which they will be deemed invalid. The statutory

suitability of pursuing such an approach through a policy is questionable. The resource implications for local governments of complying with this requirement could also be considerable, and risk diverting time and resources away from planning work which, in a local context, is of a higher priority. That aside, the challenges to the industry of 138 local governments with differing requirements is acknowledged, and, if local government reform and amalgamation is not to be pursued, does require alternative responses.

From a preliminary review, the following City of Fremantle policies would require review and / or referral to the WAPC for approval under the draft proposal:

1. Local Planning Policy 2.4 – Boundary Walls in Residential Development
2. Local Planning Policy 2.9 – Residential Streetscape Policy
3. Local Planning Policy 2.10 – Landscaping of Development and Existing Vegetation on Development Sites
4. Approximately 12 precinct-specific LPPs including for Hilton, Beaconsfield and White Gum Valley Local Centre zones, the Former Kim Beazley school site (WGV)

The workload involved in this task is significant, most likely requiring major review of most policies, and could not be accommodated in house without essentially deferring most other strategic planning work.

Council may also like to note that consultation with neighbours affected by development is proposed to be modified to only occur where the City believes that detrimental impacts may be significant. This is, on the face of it, quite reasonable but creates some interpretation challenges (what level of impact is deemed ‘significant’?) and could increase conflict between the expectations of developers and local communities.

Part C – Medium Density Code

Land

Density Bonuses

One of the key changes proposed as part of the new Code are site area bonuses (reduced minimum and average lot size requirements) for development that satisfies certain locational and design criteria. The intent is to incentivise dwelling diversity in well serviced locations, and support the development of mixed schemes which combine a range of dwelling types (e.g. both apartments and grouped dwellings/townhouses), thus assisting increasing diversity. Base (Category 1) site area standards remain unchanged with the following two other categories having a bonus available:

Site Category 2 – Opt-in Requirements

- Development is located on a site within 250m of a ‘high frequency’ bus route or within 800m of a rapid transport route (referred in the R-Codes as ‘Location A’).
- Development is proposed on either a:
 - corner lot or a through-lot;
 - mid-block lot with rear access to a public right-of-way with a constructed laneway; or
 - lot with a minimum area of 1,200m² (which may be achieved through the amalgamation of two or more lots).

- Single houses and grouped dwellings shall have a primary individual frontage to a public street.

Site Category 3 – Opt-in Requirements

- Development is located on a site within 250m of a 'high frequency' bus route or within 800m of a rapid transport route (referred in the R-Codes as 'Location A').
- Development is proposed on a:
 - corner lot with a minimum of two street frontages; and
 - lot with a minimum area of 1,500m² (which may be achieved through the amalgamation of two or more lots).
- Single houses and grouped dwellings shall have a primary individual frontage to a public street.
- A local development plan has been prepared and approved by the local government addressing built form, streetscape, vehicle access/parking, landscaping, energy efficiency and universal design standards.

To provide an example, the reduced site area available under these arrangements for R30 is as follows:

R-Code	Dwelling type	Site area per dwelling (m ²)		
		Site Category 1 (refer C1.1.2)	Site Category 2 (refer C1.1.3)	Site Category 3 (refer C1.1.4)
For residential development in areas coded R25 and below, refer to R-Codes Vol.1, Part B				
R30	Single house and Grouped dwelling	Min 260 Ave 300	Min 220 Ave 260	Min 180 Ave 220
	Multiple dwelling	Ave 300	Ave 260	Ave 220

The draft Codes state that in the case of dual coded lots, the minimum and average site area requirements are applied as per the lower density code, to avoid development achieving a 'double bonus'.

Other Site Area Provisions

In addition to the above, the draft Code introduces new 'deemed-to-comply' provisions for 'Lots less than 100m²', commonly referred to as 'micro-lots'. The standards are generally consistent with the WAPC's current Position Statement and require that:

1. There needs to be specific provision for lots of this size within an approved structure plan, which codes applicable land R100.
2. The lots not be less than 80m² in area
3. A local development plan be put in place which address built form, streetscape, vehicle access/parking, landscaping/water and waste collection matters,

Other site area reductions are available as per the current Codes for aged and dependant persons dwellings as well as 'small dwellings' (currently known as 'single bedroom dwellings'), though with the density bonus increasing marginally to 35%. The design principles for site area also allow the WAPC to approve up to a 5% reduction in minimum and average lot sizes under certain circumstances. This reduction could potentially apply to all of the Site Categories 1 – 3 as noted above, not just the base code areas.

The revisions also see reintroduction of an average site area for multiple dwellings (in place of plot ratio controls) though to incentivise these and mixed schemes, the site area requirements for multiple dwellings are smaller than for grouped dwellings, particularly in the higher density range.

Comment

The notion of providing density bonuses to development that satisfies certain design/efficiency criteria reflects the approach the City has long employed. The criteria have some rational basis however are likely to apply to a large number of lots and could result in significant change in some areas. There is consequently a fundamental concern that this change undermines the role of local planning strategies and schemes in establishing appropriate densities with reference to a much wider range of considerations. If the criteria are to be retained, it is recommended that, as a minimum:

- The locational requirements be modified to refer to single high frequency routes and fixed routes, rather than allowing multiple services (which are more subject to timetable change) to be collectively considered high frequency
- Criteria C1.1.3 ii b which allows lots serviced by a rear laneway be removed as a criterion.

Further consideration should also be given to ensure that dwellings subject to the density bonus are of an adequate design quality: in Fremantle, the feedback from the community on this aspect was strong, resulting in the criteria listed in the Freo Alternative. These included referral to the Design Review Panel (called Design Advisory Committee in Fremantle), reduced site cover and higher sustainability standards. Some options the WAPC might like to consider include:

- a) Increased open space requirements for *Site Category 2 and 3 development* to offset additional building bulk, particularly considering the increased building height potentially available.
- b) Including additional development requirements for *Site Category 2* relating to street interface, landscaping, internal layout, deep soil areas and sustainability/accessibility.
- c) Increasing the design standards for *Site Category 3* to include an additional minimum 1.0 star NATHERS rating and a higher proportion of dwellings to achieve Gold standard universal design.

