



Minutes

Strategic Planning and Transport Committee

Wednesday, 16 September 2020, 6.00pm

Table of Contents

Contents	Page
1. Official opening, welcome and acknowledgement	1
2.1. Attendance	1
2.2. Apologies	1
2.3. Leave of absence	1
3. Disclosures of interests	1
4. Responses to previous questions taken on notice	1
5. Public question time	1
6. Petitions	2
7. Deputations	2
7.1 Special deputations	2
7.2 Presentations	2
8. Confirmation of minutes	2
9. Elected member communication	2
10. Reports and recommendations	2
10.1 Committee delegation	3
SPT2009-1 LOCAL HERITAGE SURVEY AND HERITAGE LIST - ANNUAL UPDATE 2020 – OUTCOMES OF CONSULTATION	3
SPT2009-2 SCHEME REVIEW: REVIEW OF LAND USE DEFINITIONS: PROPOSED SCHEME AMENDMENT	11
10.2 Council decision	27
SPT2009-3 PLANNING RECOVERY INITIATIVES – ADDITIONAL DEVELOPMENT APPROVAL EXEMPTIONS, AND STATE PLANNING REFORMS	27
SPT2009-4 CENTRAL AREA TRANSIT (CAT) REVIEW – APPROACH & OBJECTIVES	32
11. Motions of which previous notice has been given	40

12. Urgent business	40
13. Late items	40
14. Confidential business	40
15. Closure	40

STRATEGIC PLANNING AND TRANSPORT COMMITTEE

Minutes of the Strategic Planning and Transport Committee Meeting
held in the North Fremantle Community Hall
on **Wednesday, 16 September 2020** at 6.00 pm.

1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6.00pm.

2.1. Attendance

Dr Brad Pettitt	Mayor (<i>arrived 6.04pm</i>)
Cr Sam Wainwright	Presiding Member/Hilton Ward
Cr Rachel Pemberton	Deputy Presiding Member/City Ward
Cr Geoff Graham	Beaconsfield Ward
Cr Doug Thompson	North Ward
Cr Marija Vujcic	South Ward
Cr Jenny Archibald	East Ward
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Phillida Rodic	Manager Strategic Planning
Mr Gavin Giles	Senior Strategic Projects Officer
Ms Gena Binet	Heritage Coordinator
Mr Nathan Blumenthal	Senior Planning Officer
Ms Michelle Gibson	Meeting Support Officer

There were no members of the public and no members of the press in attendance.

2.2. Apologies

Cr Su Groome
Cr Bryn Jones

2.3. Leave of absence

Cr Adin Lang

3. Disclosures of interests

Nil

4. Responses to previous questions taken on notice

Nil

5. Public question time

Nil

6. Petitions

Nil

7. Deputations

7.1 Special deputations

Nil

7.2 Presentations

Nil

8. Confirmation of minutes

COMMITTEE DECISION

(Officer's recommendation)

Moved: Cr Sam Wainwright Seconded: Cr Geoff Graham

The Strategic Planning and Transport Committee confirm the minutes of the Strategic Planning and Transport Committee meeting dated 19 August 2020.

Carried: 6/0

Cr Sam Wainwright, Cr Geoff Graham,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Marija Vujcic, Cr Jenny Archibald

9. Elected member communication

Nil

10. Reports and recommendations

10.1 Committee delegation

SPT2009-1 LOCAL HERITAGE SURVEY AND HERITAGE LIST - ANNUAL UPDATE 2020 – OUTCOMES OF CONSULTATION

Meeting Date:	16 September 2020
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Committee
Agenda Attachments:	<ol style="list-style-type: none">1. Revised physical description of the property and the statement of significance – 96 Marine Terrace, Fremantle2. Revised physical description of the property and the statement of significance – 193 South Terrace, South Fremantle
Additional Information:	<ol style="list-style-type: none">1. Submission – 96 Marine Terrace, Fremantle2. Submission – 193 South Terrace, South Fremantle

SUMMARY

The purpose of this report is to consider the outcomes of consultation on minor changes to the Local Heritage Survey (formerly the Municipal Heritage Inventory or MHI) and Heritage List recommended as part of the periodic (annual) update undertaken of these documents.

At the close of consultation, objections had been received in relation to two recommendations:

1. The recommended retention on the Local Heritage Survey and Heritage List of 96 Marine Terrace, Fremantle.
2. The recommended change in Local Heritage Survey categorisation of 193 South Terrace, South Fremantle.

Both properties are currently on the Heritage List and Heritage Survey.

The report considers the grounds for objection and the cultural heritage significance of the places as defined in the Heritage Act and Burra Charter and recommends that:

1. 96 Marine Terrace be retained on the Local Heritage Survey and Heritage List
2. 193 South Terrace be amended to Category 2 on the Local Heritage Survey
3. The physical description and statement of significance for both properties be updated to more accurately reflect their attributes, condition and significance as outlined in the attachment to the report.

BACKGROUND

On 1 July 2020, the Planning Committee (acting under delegation from Council) considered a report outlining the outcomes of the 2020 Annual Update of the Heritage List and Local Heritage Survey and resolved to:

...invite comment from affected landowners on the following proposed modifications to the Local Heritage Survey (LHS) and Heritage List:

<i>Place</i>	<i>Local Heritage Survey</i>	<i>Heritage List</i>	<i>Reason</i>
<i>11 Chalmers Street, Fremantle</i>	<i>Add as Category Level 3</i>	<i>Add</i>	<i>The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.</i>
<i>22 Shepherd Street, Fremantle</i>	<i>Add as Category Level 3</i>	<i>Add</i>	<i>The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values. Of particular significance as a rare example of Post-War units constructed as social housing by the McNess Housing Trust.</i>
<i>36 Samson Street, White Gum Valley</i>	<i>Add as Category Level 3</i>	<i>Add</i>	<i>The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.</i>
<i>16 Howard Street, Fremantle</i>	<i>Add as Category Level 3</i>	<i>Add</i>	<i>The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.</i>
<i>196 South Street, White Gum Valley</i>	<i>Add as Category Level 3</i>	<i>Add</i>	<i>The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.</i>
<i>3, 4, 5, 6, 8, 10, 12, 14, 17, 19, 20, 21, 22, 23 & 24 Butterworth Place</i>	<i>Change Category from Level 3 to Historic Record Only</i>	<i>Remove</i>	<i>This property is part of a former market garden that was subdivided and redeveloped c. 2010s. No evidence of the earlier significant use remains.</i>
<i>1, 2, 3, 4, 5, 6, 7 & 8 Keady Way</i>	<i>Change Category from Level 3 to</i>	<i>Remove</i>	<i>This property is part of a former market garden that was subdivided and redeveloped c. 2010s. No</i>

	<i>Historic Record Only</i>		<i>evidence of the earlier significant use remains.</i>
<i>1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 Vickridge Close</i>	<i>Change Category from Level 3 to Historic Record Only</i>	<i>Remove</i>	<i>This property is part of a former market garden that was subdivided and redeveloped c. 2010s. No evidence of the earlier significant use remains.</i>
<i>38 Samson Street, White Gum Valley</i>	<i>Change Category from Level 3 to Historic Record Only</i>	<i>Remove</i>	<i>The timber cottage described in the heritage listing was burnt down in 2012 and a new house constructed in 2018.</i>
<i>10 Douglas Street, Fremantle</i>	<i>Change Category from Level 3 to Historic Record Only</i>	<i>Remove</i>	<i>The house described in the heritage listing was demolished c. 2010 and a new house constructed</i>
<i>162 High Street, Fremantle</i>	<i>Change Category from Level 3 to Historic Record Only</i>	<i>Remove</i>	<i>The place is below the threshold for inclusion on the Heritage List.</i>
<i>193 South Terrace, South Fremantle</i>	<i>Change Category from Level 3 to Level 2</i>	<i>Retain on list</i>	<i>The place is of considerable cultural heritage significance in its own right within the context of Fremantle.</i>
<i>258 South Terrace, South Fremantle</i>	<i>Change Category from Archaeological to Level 3</i>	<i>Retain on list</i>	<i>The shop and house have some significance for their contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.</i>
<i>33 Attwell Street, Fremantle</i>	<i>Add to LHS as category Level 3</i>	<i>Add</i>	<i>35 Attwell Street was subdivided and the new empty block was numbered 35 and retained the heritage listing while the house became 33 Attwell. The listing needs to change to reflect this.</i>
<i>35 Attwell Street, Fremantle</i>	<i>Change Category from Level 3 to Historic Record Only</i>	<i>Remove</i>	<i>35 Attwell Street was subdivided and the new empty block was numbered 35 and retained the heritage listing while the house became 33 Attwell.</i>
<i>2 Nelson Street, South Fremantle</i>		<i>Change name of property</i>	<i>2 Nelson Street has been incorrectly named a</i>