It is noted that the objective regarding diversity relates to lot diversity to support housing diversity, with no direct controls over housing type or scale beyond a minimum dwelling size and an indirect incentive to include multiple dwellings to the rear of lots where direct street frontage is limited. These criteria omit a key element of the Freo Alternative which set a maximum dwelling size (rather than lot size) to counterbalance the market trend towards large dwellings. In other locations, the housing need may be different, demonstrating the challenge inherent in promoting housing diversity through a state-wide incentive approach. Further consideration of this and perhaps application of a more performance-based approach is recommended to ensure that the Codes can deliver on this important objective.

The Garden

The introduction of ‘Garden’ provisions represents a further significant change and is welcomed. Loss of green space, canopy and garden has consistently been cited as a major concern with infill, and concern with unbroken roofscape and hardstand a broader criticism of much medium density development. Some of the key changes proposed are summarised as follows:

Element	Key Provision
Primary Garden Area	<ul style="list-style-type: none"> Each single house and grouped dwelling to contain a primary garden area of minimum area and dimension depending on the site area. This primary garden area is to be located in the northern half of the site. Multiple dwellings shall instead provide an area of ‘private open space’ of minimum area and dimension. There are no northern orientation requirements for private open spaces.
Deep Soil Area	<ul style="list-style-type: none"> Minimum 20% of each site area and common property area are to be a ‘deep soil area’. All deep soil areas are to be suitably landscaped. Impervious surfaces not to exceed 30% of each deep soil area.
Trees	<ul style="list-style-type: none"> Requirement for a minimum number of trees incorporated into development, with associated root protection areas. Minimum tree planting and impervious surface requirements within the street setback area of development. Tree sizes and numbers dependant on dwelling types and parent lot sizes. Concessions for deep soil area and street setbacks where a ‘significant existing tree’ is retained on site.

Comment

The inclusion of a section relating to ‘garden’ is an important symbolic gesture. Whilst a positive step forward, further strengthening of the standards and design principles is recommended. The definition of ‘primary garden area’ is *an external ground floor area for single house and grouped dwellings set aside on a site for the exclusive use of the occupants of the dwelling to which it abuts* which, when considered in tandem with the retention of generous site cover criteria, and acceptance of a series of intrusions and cover over garden areas may not result in much change from the current. The increase in minimum garden / courtyard area, inclusion of a deep soils area, and requirement for installation of a tree represent much more tangible changes and improvements and are supported. However some of the detail (such as the inclusion of capacity to pave 30% of the deep soil zone, as an example) undermine these improvements and, create a less clear cut standard, and so should be reviewed.

Review of Design Principles throughout the document to ensure that they are robust is also recommended; for example the Primary Garden Area seeks sufficient space to accommodate a tree, landscaping and ‘useable and functional outdoor space’. Inclusion of the word ‘amenable’ in this list would better capture the desired outcome.

The Building

The Building focusses on an expanded series of ‘internal’ design elements. Key changes and new introductions are summarised as follows. A number of changes reflect parallel requirements introduced into the Apartment Code a couple of years ago.

Element	Key Changes
Internal amenity	<ul style="list-style-type: none"> • Each dwelling is required to have an internal ‘primary living space’ of minimum dimension, and each of these living spaces shall have access to either the primary garden area or private open space. • Every habitable room has at least one external window, visible from all parts of the room, and shall have a minimum of two openings (e.g. a window and a door) to allow for cross ventilation. • The primary living space of dwellings shall have at least one major opening oriented between north and east. • Minimum internal floor areas for all dwelling types and minimum size requirements for habitable rooms. • Minimum universal design requirements for development exceeding 4 dwellings, in accordance with the Australian Liveable Housing Design Guidelines. This is supported, consistent with the City’s Age Friendly City Plan and Access and Inclusion Plan
Internal Amenity	<ul style="list-style-type: none"> • Minimum and maximum car parking requirements; developments can provide nil parking where located within “Location A” i.e. within set distances of public transport. Maximum car parking requirements apply to all garaged parking spaces, no maximums for basement and carport-style parking.
External Fixtures	<ul style="list-style-type: none"> • Sustainability infrastructure (e.g. solar panels, batteries, rainwater tanks) and functional utilities do not need to be screened and can be located to prioritise functional performance

Comment

The greater focus on quality of living space for future residents inherent in this section is supported. Similarly, most of the key changes outlined above are broadly supported,

promoting improved living spaces, and supporting a number of the City's integrated transport, aging in place and sustainability objectives.

The inclusion of minimum dwelling sizes has been much debated in the past, being potentially inconsistent with affordability objectives and the 'tiny homes' movement. On consideration, inclusion of this requirement is supported to ensure liveable dwellings, based on the experiences of the eastern states, noting that a smaller dwelling can be supported under the 'design principles'.

The parking requirements and the introduction of maximums may raise some controversy. The reduction of minimum bay numbers is consistent with the City's Integrated Transport Strategy and criteria for parking reduction in the scheme and so is supported, though it is accepted that reduced parking provision is likely to create (or perpetuate) a mismatch between on-site provision and demand in some areas until more alternatives and modal shift is achieved across the metropolitan area. As noted previously, the inclusion of bus routes which only qualify as high frequency through combination of routes is questioned. It is further noted that maximum parking provision rates relate only to above ground garage parking: no restriction is proposed on carports, uncovered or undercroft bays, and variations to the standards may be accessed via the Design Principles. This change is consequently more symbolic, reducing parking structure dominance rather than limiting provision. Review of the carport definition is, however, necessary to contribute to the more balance allocation of land and streetscape to parking structures.

Neighbourliness

'Neighbourliness' is intended to refer to how the development sits in its context and relates to surrounding development. Key changes from the current standards are as follows:

Element	Key Changes
Building Height	<ul style="list-style-type: none"> • 'Deemed to comply' building heights for all storeys have increased by 1 metre, e.g. a two-storey dwelling with a pitched roof now is permissible up to 7 metres (wall height) and 10 metres (roof height), these are currently 6m and 9m respectively. • Clarification on method of calculation of building height for different roof forms e.g. pitched, concealed, skillion. • Increased 'deemed to comply building height in R40 to R60 to 3 storeys, and in R80 and R100 to 4 storeys.
Lot Boundary Setback	<ul style="list-style-type: none"> • Simplified setback calculation for lot boundary setbacks for dwellings and retaining walls. Provision for nil setback reductions for carports, patios, verandahs, similar to that proposed for lower density development, to fast track approvals for these minor structures which are commonly located close to a lot boundary • New provisions for as-of-right boundary wall height and placement. Instances where boundary walls can be proposed have been broken up into three

	Categories with specific design requirements
Streetscape	<ul style="list-style-type: none"> • Street setback simplified to basic minimum – no requirement to reference corresponding setbacks of adjacent buildings • Minimum requirements for street surveillance and frontages, including maximum garage width provisions, up to 80% width for 2 storey height or greater. The retention of surveillance requirements is supported however as is noted above, the suitability of side by side subdivision in some older areas is queried. • Street fencing provisions, introducing a new one-third visual permeability rule up to a maximum height of 1.5 metres. Higher fencing is permitted on major roads provided it is screened with landscaping
Solar Access (Overshadowing)	<ul style="list-style-type: none"> • Overshadowing calculation to exclude dividing fence • New provision for consideration of solar panels on adjoining properties, and maximum shadow requirements for properties 'diagonally adjacent' to a development site (i.e. in addition to shadow of properties directly south).
Visual Privacy	<ul style="list-style-type: none"> • For development adjoining an existing dwelling – increased 'cone of vision' radiuses for the assessment and setback of major openings, and alternative allowance for the 'offsetting' of adjacent major openings combined with provision of planters and horizontal building elements. • For development adjoining a vacant site – reduced 'cone of vision' radiuses for the assessment and setback of major openings. This assumed to be on the basis that the vacant site can take into account the location of windows and overlooking in its own design.

Comment

Generally the trend in the streetscape sections is to simplify requirements, in a number of standards to a 'lower' deemed to comply standard. This will support the objective of facilitating medium density and may be appropriate in major new redevelopment but is likely to pose challenges for infill seeking to fit into established streetscapes, hence the concern regarding additional controls on local planning policy.

The increased clarification on building height calculation, and better accommodation of different roof forms is supported. The justification for increased 1m building height across categories is marginal but should assist in reducing instances of marginal non-compliance. The increase in building height in terms of storeys in densities over R40 is a much more significant change which raises concerns for heritage areas. In infill areas, in particular, offsetting an increase in height with an increase in open space might have supported an argument that building bulk is simply being differently (and arguably better) managed however as open space provisions remain largely unchanged, the increase in building height and removal of plot ratio controls is likely to result in more massive built form.

The ‘reduced’ boundary setbacks and garage frontage standards are similarly of concern primarily from an infill and heritage character perspective. Clearer acknowledgement of the need to vary deemed to comply criteria to retain heritage and streetscape character is recommended across the board.

Site cover standards remain unchanged from the current R-Codes. Given the concern consistently expressed with the unbroken ‘roofscape’ being created in some infill areas, the focus on better design underpinning the review, and the increased provision for building height and bulk, this is disappointing. The introduction of provision for trees in new development may assist in breaking up roofscape to some degree but is considered insufficient. Whilst consideration of affordability need to be weighed against built form outcomes, and remains an very important consideration, the prevalence of large medium density dwellings suggests that in some areas at least, the driver for higher site cover is not housing affordability, in the pure sense, so much as market demand for larger dwellings at a lower price point. This may support urban consolidation objectives to some extent, but misses many others, and should be very carefully weighed. This again represents the challenge of establishing an effective single standard to cover such a wide range of contexts, and supports some local differentiation, particularly where local community support for infill is sought.

FINANCIAL IMPLICATIONS

Update of all Local Planning Policies to align with the new Codes will require resourcing. If outsourced, this would be estimated to cost between \$30,000 to over \$100,000, depending on the extent of provision Council wishes to retain. Progressive review in-house can be accommodated at the cost of rate of progress on other priorities (e.g. scheme review, Heart of Beaconsfield, Parking Plan, Mixed Use review). However, officers would advise against reducing the prioritisation of such projects which are strategically important to the Council and the City, even if this causes the audit of policies to take longer than the timeline proposed by the WAPC..

LEGAL IMPLICATIONS

The R-Codes are a State Planning Policy adopted by reference into most local planning schemes.

CONSULTATION

The draft Medium Density Code is available for public comment until 16 April 2021. Further details are available on the WAPC’s ‘Citizen Space’ page for this project at www.consultation.dplh.wa.gov.au/strategy-and-enagagement/medium-density/

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority.

OFFICER'S RECOMMENDATION

Council

- 1. Approve a submission to the Western Australian Planning Commission on the revised draft State Planning Policy 7.3 ‘Residential Design Codes- Volume 1 – Low and Medium Density’ based on the following key points:**
 - a. The challenges with facilitating quality development and genuine housing diversity under the current R-Codes, and the importance of both of these objectives is agreed.
 - b. The introduction of a separate Medium Density Code is supported.
 - c. The overall format, structure and broad design themes and elements of the draft Code are supported, improving public comprehensibility of the Code.
 - d. The usability of Part 1 would be further improved if the Low Density Code were arranged in a similar manner, to improve consistency between both parts
 - e. The provision of additional diagrams and explanatory figures throughout the document to illustrate application and inform interpretation is supported.
 - f. On balance the retention of a ‘Deemed to Comply’ pathway is supported in acknowledgement of the resource limitations available for application assessment. It is noted, however, that unless the Deemed to Comply standards are high, this approach provides limitations on the ability of the Code to achieve good design outcomes. If the approach is retained, a number of Deemed to Comply standards should be increased.
 - g. The requirement for WAPC approval of an increased proportion of local planning policies raises significant concerns with regards to local character and autonomy, and the proposed policy audit requirements also present significant resource implications for local governments. It would be more acceptable if greater acknowledgement were included in the document regarding importance of local context in formulating standards in infill locations, particularly in heritage areas, and if Heritage Area policies were exempt from the WAPC approval requirement.
 - h. The use of bonus criteria to support greater density and housing diversity in well serviced locations is supported as a broad principle however the criteria proposed are considered inappropriate, potentially undermining the role of local planning strategies and schemes in establishing appropriate densities giving regard to a wider range of considerations. If the approach is to be retained, it is recommended that:
 - Criteria C 1.1.3 ii b (laneway access) be removed, having too wide an application and potentially resulting in too dramatic a change,
 - the high frequency bus routes definition exclude achievement of the frequency criteria by combining multiple services
 - further consideration be given to increasing the design standards through, for example through support from a Design Review Panel, increased garden area and increased sustainability standards, reflective of the community priorities identified by the City in its engagement on the Freo Alternative.