		<i>on Heritage List.</i>	<i>commercial building when it is a house.</i>
<i>2A Nelson Street, South Fremantle</i>	<i>Change Category from Level 3 to Historic Record Only</i>	<i>Remove</i>	<i>2 Nelson Street was subdivided and a new house built on 2A.</i>
<i>House and Limestone Features, 96 Marine Terrace, Fremantle</i>	<i>Retain</i>	<i>Retain</i>	<i>The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.</i>
<i>Various other properties listed in Attachment 1</i>	<i>Change Category to Historic Record Only</i>	<i>Remove</i>	<i>These places originally formed part of heritage listed parent lots but have since been subdivided from them. They retain no features of heritage significance themselves.</i>

In the event of landowners making no objection to modifications recommended to the Local Heritage Survey and Heritage List, that these changes be finalised, documented and communicated to the Heritage Council of Western Australia and the City's records updated accordingly. Where objection is received, the recommendation will be referred back to Council. (PC2007-1)

Consultation on the proposed changes to the Local Heritage Survey (LHS) and Heritage List was undertaken with affected landowners between 11 August and 31 August 2020 (inclusive).

The purpose of this report is to outline the outcomes of this consultation and to further consider the recommendations to which objection was received.

The Strategic Community Plan indicates that Fremantle wishes to “*sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history*”. Maintenance of the City's LHS and Heritage List contribute to this objective.

OFFICER COMMENT

Two objections were received during the consultation period:

1. One in relation to the proposed retention of 96 Marine Terrace, Fremantle.
2. One in relation to the proposed change in Local Heritage Survey category from 3 to 2 in relation to 193 South Terrace, South Fremantle.

The City also received requests for clarification from several other property owners, which was provided.

96 Marine Terrace, Fremantle



Current Listings and Review Recommendation:

Heritage Place Name	<i>HOUSE AND LIMESTONE FEATURES, 96 MARINE TERRACE</i>
Heritage listed CoF	<i>Yes, 8 March 2007</i>
Management Category	Level 3
Local Heritage Survey listed	<i>Yes, Adopted 18 September 2000</i>
2020 Update Recommendation	Retain on LHS (category 3) and Heritage List. Revise the information in the LHS listing including the physical description and statement of significance

96 Marine Terrace, Fremantle was considered in the annual update in response to a request from the landowner that it be removed from the Heritage List. A consultant acting on behalf of the landowner has indicated that because of the extent of alteration which has been undertaken to the property, it is of limited heritage significance.

The City reassessed the property as part of the review and recommended that it be retained on the Local Heritage Survey and List because *the form of the original c. 1900 house is still clearly expressed and the Post-War alterations are typical of the era and record the contribution to the built environment made by immigrants from Southern Europe.*

The landowner's representative has responded, confirming their objection and disagreement with the City's assessment on the basis that:

- The original building has been modified to the point that limited heritage significance remains;
- Due to alterations, the building no longer retains 'Federation Bungalow style' or reflect the features recorded in the Statement of Significance;
- The current use of the building (for 'office') is not consistent with its original constructed use for residential;
- Existing limestone features on the rear boundary are in poor condition. Those on the front boundary are relatively recent;
- The heritage listing is restricting redevelopment of the site.

A copy of their submission is provided as Additional Information attachment 1.

Notwithstanding the alterations which have occurred to the property, the City's heritage staff still believe the property retains local heritage significance when assessed against the Burra Charter criteria. Retention of the property on the Local Heritage Survey and Heritage List is consequently recommended, with appropriate updates to the physical description and statement of significance (as outlined in Attachment 1).

193 South Terrace, South Fremantle



2019 aerial photograph of site, CoF Intramaps.

Corner of South Terrace and Louisa Street, Google Maps 2017.

Current Listings and Review Recommendation:

Heritage Place Name	<i>HOUSE, 193 SOUTH TERRACE</i>
Heritage listed CoF	<i>Yes, 8 March 2007</i>
Local Heritage Survey	<i>Yes,</i>
Management Category	<i>Level 3, 18 September 2000</i>
Heritage Area	<i>South Fremantle Heritage Area</i>
2020 Update Recommendation	<i>Modify the LHS category from Level 3 to Level 2.</i>

193 South Terrace South Fremantle was reconsidered in the 2020 Annual Update in response to a query raised by one of the site neighbours. It is noted that the site was recently the subject of a somewhat controversial development application incorporating a density bonus on heritage grounds, approval of which was granted following appeal of the JDAP's original refusal to the State Administrative Tribunal.

The 2020 Annual Update noted that whilst the current LHS listing of the site indicates that the house is a *'typical rendered masonry and tile single storey house'* that is *'representative of the typical workers houses in the area'*, 193 South Terrace does in fact have *'a complex asymmetrical plan and is designed in the more sophisticated Federation Bungalow style. Both street facades are both treated in the same manner with a projecting bay with a gable roof and decorative fretwork bookending a verandah that wraps around the corner.'*

The assessment went on to conclude that: *"As a more substantial and ornate house than much of the surrounding houses, 193 South Street makes a considerable contribution to the streetscape of both South Terrace and Louisa Streets. It is a minor landmark on*

South Terrace and contributes to the quality and presence of the local commercial area opposite.”

The landowner has objected to the proposed recategorization for a number of reasons (refer Additional Information 2 for details) including:

- Procedural grounds: the inclusion of the property in the update review was not supported by a formal written request;
- Absence of evidence for any change which would justify change in categorisation;
- Renovations which affect the authenticity of the place and which are not detailed in the physical description (refer submission for full details);
- Inclusion in the physical description of portions of the site approved for redevelopment.

The City has been proactively seeking to use the annual update process to improve the integrity of its heritage instruments. The inaccuracy of the statement of significance was identified in State Administrative Tribunal mediation on the previous development proposal for the site. The update review has therefore sought to ensure that the listing is both accurate and reasonable, based on the site’s current attributes.

The proposed recategorization on the Local Heritage Survey from category 3 (“some” cultural heritage significance”) to category 2 (“considerable” cultural heritage significance) does not change the statutory protection afforded to the site through its inclusion on the Heritage List, but does indicate an increase in recognised significance. Demolition of the building would be unlikely to be supported irrespective of its categorisation. The proposed change in category will not affect the current approval in place for development of the site

Having further reviewed the property against the Burra Charter criteria, the City’s heritage staff maintain the view that the property has sufficient heritage significance to meet the threshold for category 2 listing, and so this recommendation is maintained. It is further recommended that the LHS listing be updated to more accurately describe the physical attributes of the site and its significance in accordance with Attachment 2.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The *Heritage Act 2018* requires periodic update and review of the LHS.

CONSULTATION

The *Heritage Act 2018* and the *Planning and Development (Local Planning Schemes) 2015 Regulations* specify consultation requirements with the landowners of all affected properties prior to modification to the Local Heritage List and Heritage List, respectively.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM SPT2009-1
(Officer's recommendation)

Moved: Cr Sam Wainwright

Seconded: Cr Rachel Pemberton

Council:

- 1. Note the submissions received in relation to the 2020 Local Heritage Survey and Heritage List Annual Update.**
- 2. In relation 96 Marine Terrace, Fremantle:**
 - a. retain the site on the Local Heritage Survey as Category 3 (some heritage significance);**
 - b. retain the site on the Heritage List;**
 - c. revise the physical description of the property and the statement of significance in accordance with Attachment 1 to this item.**
- 3. In relation to 193 South Terrace, South Fremantle:**
 - a. re-categorise the listing of the site on the Local Heritage Survey from Category 3 (some heritage significance) to Category 2 (considerable heritage significance);**
 - b. revise the physical description of the property and the statement of significance in accordance with Attachment 2 to this item.**

Carried: 6/0

**Cr Sam Wainwright, Cr Geoff Graham,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Marija Vujcic, Cr Jenny Archibald**

Mayor, Brad Pettitt arrived at 6.04 pm prior to consideration of the following item.

**SPT2009-2 SCHEME REVIEW: REVIEW OF LAND USE DEFINITIONS:
PROPOSED SCHEME AMENDMENT**

Meeting Date: 16 September 2020
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Committee
Agenda Attachments: 1. Proposed Amendment 82 to Local Planning Scheme No. 4
Additional Information: 1: Land Use Definitions Comparison
 2: LPS4 Definitions proposed for Retention
 3: Proposed New Zoning Table (consolidated)

SUMMARY

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) include a set of model provisions intended to be incorporated into all local planning schemes. Within these model provisions are land use definitions that are to be incorporated as relevant to each local government. In considering the Scheme Review Report in February 2020, Council endorsed a broad schedule of amendments including, as a short term action, review and alignment of land use definitions with Model Scheme Text. The purpose of this report is to:

- Explore the inconsistencies between the City's land use definitions within Local Planning Scheme No. 4 (LPS4) and the model provisions with the aim of rationalising the City's scheme to align more closely with the model 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.
- Create definitions to new land uses that Council has expressed an interest in more firmly regulating but 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.

This report recommends that Council:

1. Initiate a scheme amendment incorporating the recommended updates to land use definitions, the land use permissibility table, and consequential modifications to parking requirements.
2. Resolve that the amendment is a complex amendment as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Authorise City officers to process the amendment in accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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 required to be maintained through periodic review and amendment. Where this does not occur, the Minister for Planning may direct amendment or review of schemes.

The *Planning and Development (Local Planning Schemes) Regulations* were introduced in 2015 and, amongst other things:

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

The City prepared its Scheme Review Report in late 2019. The report proposed recommending to the Western Australian Planning Commission that the current scheme is largely satisfactory in its existing form but should be amended based on an agreed program of scheme amendments, including, in the short term, review and alignment of land use definitions with Model Scheme Text. Council endorsed the Review Report at the Ordinary Council Meeting of 12 February 2020 (Item SPT2002-4). The Western Australian Planning Commission considered the City's recommendation on 21 August and endorsed the recommendation with a minor modification. This report and the proposed revisions to the land use definitions, land use permissibility table, and parking table form a part of that proposed program of scheme review.

The report also responds to direction from Council in February 2019 in relation to a review of city centre land use mix, in response to which Council resolved, *inter alias*:

4. Review of the current levels of permissibility of land uses in the City Centre zone as contained in Table 1 – Zoning of Local Planning Scheme No. 4, for the purpose of considering whether to initiate a scheme amendment to change some current 'P' (Permitted) uses to discretionary ('D' or 'A') uses.

(SPT 1902-5).

OFFICER COMMENT

Definitions

The Regulations include a set of model provisions for local governments to use when creating or amending their local planning scheme. Standardisation of definitions is recommended where possible, to assist in simplifying the planning system, consistent with the state government planning reform agenda.

One option is to supersede all the definitions in LPS4 with the model provisions. However, this would not be desirable as some existing definitions are not in the model provisions but are required for the local context, while other definitions within the model

provisions would likely require a substantial change to the scheme (i.e. they relate to further scheme clauses) or local planning policies. These definitions are therefore recommended to be retained. Where the City is proposing to maintain non-standard definitions or modify standard definitions, a case must be put forward as to how such modifications reflect the local context and why they are consequently necessary.

The definitions have been reviewed and broken up into the following categories:

- 1) Definitions in the model provisions that are not required to be added to LPS4.
- 2) Definitions in the model provisions that are not currently in LPS4 but recommended to be added.
- 3) Definitions within LPS4 that match the model provisions and require no change.
- 4) Definitions within LPS4 that can be easily replaced by the model provisions definitions as they are an administrative change or are definitions that are more fit for purpose.
- 5) Definitions within LPS4 that can be deleted as surplus to requirements or suitably replaced by another in the interest of simplification.
- 6) Definitions within LPS4 to be retained that do not have a comparable one in the model provisions, but are required for the local context.
- 7) Definitions to be added to LPS4 that are not within the model scheme text.

Additional Information attachment 1 provides a comparison of the regulations and LPS4 definitions.

1. Definitions not required

The following land uses defined in the model provisions are generally not suitable for an inner urban environment and are not recommended to be added into LPS4 (noting that this controls development on zoned land, not regional reserves):

- Abattoir
- Agriculture-extensive
- Agriculture-intensive
- Animal husbandry-intensive
- Corrective institution
- Freeway service centre
- Industry- extractive
- Industry – primary production
- Marina
- Marine filling station
- Mining operations
- Road house
- Rural home business
- Rural pursuit/hobby farm
- Tree farm
- Waste disposal facility
- Wind farm
- Winery
- Workforce accommodation

In the unlikely event that the City receives an application for something not defined in the scheme that would otherwise be classed as one of the above land uses, the *Deemed provisions* allow local government to consider any use not in the definitions as a “Use not listed”. Said use would require a development application and would be treated as an ‘A’ (discretionary) use, meaning it would have to be advertised for comment and assessed by the City as to its suitability for the zone.

Creating land uses and assigning permissibility allows the City more control over development, particularly in regard to ‘X’ uses. Where a use is not listed it can technically be considered anywhere (subject to compatibility with the zone objectives of the scheme and a number of other matters within the *Deemed provisions*), but assigning it an ‘X’ use provides certainty and prevents applications for development in areas where it would clearly be incompatible. However, inclusion of land uses not permissible within the scheme area is generally not supported by the WAPC.

2. Definitions proposed to be added from the model provisions

The following definitions from the model provisions are currently not covered by those in LPS4 and are considered to be useful going forward:

- Animal establishment : *means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre*

This definition would capture uses such as doggy day cares and boarding, which, due to their unusual nature, have been categorised as a “Use not listed”.

- Art gallery: *means premises —*
 - (a) *that are open to the public; and*
 - (b) *where artworks are displayed for viewing or sale;*

This new definition simply separates out this element (display of art) from an Exhibition Centre, which tends to be much bigger in scale. This use allows for smaller art galleries in inner urban areas.

- Brewery: *means premises the subject of a producer’s licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988;*

This use would capture the increasing businesses with Producers’ licences such as boutique breweries and distilleries, which at the present time are classified as Licensed Premises-Other. It is considered useful to have a more specific use in this instance due to the now-common nature of these proposals. A producer’s license allows sales of liquor onsite provided it is served with a meal, similar to a Restaurant use. City officers would be able to consider a small scale Restaurant as an incidental use, with larger, more intensive Restaurant use perhaps comprising a separate land use.

- Caretaker’s dwelling: *means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;*

While not overly common, there is a reasonably sized industrial zone (O'Connor) within the scheme area. Currently, any proposals for a caretaker's dwelling are classified as a Single House, which is an X use in the industrial zone, meaning that temporary approvals are given with a number of conditions. The definition provides useful parameters that restrict the use of the dwelling and link it to the business operations on site to ensure consistency and suitability of the use within the zone.

- Commercial vehicle parking: *means premises used for parking of one or 2 commercial vehicles but does not include —*
 - (a) *any part of a public road used for parking or for a taxi rank; or*
 - (b) *parking of commercial vehicles incidental to the predominant use of the land;*

The updated Transport Depot definition (also recommended for adoption) refers to having three or more vehicles. This definition is for smaller facilities that would have less of an impact and require a different assessment.