- further consideration be given to ensuring the bonuses contribute to housing diversity as distinct from lot diversity.
- i. Further consideration should be given to the opportunity to accommodate microlots in areas not subject to a structure plan, through a specific zoning mechanism.
- j. The references to gardens, inclusion of larger outdoor living areas, requirements for installation of trees and landscaping, and deep soil areas are strongly supported. Further review of the detail regarding the treatment of these is recommended to simplify their definition and ensure they meet their objectives.
- k. The wording of Design Principles should be reviewed throughout to ensure that they are clear, robust and so likely to effectively facilitate desired outcomes.
- l. The inclusion of a higher internal building design requirements is supported.
- m. The reduction of minimum parking requirements for dwellings (particularly smaller dwellings in well serviced locations) is supported.
- n. The inclusion of some minimum dwelling size standards is tentatively supported, based on the experiences of other cities, subject to the Design Principles offering a suitable pathway for really well designed , usable, amenable and suitably demonstrated variations.
- o. Concern is expressed over the impact of increased building height, reduced street setbacks and increased garage frontage, particularly in heritage areas. Greater acknowledgement of heritage as a design consideration and the need for local planning policy in heritage areas to supplement the Codes is requested.
- p. Open space provisions should be reviewed to make better provision for open areas to counterbalance increased height, scale and density, particularly in established areas undergoing infill. Review of the definition of open space to review the high covered area inclusions classed as open space should form part of this, to support clearer communication of intent / outcome and transparency of the planning process.
- q. Further detailed and technical suggestions as outlined in Attachment 1.

2. Note:

- a. the proposed requirement for all Local Planning Policies involving variations to most design elements of the Medium Density Code to obtain WAPC approval within 12 months of gazettal of the new Code,
- b. the requirement to review numerous existing policies this will necessitate in Fremantle and
- c. the resourcing challenge this presents in the context of other priorities and strategic planning commitments.

10.2 Council decision

SPT2103-3 CAT BUS REVIEW 2020/21 AND FINDINGS

Meeting date:	17 March 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	1. Central Area Transit (CAT) Review 20/21 report
Additional information:	1. CAT Bus Routes

SUMMARY

In June 2020, in response to the impacts of COVID-19, Council resolved on a temporary suspension of the Red CAT bus and a reduction in service of the Blue CAT bus service for 12 months, and requested that a review of the service be undertaken. Council specified the parameters of the review and provided supplementary direction in considering an update report on the review in September 2020.

This report considers the findings of the review and, in summary, recommends that Council:

1. Reaffirm the value and strategic alignment of the service.
2. Note the conclusions of the review.
3. Acknowledge that the opportunity cost of the CAT when weighed against other budget demands represents the key consideration point in reviewing the service at this time.
4. Continue the current suspension / reduced service level for a further financial year whilst:
 - consultation occurs with landowners within 400m of the service routes regarding their preparedness to contribute through a Specified Area Rate a proportion (between 10 and 25%) of the City's cost of the service; and
 - Council further considers its budget priorities;with a view to reintroducing either the full (pre-June 2020) service or a reduced frequency (15-20 minute) service on both Blue and Red CAT routes under a renewed agreement with the PTA in 22/23.

BACKGROUND

A Central Area Transit (CAT) bus service (or variation of it) has operated in Fremantle since 2000. The service has been periodically reviewed and has evolved over time to the current two CAT routes shown in Additional Information attachment 1. The service operates under a contractual agreement between the City of Fremantle and the Public Transport Authority (PTA), which expires on 31 October 2022.

In response to the significant social and economic disruption of the COVID-19 pandemic on the CAT service and City income, Council considered a temporary reduction of the CAT bus service and in June 2020 resolved as follows.

1. *Council authorises the Chief Executive Officer to request the Public Transport Authority to agree to a variation of the agreement relating to provision of the Fremantle CAT bus service to:*
 - a. *Cease operation of the Red CAT service; and*
 - b. *Reduce the frequency of service of the Blue CAT by 50% (i.e. a bus every 20 minutes instead of current every 10 minutes) for a period of up to 12 months, with effect from the earliest practicable date in the 2020/21 financial year, subject to the agreement committing the PTA and City to reviewing the level of service (including the option of reinstating the current level of service on either or both services) as a matter of urgency.*
2. *Council acknowledges the high level of patronage the Fremantle CAT buses have enjoyed and the importance of the service to a broad cross-section of the community. Subject to a more equitable and sustainable funding model, the Council would prefer the services to be retained in some form.*
3. *Council requires the Chief Executive Officer (CEO) to conduct an internal review of the CAT bus service during the 2020/21 financial year, in consultation with the service providers, the Chamber of Commerce, the Destination Marketing Working Group, major local attractions and the State Government, to consider appropriate level of service or alternative operational and funding models. The review is to include consideration of the following matters and actions with relevant stakeholder input and community consultation:*
 - a. *request the State government to look more favourably at funding the bulk of the Fremantle CAT services;*
 - b. *request the Minister for Transport to agree to a variation to the funding split.*
 - c. *request the Minister for Tourism to seek State assistance to provide this essential service to tourists;*
 - d. *request the Minister for Education and UNDA to work with the City to explore funding mechanisms that will enable the service to be available to their students;*
 - e. *prioritise parking investigations in areas serviced by the CATs with the aim of generating additional funding mechanisms for these services.*
 - f. *explore modifying the routes so the service is more cost effective, and to increase the catchments served.*
 - g. *liaise with the PTA to explore the option of converting the Fremantle CAT services to a low-cost, high frequency shuttle service;*
 - h. *investigate alternative funding models to generate revenues for area specific services, including the option to establish special area rates.*
 - i. *consider appropriate level of service or alternative operational and funding models, including a free transit zone. (C2006-8)*