- Liquor store – large: *means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of more than 300 m²;*
- Liquor store – small: *means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300 m²;*

These two new definitions replace the existing Liquor Store. It responds to the very different scales of stores now in existence, and it is acknowledged that they should have different permissibility.

- Resource recovery centre: *means premises other than a waste disposal facility used for the recovery of resources from waste*

Given the City's One Planet objectives, encouraging the reuse and recovery of products from waste is important. Inclusion of this use in the Industrial zone is recommended.

- Serviced apartment: *means a group of units or apartments providing —*
 - (a) *Self-contained short stay accommodation for guests; and*
 - (b) *Any associated reception or recreational facilities.*

This definition caters for smaller complexes of short stay dwellings.

- Tourist development: *means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or ~~holiday house~~ **short stay dwelling**, used to provide —*
 - (a) *short term accommodation for guests; and*
 - (b) *onsite facilities for the use of guests; and*
 - (c) *facilities for the management of the development.*

This use replaces the current Tourist Accommodation. It also slightly modifies the model provisions to replace reference to 'Holiday House' (a definition the City is not adopting) with Short Stay Dwelling (a definition the City is retaining). As Holiday House is not

adopted, it is simpler to modify the above model provision, because it results in the same outcome. (See *Short Stay Dwelling* definition below for further discussion).

- Trade supplies: *means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —*
 - (a) *automotive repairs and servicing;*
 - (b) *building including repair and maintenance;*
 - (c) *industry;*
 - (d) *landscape gardening;*
 - (e) *provision of medical services;*
 - (f) *primary production;*
 - (g) *use by government departments or agencies, including local government;*

The omissions resulting from the adoption of the model scheme text of “Garden Centre” are captured by the inclusion of this definition.

- Waste storage facility: *means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.*

Whilst not likely to occur on a major scale in Fremantle, this definition accommodates some overlap with the ‘Resource Recovery Centre’ definition and could conceivably be required. The use is currently also accommodated in the ‘Industry – Licenced’ definition but upon review of that, as part of the industrial zone review, may be required.

No change

The following definitions within LPS4 have the same wording as those in the model provisions and require no amendment:

- Cinema/theatre
- Club premises
- Community purpose
- Market
- Motor vehicle, boat or caravan sales
- Place of worship
- Trade display

Replacement with model definition

The following definitions are recommended to be updated with that from the model provisions. They involve a minor wording change or update to referenced legislation, and result in no more than an administrative amendment:

- Amusement parlour
- Betting agency
- Caravan park
- Child care premises
- Civic use
- Consulting rooms
- Educational establishment

- Exhibition centre
- Family day care
- Fuel depot
- Funeral parlour
- Garden centre
- Home business
- Home occupation
- Home office
- Home store
- Hospital
- Hotel
- Industry
- Medical centre
- Motel
- Motor vehicle repair
- Motor vehicle wash
- Nightclub
- Office
- Park home park
- Reception centre
- Recreation-private
- Restaurant/cafe
- Restricted premises
- Service station
- Shop
- Small bar
- Tavern
- Telecommunications infrastructure
- Transport depot

The following definitions are also recommended to be replaced with the Model Provisions definition, and include more than a minor wording change:

- Bed and Breakfast – Limits the size to 4 adult persons or 1 family, and a maximum of 2 bedrooms. Beyond that, the use likely becomes closer to Short Stay Dwelling.
- Bulky goods showroom – Adds more specificity of what constitutes bulky goods, as opposed to goods sold in a standard Shop. This avoids the frequent debate about whether a large format shop can be classified as a showroom, and thus improves clarity and efficiency (key objectives of planning reform).
- Car park – The key difference between the two options is the scheme's specification that the parking area is on payment of a fee. Generally, if a car park is not for paid parking, it is for a tenant and therefore ancillary to the main use of the building. In the rare instance that a landowner may wish to provide free parking to the general public, the use of the site may need to be a Use not listed under the current scheme. The model provision definition provides a straight forward replacement that covers both paid and free off street parking where it is not for private purposes.

- Convenience store – The model provisions delete the sale of petrol from the definition. Petrol stations would fall under Service Stations. This eliminates the confusion between the two use classes.
- Lunch bar and Fast food – The model provisions combine these two uses, and even the definitions within the current scheme are largely interchangeable. Currently, they have different land use permissibility in the scheme but are functionally identical. The model provision specifically includes premises with a facility for drive-through, but it is recommended that this part of the definition not be adopted. In fact, a drive-through is proposed to be specifically excluded from the definition. A drive through component significantly alters the impact of a takeaway food outlet and has different planning considerations. An additional definition is proposed (see below) for fast food outlets that contain a drive through component.
- Veterinary centre – The model provisions combine the two uses of “Veterinary consulting rooms” and “Veterinary hospital” currently in the scheme.
- Warehouse – The model provision definition combines the current definitions for Storage Yard and Warehouse. It is not considered that this is a change with significant implications.

Definitions to be deleted

The following definitions are either replaced by a more suitable definition or are surplus to requirements:

- Aged and dependent persons dwelling: The current definition states it has the same meaning as in the Residential Design Codes (R-Codes). However, the R-Codes define “Aged person” and “Dependent person” but do not define them in conjunction with the dwelling type. In discussions with the Western Australian Planning Commission, they are of the opinion that this land type can be considered under the basic Grouped or Multiple dwelling land uses, as the specific development requirements are within the R-Codes.
- Industry – General: The definition defines it as not being one of the other specialised Industry uses. This is covered under the basic use of Industry.
- Liquor store: Two new liquor store uses (separated scale) are included in the model provisions, which allows flexibility in types and zones (i.e. relegate big box ones to commercial zones, etc.)
- Nursery: Has the same definition as Garden Centre. The activities mentioned in LPS4’s garden centre definition can fit into other land uses.
- Petrol Filling Station: Included as part of the model definition for Service Station.
- Public utility: These works are usually considered public works not requiring a planning approval. In any case where these works would not be considered to be public works, they would be a “Use not listed”, which is treated as an ‘A’ use. Since a Public utility is currently an ‘A’ use in every zone in the scheme, the deletion of this land use effectively results in no change.
- Shipbuilding: Covered by retained industrial land uses and is a use that is unlikely to be received for zoned land (the foreshore and harbours are reserved under the Metropolitan Region Scheme and so not subject to the controls of the local planning scheme).
- Small secondary dwelling: Removed from scheme by the sunset clause, no longer a valid land use, and now covered by modifications to the definition of Ancillary accommodation in the R-Codes.

- Tourist accommodation: Replaced with serviced apartment.
- Storage yard: Consolidated with Warehouse.
- Bank: Can be covered by an office use.
- Health studio: This definition will fall under Recreation - private.
- Hardware store: Replaced by Trade supplies, which covers Bunnings scale. Smaller stores are covered by the land use of Shop.
- Storage Yard: Combined with new definition of Warehouse.

Definitions to be retained

A number of definitions (outlined in Additional Information attachment 2) are not considered to have a suitable replacement in the model provisions or require review as part of a more comprehensive process and are so recommended to be retained in LPS4 for the present. These include:

- A number of the industrial definitions which correlate to the O'Connor local planning policy in regards to buffers to adjoining residential areas: Review of the industrial land use definitions is proposed to be undertaken as part of the broader review of the industrial areas against the revised industrial buffer requirements, in accordance with the 2020 Scheme Review Report (action project c i).
- The Short Stay Dwelling definition which is covered by the Holiday House and Holiday Accommodation definitions in the Model Scheme Text, but which will require modification to the City's Local Law. The Department of Planning Lands and Heritage is in the process of preparing a position statement on the management of short stay uses following a parliamentary inquiry into this. Given the functionality of the City's system, the resources required to amend the Local Law concurrently and the potential for further changes to be required as a result of the new position statement, retention of the current definition with some minor changes to more closely align it with the Model definition is recommended.
- The grouped dwelling, multiple dwelling, single house and residential building land uses are defined in the Residential Design Codes. Clause 1.7.1 of the Scheme states that unless otherwise provided for, words and expressions used in the scheme have the same meaning as they have in the Planning and Development Act or, where not defined there, the Residential Design Codes. These land uses (which the scheme currently states against each are defined as per the R-Codes) do not need separate definition. However in order to make the scheme more user friendly (particularly given that these land uses are by far the most common), retention is recommended.

Additional uses not within the model scheme provisions

Aged Care

The WAPC's Draft Position Statement on Aged Care Facilities, which finished public consultation on 19 January 2020, recommends the following land use definitions be included in schemes:

- Residential aged care facility – a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and

equipment. This may consist of multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, but does not include a hospital, rehabilitation or psychiatric facility.

- Retirement village – a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and land uses incidental and ancillary to the provision of such accommodation but does not include a development which includes these features as a component of a residential aged care facility.

In line with the City's strategic directives for varied and affordable housing, these land uses are recommended for inclusion, as they are not currently covered by any existing land use definitions. As such uses would not be covered by the Residential Design Codes, it is recommended that an additional clause be included within the Scheme to require any development within a residential zone to conform to certain built form requirements and retain the expected amenity of residential zones. This is further discussed below.

Large Digital Signage

Given the growing trend in digital signage and the City's reluctance to support such signage due to its heritage, streetscape, amenity and traffic safety impacts, it is recommended that a definition be included within the scheme so that the use can be added to the permissibility table. This will give the City greater control over where such signs can be placed and provide more statutory authority for enforcement and decision-making. The City has previously received legal advice while assessing such digital signs that there is the ability to add such a definition to the scheme. The legal advice also noted that the Western Australian Planning Commission was unlikely to approve making any definition an 'X' use in all zones.

The Western Australian Planning Commission has provided an Instrument of Delegation, which is a document guiding the planning process for referral agencies and local governments, which included the following definition (from DEL2017/02):

- Large format digital signage - means an electronic billboard whether freestanding or attached to another structure, and with a display area of greater than 13m².

It is noted that this definition was provided to primarily deal with freeway signs, and a display area of 13m² is considered too large to capture the size of signs typically proposed in an inner urban area such as Fremantle. Consequently, it is recommended modifying the definition to include display areas greater than 1.5m² and changing the term "billboard" to "sign" to avoid confusion. This would exempt A0 poster size signs such as those hung in shop windows (though signs in shop windows are generally exempt from requiring approval under current policy) while still capturing larger billboard type signage.

Other uses

The use of Container deposit recycling is recommended in the *WAPC Position Statement (Container deposit scheme infrastructure)*, and is essentially a collection and sorting location for the proposed container deposit facilities. It is not a waste storage facility or

Such recycling units come in a variety of sizes. Drop off points either in store or on a small cage onsite, and small vending machine-type units would be considered incidental land uses. The purpose of the land use definition would be to capture larger collection points and lots where the predominant use is container deposit recycling collection and/or sorting. This would include large reverse vending machines (greater than 3 sqm) and larger sorting centres, consistent with the WAPC's position paper.

Where a fast food outlet/lunch bar contains a drive-through component, it would be classified as a “Drive-through food outlet”. Currently, fast food outlet uses are broad enough to encompass something as small as a juice bar and as large as a fast food restaurant. Such a wide variation in the definition has the potential to lead to unsatisfactory planning outcomes, where small shops with negligible impact are held to the same standards as larger outlets. Further, the addition of a drive-through component has flow on amenity impacts in regards to urban design, vehicle traffic, noise, etc., that require special consideration.

means a fast food outlet/lunch bar which includes the sale and serving of food direct to persons driving or seated in motor vehicles.

In addition to adding the new land uses into the scheme, new and amended land uses will need to be allocated a level of permissibility in each zone.

Symbol Index		R E S I D E N T I A L	C I T Y C E N T R E	L O C A L C E N T R E	N E I G H / H O O D C E N T	M I X E D U S E	C O M M E R C I A L	I N D U S T R I A L
P	means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.							
D	means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.							

A	means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising) in accordance with clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Schedule 2.				R E			
X	Not Permitted							
Animal establishment		X	X	X	X	X	A	D
Art gallery		X	P	D	D	D	D	X
Brewery		X	A	A	X	A	A	D
Caretaker's dwelling		X	A	X	X	X	D	D
Container deposit recycling		X	D	A	A	D	D	P
Commercial vehicle parking		X	A	D	D	A	P	P
Drive-through food outlet		X	X	X	X	X	A	X
Large digital signage		X	X	X	X	X	X	X
Liquor store – large		X	A	A	X	X	A	X
Liquor store – small		A	A	A	A	A	X	X
Residential aged care facility		P	D	A	A	D	X	X
Resource recovery centre		X	X	X	X	X	X	D
Retirement village		P	D	A	A	D	X	X
Serviced apartment		A	D	A	A	A	X	X
Tourist development		X	D	A	A	A	X	X
Trade supplies		X	X	X	X	X	A	P
Waste storage facility		X	X	X	X	X	X	D

The WAPC's draft position statement recommends that both Residential aged care facility and Retirement village be P in Residential, X in Industrial, and D or A in all other zones, as shown above. When proposed in a Residential zone, the built form is to be controlled through application of the R-Codes (see below).

The following table includes land use permissibility for definitions that currently exist in the City's scheme but have been combined through adoption of model scheme text definitions:

Recreation - private [NB: New definition includes Health Studios]	X	D	D	A	D	D	D
Veterinary centre [NB: Combines "Veterinary consulting rooms" and "Veterinary hospital"]	X	A	A	A	A	A	P
Fast food outlet/Lunch bar	X	D	D	D	D	D	D

Additional information attachment 3 includes an updated zoning table, showing the new, modified, and deleted uses.

A review of the permissibility of other land uses in the City has not been undertaken at this stage, however, it is intended to occur as part of the scheme review process. Three exceptions are proposed to this arising from the previous review of land use mix in the city centre (refer background) and a frequent query:

1. Reception Centre is currently a 'P' use in a Mixed Use zone whilst much lower impacts uses (such as restaurant) are discretionary. Correction to this to make Reception Centre a discretionary 'A' use is proposed.
2. Restaurant – Restaurants are currently an 'A' use within the City Centre. Given the objectives of the City Centre zone and the desire for the City Centre to be a destination attractor, it is recommended that the use be changed to a 'D' discretionary use. This will still allow the City to apply discretion but will not require the City to solicit neighbour comments. It is noted that there is still discretion for the City to notify neighbours for a 'D' use in the event the Restaurant proposes an unusual scale or intensity.
3. Grouped dwellings – Grouped dwellings are dwellings that have common property, such as a common driveway, but are not located above one another (i.e. excludes flats). Currently, Grouped dwellings are a 'D' use within a Residential zone. Given that the R-Codes provide criteria for assessment and require minimum lot sizes that cannot be varied by the City, it is recommended that Grouped dwellings be a 'P' use, identical to a Single house, within a Residential zone. Often, the two land uses are physically indistinguishable from one another. This would exclude the land use itself from requiring discretion, though the dwellings would still have to comply with the R-Codes and local planning policies.

Car parking

In adding new land uses to the scheme, corresponding car parking calculations are also required. Suggested parking requirements proposed below are as per similar land uses within the scheme and compared with car parking requirements from other local governments. A broader review of car parking is not proposed as part of this amendment but is identified as a priority item as part of the staged approach to the scheme review in the Scheme Review Report.