Council considered a subsequent report on the progress of the review on 23 September 2020 and resolved as follows:

Council:

1. *Notes the progress of the CAT review and proposed project approach.*

2. *Endorses concurrent investigation of two distinct types of service options as set out below in the next stage of the review process:*
 - a. *A service broadly based on the features of the current CAT service focused on maximising access to residents and visitors to key destinations and services in Fremantle. Secondary objectives are to:*
 - i. *To support the economic vitality and functionality of Fremantle businesses.*
 - ii. *Reduce traffic congestion in the Fremantle City Centre.*
 - iii. *Encourage use of public transport.*
 - iv. *Support a peripheral car parking model.*
 - b. *A Free Transit Zone model of service giving wider access to any service user within the City of Fremantle boundary. (SPT2009-4)*

The purpose of this report is to consider the findings of this investigation.

The CAT bus contributes directly to the Council's transport objectives, and indirectly to a number of its economic, social and place-based objectives. A review of the service provides the opportunity for Council to evaluate the CAT bus services' contribution towards these objectives in the context of its Capability objectives.

OFFICER COMMENT

The review document (provided in Attachment 1) outlines:

1. Background and current service
2. Previous reviews and their findings
3. Current bus services and gap analysis
4. Benchmark comparison with other similar services in the metropolitan area
5. Route efficiencies and options
6. Other service options (including a Free Transit Zone)
7. Funding options
8. Conclusions

In preparing the report, the City liaised with the following organisations:

1. Public Transport Authority (PTA)
2. Department of Education, and local schools
3. Notre Dame University
4. Chamber of Commerce
5. Destination Marketing Working Group
6. Town of East Fremantle.

The City also corresponded with Tourism WA, and has previously consulted with the City of Cockburn.

The City attended and provided an update on the review to the South Fremantle Precinct Group on 15 December 2020.

In summary, the review has concluded that:

1. The current CAT service has evolved over time to provide a valuable and well patronised local area transit. It serves both existing residential areas in the city centre and South Fremantle, emerging residential areas to the north east of the city centre, and key commercial and visitor/tourist destinations.
2. Increasing catchments and routes results in an increase in cost, which is undesirable in the current financial context.
3. Reducing the route provides cost saving opportunities but result in a reduction in service to residents and businesses, inconsistent with the primary objective of the service identified by Council in September 2020.
4. The current route represents, all factors considered, the most efficient available within the current cost.
5. Additional external funding for the CAT service is highly unlikely within the foreseeable future.
6. Some modest revenue generation may be achievable through introduction of fees to currently free parking on the CAT routes along Ord Street and Marine Terrace.
7. The most feasible modified funding source could be a Specified Area Rate but is untested for community interest at this time, and introduces administrative complexities.
8. Maintenance of the current CAT service is desirable and aligns with Council's strategic objectives but must be weighed against other priorities (also contributing to Council's goals) and opportunity cost.
9. It is challenging to robustly measure the contribution of any given service option towards various strategic objectives because of the absence of data on patron profile and preference. Collection of further data remains a high priority.

The review report is provided for Council's consideration. There are an extensive range of options available and some complex considerations, making selection of the most appropriate option challenging, and somewhat subjective. Based on the assessment of options undertaken to date, and the direction Council has established to guide the review, it is suggested that Council:

1. Reaffirm the desirability of a CAT service as an add-on service to that provided by the state through the PTA, and its alignment with various strategic objectives including:
 - 1.1. Supporting investment, increased residential and commercial populations and increased visitation
 - 1.2. Enabling more sustainable movement and transport options (with associated reduction in emissions)
 - 1.3. Supportive active and public transport use
 - 1.4. Improved peripheral parking opportunities
 - 1.5. Improved urban environment, amenity and 'liveability'
 - 1.6. Social inclusion opportunities
2. Note the conclusions that:
 - 2.1. The current CAT routes and service level (frequency) be recognised as the best configuration at current (pre-August 2020) cost.
 - 2.2. Options involving an increased cost should be put aside as unfeasible at this time.
 - 2.3. Additional external (third party) funding is unlikely to become available within the foreseeable future.
 - 2.4. The opportunity cost of the CAT when weighed against other budget demands represents the key consideration point in reviewing the service at this time.

3. Recognising that ongoing uncertainty regarding tourism, the economy and City finances stemming from COVID continues, request a continuation of the temporary suspension of the Red CAT and reduction in service frequency (to 20minutes) of the Blue CAT for a further financial year whilst:
 - 3.1. Engagement occurs with landowners within 400m of the CAT route with regards to their appetite to contribute a proportion (between 10% and 25% of the City's costs) towards the running of the CAT with a view to determining whether reintroduction of the original service can be accommodated the following financial year. Commercial landowners already paying a Specified Area Rate be excluded from this in recognition of current economic challenges and in support of Recovery strategies.
 - 3.2. Further investigation occur regarding patronage profile.
4. Note the expiry of the current CAT service agreement with PTA in 2022 and work towards resolution of a revised service agreement based on the above prior to its expiry, so that an agreed service level can be the subject of a new multi-year agreement between the City and the PTA.
5. Further consider its future funding appetite for the CAT (either with or without Specified Area Rate contributions) in the context of other budget priorities in future budget discussions, focussing on the following options:
 - 5.1. Return to full service: at an estimated cost of \$670,000p/a.
 - 5.2. Return to reduced (15-20minute) Red and Blue CAT service: at an estimated cost of \$535,000p/a.
6. Note that a further option to maintain the more popular Blue CAT service only (\$450,000p/a) is not recommended due to its inconsistency with Council's direction to focus on services broadly aligned with the pre-2020 service, and its reduced strategic alignment (providing lesser support for a peripheral parking model, connection of key destinations, social inclusion and service for strategic development sites).
7. Request that officers further investigate and pursue introduction of fee-based parking within the CAT catchment noting that additional revenue generated is unlikely to be significant, but that it discourages entirely free park n ride utilisation.
8. Request that officers further pursue discussions with the City of Cockburn and the Town of East Fremantle regarding potential support for maintenance and / or extension of the service.
9. Request that officers provide a community and stakeholder update on the status of the review and continue to liaise with the Public Transport Authority regarding management of the service agreement in accordance with Council's resolution.