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
Animal establishment	1 per employee; and 1 drop off/pick up bay per 6 animals.	1: storage area	Class 2: 1 per 8 employees
Art gallery	1:30m ² of public floor area	1: building	class 3: 2 plus 1 per 50 m ² gla
Brewery	1: 2.5m ² of public bar area 1: 100m ² gla of space not open to the general public	1: service/storage area	class 1: 1 per 25 m ² bar floor area class 3: 1 per 25 m ² bar floor area
Caretaker's dwelling	1 per dwelling	N/A	N/A
Container deposit scheme	1: 100m ² of container space	N/A	N/A
Commercial vehicle parking	1: 1 employee	N/A	N/A
Drive-through outlet Fast food outlet / Lunch bar	1: 15 m ² gla	1:service/ storage area	class 1: 1 per 100 m ² gla class 3: 1 per 50 m ² gla
Liquor store – large	1:30m ² nla	1: building	class 1: 1 per 300 m ² gla class 3: 1 per 500 m ² gla (over 1000 m ² gla)
Liquor store – small	1:30m ² nla	1: building	class 1: 1 per 300 m ² gla

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
			class 3: 1
Residential aged care facility	1: 3 beds plus 1: 2 staff	1: building	class 1: 1 per 7 beds class 3: 1 per 60 beds
Resource recovery centre	1:1 employee	1: building	N/A
Retirement village	1:dwelling	N/A	1: 4 dwellings
Serviced apartment	1:1 unit or 1: bedroom	1: reception	N/A
Tourist development	1:4 units or * 1:4 bedrooms	1: reception	Class 2: 1 per 4 units
Trade supplies	1:50m ² gla	1: lot	class 1: 1 per 750 m ² nla class 3: 1 per 1000 m ² nla
Veterinary centre	4: practitioner or* 4: consulting room	1: service/ storage area	class 2: 1 per 8 practitioners
Waste storage facility	1: 1 employee plus 1: 200 m ² of yard area	1: building	N/A

*Whichever is greater

Parking requirements for deleted land uses are also to be deleted from the table.

Residential zone uses

The above definitions allow uses such as a Retirement village and a Residential aged car facility in a Residential zone, however, it is questionable whether these uses are currently required to comply with the R-Codes or whether they would be classed as a commercial use. Residents living in and adjoining Residential zones expect a certain level of amenity to be maintained. The R-Codes are intended to supply such certainty and, as such, it is recommended that a new clause 4.2.6 be added as follows:

Unless otherwise provided for in the scheme, development on land zoned Residential is to comply with the Residential Design Codes.

The clause would then ensure that all dwellings conform to the built form expectations of residents and would capture all other non-residential uses that are possible within a Residential zone. In order to be able to properly provide setbacks for walls and visual privacy based on the R-Codes, it is necessary to tie in administrative rooms of non-residential development to definitions within the R-Codes. Assessing rooms used frequently as “habitable rooms other than bedrooms and studies” is intended to capture administrative uses such as offices, nurses’ quarters, etc. that are expected to be used throughout the day and could potentially create amenity impacts to adjoining properties, particularly in regards to visual privacy. Such rooms, in residential development, typically require a setback to comply with a 6m cone of vision or be otherwise screened. The clause above is not intended to include storage areas, bathrooms, lobbies, etc., similar to the current definition of “habitable rooms” within the R-Codes.

Amendment Class

The regulations outline the three types of amendments to a local planning scheme, being basic, standard or complex. The amendment proposed is considered to be a complex amendment as it is:

- not addressed by a local planning strategy which has been endorsed by the WAPC
- of a scale, or will have an impact, that is significant relative to development in the locality.

It could be argued that the amendment could be classified as 'standard' however the preference is to err on the side of caution and apply the additional engagement required of a complex amendment.

FINANCIAL IMPLICATIONS

Minor administrative costs associated with advertising the amendment.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Consultation on amendments to the scheme are required under the provisions of the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*. Preliminary consultation is not required under the City's Local Planning Policy 1.3 because the amendment is not location specific. It would not be recommended in any event, given the need to align definitions with the state model.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

COMMITTEE DECISION ITEM SPT2009-2 **(Officer's recommendation)**

Moved: Cr Sam Wainwright

Seconded: Cr Geoff Graham

Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* resolves to prepare Amendment No. 82 to the City of Fremantle Local Planning Scheme No. 4 to amend the land use definitions and use class permissibility and introduce parking provisions for new land use definitions as shown with Attachment 1.
2. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves that Amendment No. 82 is a complex amendment for the following reasons: -
 - The amendment not addressed by a local planning strategy which has been endorsed by the WAPC
 - The amendment is of a scale, or will have an impact, that is significant relative to development in the locality.
3. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation and the Chief Executive Officer to refer them to the Environmental Protection Authority and the Western Australian Planning Commission in accordance with the provisions the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- 4. Subject to the Western Australian Planning Commission's advice that it considers the amendment suitable for advertising and the EPA determining that an environmental review is not required, resolves in accordance with Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to proceed to advertise the amendment in accordance with Regulation 38 of the Regulations and Local Planning Policy 1.3.**

Carried: 7/0

**Mayor Brad Pettitt, Cr Sam Wainwright, Cr Geoff Graham,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Marija Vujcic, Cr Jenny Archibald**

10.2 Council decision

SPT2009-3 PLANNING RECOVERY INITIATIVES – ADDITIONAL DEVELOPMENT APPROVAL EXEMPTIONS, AND STATE PLANNING REFORMS

Meeting date:	16 September 2020
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Agenda attachments:	1. Revised draft – Local Planning Policy 1.7
Additional information:	1. Extract – draft Planning and Development (Local Planning Scheme) Regulations 2015 Amendments - Proposed Change of Use Exemptions
	2. Fact Sheet – Planning Reform (LPS Regulations Cutting Red Tape)
	3. Fact Sheet – Planning Reform (LPS Regulations Improved Consultation Practices)
	4. Fact Sheet – Planning Reform (LPS Regulations Streamlined Approval Processes).

SUMMARY

On 26 August 2020, Council considered a report outlining potential refinements to the planning framework to support economic recovery from COVID-19. Amongst other things, Council resolved to amend its Local Planning Policy 1.7 to extend exemptions from requiring development approval for certain changes of use and minor works.

Also in August 2020 (following completion of the abovementioned report), the state government released draft amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* aimed at further streamlining the planning system, and incorporating additional development approval exemptions to apply across the state.

This report recommends that Council:

1. Note the further changes being proposed to the ‘Deemed Provisions’ of the planning scheme through the state government reform project; and
2. Endorse for public consultation revisions to ‘Local Planning Policy 1.7 ‘Development Exempt from Approval under Local Planning Scheme No. 4’ to introduce additional exemptions, in accordance with its previous resolution.

BACKGROUND

On 26 August 2020, Council considered a report outlining potential refinements to the local planning framework to complement state-lead initiatives to support economic recovery from COVID-19. Amongst other things, Council resolved to:

1. *Approve the preparation of an amendment to Local Planning Policy 1.7 ‘Development exempt from planning approval under Local Planning Scheme No. 4’ to expand the range of land uses and minor development works exempted from requiring approval, for further consideration and formal adoption by*

Council. Types of development to be considered for exemption in the policy amendment shall include the following:

- a. *Development prescribed in exemptions 1.2, 1.3, 6.1 and 6.1 of the Planning & Development (Local Planning Schemes) Regulations - State of Emergency Clause 78H Notice of Exemption dated 30 April 2020 shall also be exempt on land within a Heritage Area designated under Local Planning Scheme No. 4.*
- b. *Changes in the use of an existing building in the City Centre zone to any of the following uses (in addition to uses already listed for this zone in Local Planning Policy 1.7):*
 - (i) *Child Care Premises*
 - (ii) *Health Studio*
 - (iii) *Medical Centre*
- c. *Changes in the use of an existing building in the Local Centre zone to any of the following uses (in addition to uses already listed for this zone in Local Planning Policy 1.7):*
 - (i) *Consulting Rooms*
 - (ii) *Shops with a net lettable area not exceeding 400 sq m*
 - (iii) *Office*
- d. *Minor internal works to non-residential heritage listed places (excluding places on the State Register) subject to the same limitations as already apply to internal works to buildings in residential use under clause 9 of Local Planning Policy 1.7.... "(SPT2008-4).*

The purpose of this report is to consider revisions to Local Planning Policy 1.7 (LPP1.7) responding to this.

The proposed policy revisions respond to the Council's strategic objectives to welcome investment and become an attractive destination for high-quality development, and to one of the priority initiatives identified in the COVID-19 Community Recovery Plan also adopted by Council on 26 August 2020.

OFFICER COMMENT

Concurrent with Council's resolution on this, the state government released draft amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* which incorporate "*30 proposals designed to streamline development assessment processes and reduce unnecessary red tape*" (Dept. Planning, Lands & Heritage website). Amongst other things, the amendments propose to:

1. Replace the minimum consultation periods applicable to planning documents with exact periods (except with the approval of the WAPC);
2. Remove the requirement for hard copy documents subject to consultation to be put on display (allowing greater dependence on digital communication).
3. Introduced standardized consultation signage requirements for complex development applications.
4. Specify the exemption of single houses and grouped dwellings, extensions and other minor works which meet the 'deemed to comply' provisions of the R-Codes

- and introduce a requirement for local governments to confirm application (or not) of the exemption to property owners at their request.
5. Introduce restrictions on the extension of timeframes available to local government to grant referral agencies, following which no objection is to be assumed.
 6. Introduce exemption of various changes of land use, primarily in commercial, centre or mixed use zones, including:
 - a. Shop (up to 400m²)
 - b. Restaurant / café
 - c. Convenience store (not selling petrol)
 - d. Consulting room (with open frontage)
 - e. Office (located above ground floor)
 - f. Liquor store – small (within the Perth Peel metropolitan area)
 - g. Small bar (within the Perth Peel metropolitan area and not abutting a residential zone)
 - h. Hotel or Tavern (up to 400m², within the Perth Peel metropolitan area and not abutting a residential zone)
 - i. Recreation Private (up to 400m², within the Perth Peel metropolitan area and not located on the ground floor)
 (refer Additional Information attachment 1 for additional detail).
 7. Introduce additional exemptions to parking shortfalls where the change in use is exempt or reasonable efforts have been made to provide the parking on site and parking is expected to meet demand, taking into account available off-site parking and / or other parking infrastructure.
 8. Introduce standard requirements for cash in lieu of parking including a requirement that it be spent within 10 years of receipt, in accordance with an approved parking plan.
 9. Introduce standard provisions for shared parking arrangements.
 10. Introduce provision for a Precinct Structure Plan (as opposed to a traditional structure plan) which has capacity to incorporate built form provisions.
 11. Increase in the consultation period for structure plans from a minimum of 28 days to 42 days.

A further summary of the amendments is provided in Additional Information attachment 2, 3 and 4.

Whilst the City is not proposing to make a formal submission on the amendments, Council should note the proposed changes. Several of them are very beneficial (including the proposal to make provision for precinct structure plans). Others raise some mild concerns (particularly in relation to interpretation) however are not very significant and appear likely to proceed in any event.

Should the proposed amendments be finalised, the introduction of additional exemptions via 'Deemed Provisions' in the Regulations remove the need for the City to introduce them via local planning policy. Given the alignment of the recommended modifications with previously established planning reform direction, and the rapidity with which previous Recovery reforms have been put in place, this seems likely to occur. It is open to Council to defer modification to its own Exempted Development policy until these changes are effected through gazettal of amendments to the Regulations, so that the revised policy can integrate with these changes. However, given the rate of change and

the priority being given to recovery initiatives, pursuit of the proposed updates to the City's policy is recommended to proceed now, noting that further changes are likely to be necessary in the future. A revised policy incorporating the additional exemptions resolved by Council is consequently attached for Council's endorsement (agenda attachment 1).

Given the increasing complexity in relation to when approval is or is not required, the preparation of an information sheet on this matter is in train, for publication on the City's website.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Local Planning Policies are prepared and adopted under the clauses 3 and 4 of the Deemed Provisions of the scheme, as specified in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Community consultation is required on the preparation and amendment of local planning policies under the Deemed Provisions specified in the *Planning and Development (Local Planning Schemes) Regulations 2015* except where the modification is considered minor.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION ITEM SPT2009-3 **(Officer's recommendation)**

Moved: Cr Sam Wainwright Seconded: Mayor, Brad Pettitt

Council:

- 1. Endorse the revised draft Local Planning Policy 1.7 'Development Exempt from Approval under Local Planning Scheme No. 4' provided in Attachment 1 for the purposes of consultation.**
- 2. Adopt the revised draft Local Planning Policy 1.7 'Development Exempt from Approval under Local Planning Scheme No. 4' provided in Attachment 1 following consultation, providing there are no objections received during the consultation period.**

- 3. Request that the policy be referred back to Council for further consideration in the event that any objections are received.**

Carried: 7/0

**Mayor Brad Pettitt, Cr Sam Wainwright, Cr Geoff Graham,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Marija Vujcic, Cr Jenny Archibald**

SPT2009-4 CENTRAL AREA TRANSIT (CAT) REVIEW – APPROACH & OBJECTIVES

Meeting date: 16 September 2020
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Agenda attachments: 1. Nil
Additional information: 1. CAT Bus Routes

SUMMARY

On 10 June 2020, Council approved a temporary reduction in the Central Area Transit (CAT) service due to the economic impacts of COVID-19 and the significant drop in patronage then being experienced. The reduction involved temporary (up to 12 months) cessation of the Red CAT service and reduced frequency of the Blue CAT service by 50% (20 minute frequency instead of 10 minute frequency).

Council also resolved to conduct an internal review of the CAT bus service in the 2020/2021 financial year, with nine items listed for consideration, including state government/ministerial discussions, review of different models, routes and funding arrangements, and community and stakeholder engagement as to the future options for the service.

The purpose of this report is to provide an update on the work on the review undertaken to date, outline the project approach for remaining stages of work and define the key objectives of the CAT service to guide further investigation and stakeholder discussions.

This report recommends that Council:

1. Notes the progress of the CAT review to date and proposed project approach.
2. Endorses the key objective of the CAT service as being to provide central area transit to maximise access to key destinations in and around the Fremantle City Centre to support its economic vitality and functionality.

Secondary objectives are to:

- Reduce traffic congestion in the Fremantle City Centre;
- Increase use of public transport;
- Support a peripheral car parking model;
- Provide more equitable access to key destinations and services within the City Centre.

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.

The City has reviewed the efficacy of the service and alternative models on several occasions since its introduction, considering the multiple transport, economic, community and other objectives to which it does (or could potentially) contribute. The most recent analysis of the service was completed in September 2016 and presented to elected members in an informal briefing session. The review identified strengths, weaknesses and financial implications of both the current service and other options (including a free transit zone model) but no changes were made.

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)*

In accordance with Part 1 of Council's resolution, a variation of the Fremantle CAT service agreement was executed between the PTA and the City on 10 July 2020 and the reduced service came into operation on 16 August. The variation agreement states that unless otherwise agreed by the City and the PTA, from 16 August 2021 the Red CAT route will be reinstated and the Blue CAT route service frequency shall revert to a ten minute service under funding arrangements commensurate with those prevailing prior to 16 August 2020.

The purpose of this report is to provide an update on the work undertaken to date on the internal review referred to in Part 3 of Council's resolution, outline the project approach and define the key objectives of the CAT service to guide further investigation and stakeholder discussions.

OFFICER COMMENT

The CAT review began in June, following the Council resolution, with background research, data consolidation and methodology development.

Overview

A CAT service typically serves a central urban area, often in a loop, and is designed to be simple, legible and frequent. They connect activity areas, higher density residential and other public transport nodes and, by focussing on a central area, tend to have relatively short routes. Their simplicity, frequency and (usually) relatively low cost seek to achieve widespread and enduring usage within the area of their operation. They are often introduced in areas where it is either unfeasible or undesirable to meet high localised transport demand by other modes.

CAT services can be either free, subsidised or full fare paying. Various funding models exist across Perth and globally including:

1. Fully government funded;
2. Parking taxes/levy-funded (e.g. Perth CAT);
3. Private sector-funded (e.g. shopping centre 'shuttles', university routes);
4. Combination funded (e.g. Joondalup CAT with ECU).

City of Fremantle finances most of its CAT service (60%), with the state paying the balance 40% which is unique in the Perth context. The two services cost (pre-COVID-19) \$1.1million a year which, based on 3 year average patronage rates, equates to approximately \$1.25 per trip (total cost) with the City of Fremantle meeting 75c of the cost of each of these. Because of the lower patronage of the Red CAT, the cost per ride for this service is proportionally higher than the more popular Blue CAT.