FINANCIAL IMPLICATIONS

The current (excluding temporary COVID-related service reduction) cost of the CAT bus service is \$1.1 million with the City's (60%) contribution to this being approximately \$670,000 p/a.

Operation of a Blue and Red CAT service both at a frequency of 15 to 20 minute intervals would reduce the City's contribution to \$535,000 p/a.

The introduction of a Specified Area Rate equal to 10-25% of City's contribution would generate between \$67,00 and \$167,500p/a.

LEGAL IMPLICATIONS

The CAT bus service operates under agreement with the PTA: changes to service will require its agreement. The current agreement expires in September 2022 and continuation of the service beyond that date will require renegotiation and a new agreement.

The introduction of Specified Area Rating “for the purpose of meeting the cost of the provision by it of a specific work, service or facility” is provided for under CI 6.37 of the *Local Government Act 1995*.

CONSULTATION

The City has consulted with the following key agencies in this review of the CAT bus service:

- PTA
- Department of Education and local schools (John Curtin, CBC)
- Notre Dame University
- Chamber of Commerce
- Destination Marketing Working Group
- Tourism WA
- Town of East Fremantle

All parties support the operation of the service, but no further funding opportunities were identified.

Consultation informing residents of the preliminary conclusions of the review and seeking feedback on the recommended approach (specifically the potential to introduce a Specified Area Rate to support continued funding of the service) is recommended.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Council

- 1. Reaffirm the desirability of a CAT service as an add-on bus service to that provided by the state through the PTA, and its alignment with various strategic objectives including:**
 - 1.1. Supporting investment, increased residential and commercial populations and increased visitation**
 - 1.2. Enabling more sustainable movement and transport options (with associated reduction in emissions)**
 - 1.3. Supportive active and public transport use**
 - 1.4. Improved peripheral parking opportunities**
 - 1.5. Improved urban environment, amenity and liveability**
 - 1.6. Social inclusion opportunities.**

2. Note the following conclusions of the Central Area Transit (CAT) Review 20/21 report provided as Attachment 1 to this item:
 - 2.1. The current CAT routes and service level (frequency) be recognised as the best configuration at current (pre-August 2020) cost.
 - 2.2. Options involving an increased cost should be put aside as unfeasible at this time.
 - 2.3. Additional external (third party) funding is unlikely to become available within the foreseeable future.
 - 2.4. The opportunity cost of the CAT when weighed against other budget demands represents the key consideration point in reviewing the service at this time.
3. Recognising that ongoing uncertainty regarding tourism, the economy and City finances stemming from COVID-19 is continuing into 2021/22, authorise the Chief Executive Officer to request the PTA to agree to a continuation of the temporary suspension of the Red CAT and reduction in service frequency (to 20 minutes) of the Blue CAT to the end of the 2021/22 financial year whilst:
 - 3.1. Engagement occurs with landowners within 400m of the CAT route with regards to their appetite to contribute a proportion (proposed: 10% - 25% of the City's costs) towards the running of the CAT with a view to determining whether reintroduction of the original service can be accommodated the following financial year. Commercial landowners already paying a Specified Area Rate be excluded from this in recognition of current economic challenges and in support of Recovery strategies.
 - 3.2. Further investigation occur regarding patronage profile.
4. Note the expiry of the current CAT service agreement with PTA in 2022 and work towards resolution of a revised service agreement based on the above prior to its expiry, so that an agreed service level can be the subject of new multi-year service agreement between the City and the PTA.
5. Further consider its future funding appetite for the CAT (either with or without Specified Area Rate contributions) in the context of other budget priorities in future budget discussions, focussing on the following options:
 - 5.1. Return to full service: at an estimated cost of \$670,000p/a.
 - 5.2. Return to reduced (15-20minute) Red and Blue CAT service: at an estimated cost of \$535,000p/a.
6. Request that officers further investigate and pursue introduction of fee-based parking within the CAT catchment noting that additional revenue generated is unlikely to be significant, but that it discourages entirely free park n ride utilisation.
7. Request that officers further pursue discussions with the City of Cockburn and the Town of East Fremantle regarding potential support for maintenance and / or extension of the service.
8. Note that officers intend to provide a community and stakeholder update on the status of the review.

SPT2103-4 REVIEW OF LOCAL PLANNING POLICY 1.3 – PUBLIC NOTIFICATION OF PLANNING PROPOSALS –REVISED POLICY

Meeting Date:	17 March 2021
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Revised Local Planning Policy 1.3 – ‘Community Consultation on Planning Proposals’
Additional Information:	1. Current Local Planning Policy 1.3 – ‘Public Notification of Planning Proposals’ 2. Planning Reform Fact Sheet – ‘Improved Consultation Practices’ 3. Revised Sign on Site Templates for Complex & Standard Applications

SUMMARY

The City's *Local Planning Policy 1.3 – Public Notification of Planning Proposals* (LPP 1.3) was prepared in 2008 and outlines how the City will undertake consultation on various planning proposals, with a particular focus on development applications. The policy aims to provide for greater transparency and consistency in respect to consultation processes for planning applications.

A review has been undertaken to:

1. Align the policy to recent modifications to the *Planning and Development (Local Planning Schemes) Regulations 2015* which introduce new standards for consultation.
2. Incorporate some minor improvements to wording and approach, including:
 - a. More legible structure and use of plain English (including in the title)
 - b. Some greater flexibility on when Public Information Sessions are held
 - c. Some greater clarity on R-Code consultation
 - d. Introduction of a new standard for on-site signage for applications incorporating an image for significant applications.

The report recommends adoption of a revised policy. Consultation on the revisions is considered unnecessary given that the Regulation alignments are mandatory, and the other modifications are considered minor.

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).

Following introduction of changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* to standardise many statutory consultation processes (refer Additional Information attachment 1), review of the Local Planning Policy 1.3 - Public Notification of Planning Proposals (LPP 1.3) has been prioritised.

Current Policy

LPP 1.3 (refer Additional Information attachment 1) was originally adopted by Council in May 2008 as an amalgamation of two older Council policies from the 1990s, and has seen a number of minor amendments since that time. The policy provides a consolidated outline of how the City will undertake ‘public notification’ (i.e. consultation) on statutory planning proposals, namely:

- Development applications;
- Structure plans;
- Scheme amendments;
- Local development plans (LDPs);
- Local planning policies (LPPs); and
- Subdivisions creating more than twenty (20) lots; only where such a proposal has not previously been advertised as part of a scheme amendment, structure plan or local development plan.

The approach and content of the policy has generally been seen as effective and has been replicated by a number of other local governments throughout the Perth metropolitan area.

Planning Regulations

Consultation processes for many statutory planning proposals are defined in planning legislation (principally the *Planning and Development (Local Planning Schemes) Regulations 2015*- ‘the Regulations’). These processes have traditionally been defined as minimum requirements, with the City’s LPP1.3 clarifying and expanding on these. As part of the state government’s planning reform agenda, a number of changes to the planning framework are being introduced to streamline approval processes, improve comprehensibility and increase consistency. This includes, amongst others, changes to the Regulations to:

- provide greater detail on consultation processes to be followed for some application types;
- create a distinction between ‘standard’ and ‘complex’ development applications (which the City’s LPP 1.3 already had);
- remove the automatic requirement for proposals to be physically displayed for review or advertised in local newspapers;
- require display on local government websites; and
- state many consultation processes and timeframes as fixed (not minimums) unless otherwise approved by the WAPC. (refer Additional Information attachment 2 for state government Fact Sheet)

Update of LPP1.3 to reflect these changes to the Regulations is necessary, as the Regulations prevail over the policy.

The opportunity has also been taken to update some other aspects of the policy to increase clarity and efficacy. Further improvements and refinements may be necessary

and / or desirable over time (particularly if further changes to the R-Code consultation process eventuate) however given the rate of change, and attention on consultation, an immediate (if interim) update to the policy is considered preferable to delay.

The review contributes to the Council's governance objectives relating to transparency, consultation, access to information and clarification of frameworks, and forms part of its scheme review program.

OFFICER COMMENT

The key issues identified and proposed modifications to the policy proposed in response are summarised as follows:

ISSUE	PROPOSED MODIFICATION
Name The current policy name references the statutory planning terminology rather than using 'plain English'	Update name (and content to some degree) to apply a more 'plain English' approach.
Structure & Legibility The current policy is focussed around a summary table with extensive footnotes on how this is to be interpreted. This can be confusing.	Slight restructure to outline processes by generic requirement then application type is proposed to make it easier to understand.
Scope & Detail The current policy focusses on development applications (being the most common type) in much greater levels of detail than for other application types	Provide additional detail on other application types (whilst avoiding excessive duplication)
The current policy does not explain how it interrelates with Council's general 'Community Engagement' policy	Provide additional information on this
The current policy does not clearly explain how it interrelates with the Regulations	Provide additional information on this, and the limitations it places on the City
Regulation Modifications The current policy requires update to align with the modified Regulations to: <ul style="list-style-type: none"> • Change term 'Significant' application to 'Complex' application • Update timeframes • Reflect consultation radii for notice to nearby landowners 	Update policy accordingly
Structure Plan / Local Development Plan Delineation The current policy applies the same consultation requirements to Local Development Plans as it does to Structure Plans	Amend policy to detail separate engagement methodologies with more extensive requirements for Structure Plans, consistent with their differing roles and the direction provided in the Regulations
R-Code Consultation The current policy provides little explanation of the R-Code consultation	Include some further detail on R-Code consultation

requirements as distinct from other applications requiring consultation under the scheme. This creates a conflict with the R-Codes and can be confusing	
Neighbour Sign Off The policy allows for a “neighbour sign off” to be provided for one R-Code variation only. Applicants commonly seek to have neighbours sign-off on multiple variations to waive the required 14-day consultation period.	Allowance for more than one neighbour sign off to be provided by an applicant for a development application as long as neighbours are consulted in accordance with the requirements of the policy.
Information Sessions There is a common misconception from the public that “Community Information Sessions” on a planning proposal will involve formal ‘town hall style’ presentations from City officers as opposed to the more informal and contemporary drop in session.	Rename to ‘Talk to a Planner’ (information) sessions to reinforce the fact that they are flexible and informal, provide the opportunity for members of the public to discuss a proposal face to face with City officers. The naming also reflects the ability for participants to attend the session at a time of their choosing.
In person Community Information Sessions not an ideal method for some proposals (e.g. smaller strategic proposals) – which often result in very low to nil attendance, representing a waste of resources	Make sessions 'optional' for some planning proposals (instead of mandatory).
Preliminary Consultation There is ambiguity as to when the City should undertake preliminary community consultation on a planning scheme amendment (before formal initiation)	Define clearer criteria regarding when the City will undertake preliminary community consultation on planning scheme amendments (referencing the three ‘categories’ of amendment defined in the Regulations)

Given that the updates represent a combination of mandatory changes (i.e. as stipulated by the Regulations) or minor updates only, consultation on the revisions is considered unnecessary.