Like its Perth forerunner, the Fremantle CAT service has been popular, enjoying high levels of patronage and satisfaction overall, but detailed user statistics remain anecdotal: high levels of student usage and relatively low levels of tourist use have been reported but never methodically verified. Similarly, the popularity of the service with many local residents is acknowledged but the extent to which it forms a vital service to them is unknown. As such, informed assumptions of the variety of users on existing and potential routes will need to form part of the analysis.

Project Approach

The table below summarises the proposed project approach and staging (noting some stages can progress concurrently). In essence, it revolves around a multi-criteria analysis factoring in the effectiveness of different routes and service options in meeting the defined objectives of the service, and funding options for these.

Stage	Description	Status
1	Previous CAT and public transport investigations and background	Complete
2	CAT service benchmarking	Complete
3	Route assessment and opportunities/constraints, funding models	Underway
4	Preliminary key stakeholder engagement	Partially commenced
5	Alternative transport models (e.g. shuttle, Free Transit Zone). Peripheral parking assessment.	Underway
6	Multi – criteria analysis: framework development	Underway
7	Multi – criteria analysis: route assessment	Not commenced
8	Collation of route and funding model results	Not commenced
9	Present findings, shortlist and recommendations to Council	Not commenced
10	Broader engagement on options and recommendations	Not commenced
11	Present outcomes of engagement and final recommendation to Council	Not commenced

Stakeholder and community engagement is proposed to occur following confirmation of the key objectives of the service to assist in shortlisting options. In particular, liaison with the stakeholders and government ministers listed in resolution 3 above is proposed to commence before the end of 2020 to ensure that funding opportunities are fully explored before shortlisting. Broader community engagement can then occur in the context of a firmer understanding of the feasibility of different alternatives.

Engagement with the PTA has already commenced.

Before proceeding further, Council confirmation of the key objectives of the CAT service is sought in order to ensure these are clearly defined as the base reference point for assessment of different options. This will also ensure effective communication and discussion with stakeholders and the community as the project progresses. This also

builds on the Council resolution that the Council “*would prefer the services to be retained in some form*” in the future.

Objectives of the CAT Service

A challenge with past reviews of the CAT service relates to the absence of clearly defined objectives. The service is acknowledged to have multiple benefits, which different routes, arrangements and funding options contribute differently to. These include:

- **Economic:**
 - Providing an additional access option to central Fremantle and associated service areas (thereby support trade)
 - Supporting tourist access in and around Fremantle
 - Reducing traffic congestion and delay (particularly in the city centre)
 - Increased amenity through reduced traffic and parking
- **Transport:**
 - Providing additional choice
 - Reducing traffic congestion and delay
 - Increased efficiency of parking management through connection of peripheral parking nodes (reducing long term demand in city centre)
- **Environmental:**
 - Providing a lower emissions trip option
 - Reducing dependence on private car ownership
 - Increased amenity through lower emissions and congestion.
- **Social**
 - Increased equity of access for those serviced by the CAT
 - Reduced need for car ownership for those serviced by the CAT
 - Aged, disabled and youth-friendly transport mode.

Whilst a multi-criteria analysis allows multiple factors to be considered, in developing a short list of options and assessing the cost benefit of these, clarity on the primary objectives (versus secondary and tertiary benefits) of the service is important. Based on review of various CAT services as part of the research and benchmarking, the following key objective is suggested by officers:

The primary objective of the CAT services is to provide central area transit to maximise access to key destinations in and around the Fremantle City Centre to support its economic vitality and functionality. Secondary objectives are to:

- *Reduce traffic congestion in the Fremantle City Centre;*
- *Increase use of public transport;*
- *Support a peripheral car parking model which allows consolidated and long stay parking stations on the edge of the City Centre;*
- *Provide more equitable access to key destinations and services within the City Centre.*

The criteria listed in the multi-criteria analysis might extend beyond these, however definition of the primary and secondary objectives will assist in shortlisting and would be expected to be more heavily weighted in the analysis.

Provision of a service to residents along the route is obviously also desirable however this is not the core business of local government and is not typically funded (or fundable) by rates alone. It is for this reason that this is not listed as key objective.

Different funding models might increase the emphasis placed on objectives or destinations. For example, a model focussed on tourist access and connecting tourist attractions might expect a greater proportion of state funding, whilst a model focussed on access for students to the university might expect contribution from the benefitting university. Specified area rate contribution might support extension of the service to through peripheral areas. These scenarios will be explored as part of the process however definition of the primary *raison d'être* for the service is necessary to provide an anchor from which to explore.

Development of the full set of assessment criteria, along with documentation of background and the preparation of options, will occur in due course.

FINANCIAL IMPLICATIONS

Nil for review project, however future funding model options and route/s will have financial implications. These will be explored and reported as the review progresses.

LEGAL IMPLICATIONS

Nil for review project. Future operational agreements will require contractual arrangements which will be explained and report as the review progresses.

CONSULTATION

Discussion with PTA has commenced. Engagement with other stakeholders will commence following definition of the service objectives, including in relation to the current funding model, explore future funding options and to gain feedback on how they view the CAT bus service (e.g. positives and negatives). This is in addition to, and to help inform any advocacy/discussion with state government and ministers for service support and/or changes in the future.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Moved: Cr Sam Wainwright

Seconded: Cr Geoff Graham

Council

1. Notes the progress of the CAT review and proposed project approach.
2. Endorses the primary objective of the CAT service as being to provide central area transit to maximise access to key destinations in and around the Fremantle City Centre to support its economic vitality and functionality. Secondary objectives are to:

- Reduce traffic congestion in the Fremantle City Centre;
- Increase use of public transport;
- Support a peripheral car parking model;
- Provide more equitable access to key destinations and services within the City Centre.

AMENDMENT

PRESIDING MEMBER DETERMINATION

The presiding member put the following amendment to Part 2 of the officer's recommendation to be voted on in two parts. Amendments in red strikethrough and green text as shown below:

Moved: Cr Sam Wainwright

Seconded: Cr Rachel Pemberton

1. To amend part 2, and add part 2a as follows:

Council:

2. Endorses ~~the primary objective of the CAT service as being to provide central area transit to maximise access to key destinations in and around the Fremantle City Centre to support its economic vitality and functionality~~ 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:
 - To support the economic vitality and functionality of Fremantle businesses.
 - Reduce traffic congestion in the Fremantle City Centre.
 - ~~Increase~~ Encourage use of public transport.
 - Support a peripheral car parking model.
 - ~~Provide more equitable access to key destinations and services within the City Centre.~~

Amendment carried: 7/0

Mayor Brad Pettitt, Cr Sam Wainwright, Cr Geoff Graham,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Marija Vujcic, Cr Jenny Archibald

Moved: Cr Sam Wainwright

Seconded: Cr Rachel Pemberton

2. To add Part 2b as follows:

- b. A Free Transit Zone model of service giving wider access to any service user within the City of Fremantle boundary.**

Amendment carried: 5/2

For:

Mayor Brad Pettitt, Cr Sam Wainwright,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Jenny Archibald

Against:

Cr Marija Vujcic, Cr Geoff Graham

COMMITTEE RECOMMENDATION SPT2009-4
(Amended officer's recommendation)

Moved: Cr Sam Wainwright

Seconded: Cr Rachel Pemberton

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:*
 - *To support the economic vitality and functionality of Fremantle businesses.*
 - *Reduce traffic congestion in the Fremantle City Centre.*
 - *Encourage use of public transport.*
 - *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.*

Carried: 7/0

Mayor Brad Pettitt, Cr Sam Wainwright, Cr Geoff Graham,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Marija Vujcic, Cr Jenny Archibald

11. Motions of which previous notice has been given

Nil

12. Urgent business

Nil

13. Late items

Nil

14. Confidential business

Nil

15. Closure

The Presiding Member declared the meeting closed at 7.55 pm.