Updates to the on-site signage template to advertise proposals has also been undertaken concurrent with the review, to reflect the new ‘Manner and Forms’ for consultation signage provided by the Department of Planning Lands and Heritage, and to make signage more visually appealing – refer Additional Information attachment 3. Inclusion of an image on Complex proposals will be required given the better communication this will provide and the relative simplicity of this offered by modern digital print technology. The quoted price for a full colour aluminium backed sign with illustration is only slightly higher than for those within an image at \$295.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The ‘deemed provisions’ of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2 allow for the City to prepare and adopt local planning policies: “*In respect of any matter related to the planning and development of the Scheme area.*”.

The *Planning and Development Act 2005*, the *Planning and Development (Local Planning Scheme) Regulations 2015* and the Scheme all incorporate consultation requirements with which the policy must align (with some limited opportunity for expansion).

CONSULTATION

The Schedule 2 ‘deemed provisions’ of the *Planning and Development (Local Planning Scheme) Regulations 2015* state that public comment should be invited on new or amended local planning policies except where the amendment is minor (CI 5 (2)).

OFFICER'S RECOMMENDATION

Council:

- (a) adopt the amended version of Local Planning Policy 1.3 – Community Consultation on Planning Proposals provided in Attachment 1 to this report and,**
- (b) pursuant to Clause 5 (2) of Schedule 2 to the Planning and Development (Local Planning Schemes) Regulations, determine that the amendments to the policy are minor.**

**SPT2103-5 PROPOSED SCHEME AMENDMENT NO. 82 - LAND USE AMENDMENT
- OUTCOMES OF ADVERTISING AND FINAL ADOPTION –
(SCA0001/20)**

Meeting Date:	17 March 2021
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Schedule of Submissions – Amendment 82 to LPS4 2. Amendment 82 to LPS4 Text
Additional Information:	Nil

SUMMARY

The City has undertaken community consultation on a proposed complex scheme amendment (No. 82) to Local Planning Scheme No. 4 (LPS4). The amendment seeks to:

- Reduce the inconsistencies between the City's land use definitions within Local Planning Scheme No. 4 (LPS4) and the State's model scheme provisions.
- Introduce land uses proposed in several Western Australian Planning Commission (WAPC) position statements that would be of benefit to the City but are not yet in the model provisions.
- Introduce two definitions for particular land uses requiring greater management (namely drive through food outlets and large format digital signs) but which do not have an acceptable equivalent within the model provisions or existing WAPC position statements.
- Create and/or modify the land use permissibility table and parking requirements for the new and modified land uses mentioned above.

Community consultation on the amendment was undertaken from 9 December 2020 to 9 February 2021, during which period one public submission was received, in support.

It is recommended that the amendment proposal be approved by Council and referred to the Western Australian Planning Commission with a recommendation for final approval by the Minister for Planning.

BACKGROUND

The *Planning and Development Act 2005* provides for local governments to prepare local planning schemes to guide the use and development of land in their area. These are to be maintained through periodic review and amendment.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations):

- Outline the procedures for making and amending schemes, including a requirement for local governments to submit a review of any operational local schemes by a set date.

- Create a set of *Deemed provisions* for local planning schemes, meaning that a number of standard provisions were effectively made a part of all local government planning schemes to promote uniformity across local government schemes.
- Outline a set of *Model provisions*, including land use definitions, intended to be adopted by local governments when creating or amending schemes, to further increase alignment over time.

A review of the City's planning scheme adopted by Council in February 2020 and later endorsed by the Western Australian Planning Commission (WAPC) recommended a series of updates to the scheme including, in the short term, review and alignment of land use definitions with Model Scheme Text (refer SPT2002-4).

The subject amendment (No. 82) addresses this recommendation, rationalising the City's land use definitions and aligning with the Deemed and Model provisions, and amending the land use and car parking tables to incorporate these new or amended uses. It also seeks to introduce new (refined) land use definitions for 'Drive-through food outlet' and 'Large digital signage'; both of these proposal types have posed some significant, complex and administratively costly planning challenges to the City in the past which could be better managed by recognising them as specific land use classes, distinct from the more generic and much lower impact 'Fast food outlet / lunch bar' (which can include a sandwich shop or a juice bar) and smaller scale and non-digital signage, and so managing their location more particularly. This will assist in streamlining the planning process for the more routine, low impact forms of development and allowing the appropriate focus on and management of the more significant.

The amendment was initiated by the Strategic Planning and Transport Committee on 16 September 2020, and consequently processed and advertised in accordance with the Regulations. For further detail, refer to the original 16 September 2020 SPT report (SPT2009-2).

The purpose of this report is to consider submissions received during the consultation period and determine the recommendation to be made to the Western Australian Planning Commission.

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

OFFICER COMMENT

The City undertook public consultation for 60 days as required for a complex scheme amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.3.

The proposal was advertised from 9 December 2020 to 9 February 2021, during which time one submission was received (refer Schedule of Submissions Attachment 1). The submission was in support of introducing clearer controls for large format digital advertising signs.

Final approval and referral of the Amendment is consequently recommended, incorporating a couple of minor administrative corrections identified by the Department of Planning, Lands and Heritage prior to advertising to remove a duplication of land use definition, and an omitted word in one reference to a land use name.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The process for a scheme amendment is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

CONSULTATION

Consultation on the Amendment has been carried out in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.3, as outlined in the report.

The Amendment was referred to the Environmental Protection Authority (EPA) prior to advertising: the EPA resolved not to assess the proposal and advised that it had no comment.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Note the submission received on Amendment 82 to Local Planning Scheme No.4 as outlined in the Schedule of Submissions provided in Attachment 1.**
- 2. Resolve pursuant to regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 to adopt Amendment 82 to the City of Fremantle Local Planning Scheme No. 4 as shown in Attachment 2.**
- 3. Authorise the Mayor and the Chief Executive Officer to execute and affix the common seal of the City of Fremantle to the Amendment No. 82 to Local Planning Scheme No. 4 documentation as referred to in (2) above.**
- 4. Refer the executed Amendment No. 82 to Local Planning Scheme No. 4 documentation to the Western Australian Planning Commission with a request that the Minister for Planning grant it final approval.**

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.

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.

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.

14. Confidential business

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

15. Closure

