



Agenda

Strategic Planning and Transport Committee

Wednesday, 12 February 2020, 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, 12 February 2020** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.



Paul Garbett
Director Strategic Planning and Projects

7 February 2020

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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

Cr Bryn Jones is an 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

That the minutes of the Strategic Planning and Transport Committee meeting dated 20 November 2019 be confirmed as a true and accurate record.

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 DEFERRED ITEMS

Nil

10.2 COMMITTEE DELEGATION

SPT2002-1 SCHEME AMENDMENT REQUEST - CR. HIGH AND CARRINGTON STREETS, FREMANTLE

Meeting Date:	12 February 2020
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Committee
Agenda Attachments:	Nil
Additional Information:	1. Proponent's Scheme Amendment Report

SUMMARY

The City has received a request to initiate a planning scheme amendment for a site located at Nos. 394 – 396 (Lot 1, 2 and 3) High Street (corner Carrington Street), Fremantle. The proponent seeks to rezone the subject land from 'Residential' to 'Mixed Use' to facilitate a future redevelopment.

The site contains two buildings, the largest of which was previously used as a veterinary practice; however the business has long since vacated the premises and the site has reverted to the base zoning and density. The proponent argues that the location of the site, on a prominent street corner in proximity to existing services and transport, is ideal for redevelopment at a greater intensity than permitted by the current zoning and density.

Whilst the City acknowledges that there is redevelopment potential for the site, the request is not supported by officers for the following reasons:

1. The ad hoc nature of the proposal is not consistent with principles of orderly and proper planning;
2. The preference is for a coordinated planning approach incorporating adjoining sites which exhibit similar potential for renewal;
3. Concerns with the form of development being contemplated;
4. Concerns with potential traffic impacts associated with intensification of use on this site.

For these reasons, officers recommend that Council not progress with the scheme amendment request.

BACKGROUND

Physical Context

The subject site is located on the corner of Carrington Street and High Street, Fremantle. It is situated approximately 2.6 kilometres east of the Fremantle City Centre. The City of Melville boundary is immediately to the east of Carrington Street (refer Figure 1).

The site currently contains two buildings, one of which was previously used as a veterinary practice, and the other a single house. The veterinary practice building has since been vacated and is not being used for any purpose at the present time. These existing buildings are not heritage listed.

The property immediately to the north of the site contains a disused service station, whilst the remaining adjoining sites are residential in nature and are owned by either the Department of Defence or the Department of Communities (WA). Fremantle Golf Course and Fremantle Cemetery are located to the south and south-east of the site respectively. According to the City's GIS data, the three lots have a fall of approximately 2.5 metres from east to west.

The site adjoins High Street and Carrington Street which are (in this location) both reserved for Primary Regional Roads (subject to state control). High Street is classified as a Primary Distributor and Carrington as a Distributor A under Main Roads' functional road hierarchy. The adjoining sections of High Street and Carrington Street carry approximately 32,500 and 15,500 vehicles per day respectively. The intersection has had 83 crashes recorded in the 5 years to 2018 and is subject to upgrade as part of the High Street upgrade project being advanced by Main Roads WA.

The particulars of each lot are as follows:

Lot No.	Lot Size	Address	Current Zoning	Current Density
3	842m ²	394 High Street, Fremantle	Residential	R30
1	880m ²	396 High Street, Fremantle	Residential	R30
2	680m ²	396 High Street, Fremantle	Residential	R30
Totals	2402m²	-	-	-

In addition to the above, it is also noted that the site is located within the Freo Alternative 'Special Control Area 5.7'. The existing zoning context of the site is shown in Figure 1 below:

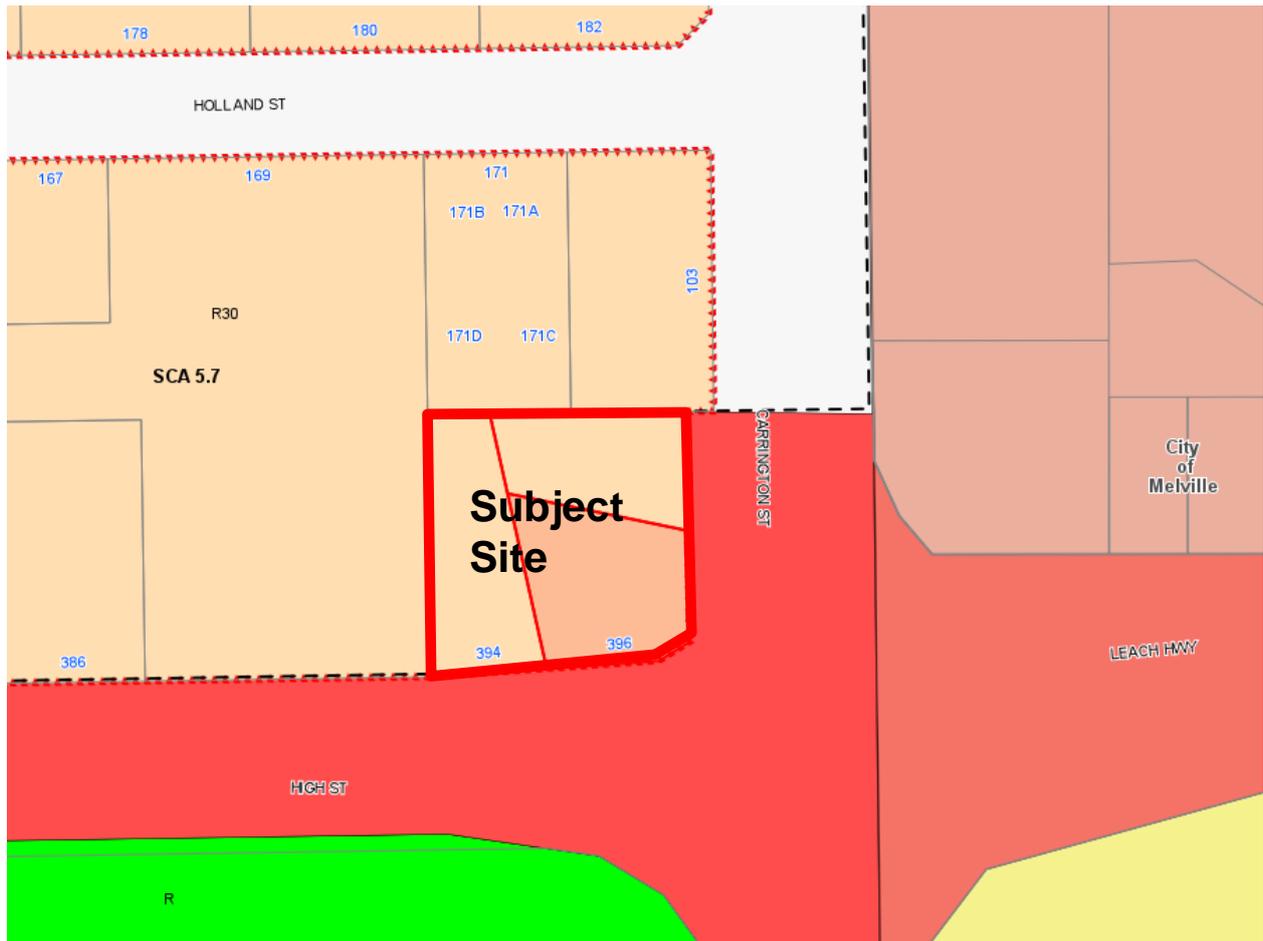


Figure 1: Existing zoning context of the subject site, indicated in blue (CoF GIS).



Figure 2: Aerial photo of the subject site (Nearmap 2019)

Amendment Request

The proponent is asking Council to amend the Local Planning Scheme by rezoning the subject site (i.e. lots 1, 2 and 3) from Residential to Mixed Use. The proponent has not stated in their amendment request documentation (provided in Additional Information) whether they are seeking an increase in density. No additional scheme text provisions or building design requirements have been included in the submitted amendment proposal.

In seeking support for the amendment, the proponent states the following in their submission:

This scheme amendment is proposed in order to facilitate the highest and best use of the subject land, in conjunction with a future landmark development on the site, and at the northern gateway to Fremantle and to replace existing development on the land which is vacant, poorly kempt and an eyesore in this prominent location.

The scheme amendment request includes an indicative concept site plan (refer Appendix 1 page 30 of amendment request documentation). The plan shows a mixed use building fronting Carrington Street and High Street, comprising commercial tenancies, multiple dwellings (apartments) and associated at-grade car parking.

In December 2019, more detailed preliminary concept plans for a mixed use development on the site were presented to the City's Design Advisory Committee (DAC). The plans showed a three storey mixed use development which included two commercial (nominally restaurant) tenancies on the ground floor and a total of six multiple dwellings over the second and third storeys. In addition, three large LED advertising signs were shown attached to the building façade, facing onto High Street and Carrington Street. The DAC were not supportive of the design and provided the following comments on the concept in summary:

The Design Advisory Committee, having considered the proposal for the three storey mixed use development at 394-396 High Street, Fremantle, does not support the proposal in its current form as it does not respond to the context and character of the immediate area and broader locality, nor does the form respond to the mix of uses proposed. The applicant is encouraged to reconsider the design of the development and arrangement of the proposed uses.

The scheme amendment report is supported by a Traffic Impact Statement, prepared by Porter Consulting Engineers. The report states that the additional traffic volumes attributed to the proposed development would be able to be accommodated within the existing road network. It also indicates that preliminary consultation has occurred with Main Roads which raised concerns with the proposed access arrangements.

By way of background, it is also noted that the Department of Communities have been investigating various options for future planning in the area bounded by Holland Street, Carrington Street and High Street, including the subject site. This area has been referred to by Communities as 'Holland on High'. The Department is the land owner of a number of adjacent sites, and has been exploring the idea of submitting a structure plan and re-zoning for the wider precinct. No formal applications for the site have been submitted by the Department to date, however, and this scheme amendment request is

submitted independently on behalf of the land owner and is not associated with this other work.



Figure 3: Proposed scheme map amendment for the subject site – Mixed Use Zone

OFFICER COMMENT

General Comments

Broadly speaking, the City (like most local governments) has a long-standing presumption against ad-hoc rezonings on the basis that:

1. These can undermine a more strategic approach to planning by considering proposals in isolation.
2. They are resource-intensive, reducing the City's capacity to undertake other core functions (such as more comprehensive planning), and attend to more urgent matters.

As a general rule, spot rezoning requests are consequently usually recommended for refusal unless they are urgent in nature, are required for legal/legislative reasons or demonstrate strong strategic alignment and/or exceptional planning merit.

The City receives requests for spot rezonings of sites throughout Fremantle from time to time, both through formal requests and informal enquires. This does reinforce the need for Council to ensure that the planning framework is maintained and kept up to date. Work on a review of the scheme is in train.

Amendment Proposal

It is acknowledged that this is a prominent site that forms something of a gateway to the City of Fremantle. The site has been neglected for many years and is consequently quite dilapidated. The existing 'Residential' zoning and density restricts development to low-intensity development, and whilst development is possible under 'Freo Alternative' provisions, the location of the site on the corner of two busy roads may not lend itself well to this style of residential development in isolation from redevelopment of adjoining land.

The site's location, at the junction of High Street/Leach Highway and Carrington Street, presents challenges in regards to access and egress for vehicles and pedestrians. Because of the nature of the intersection, further intensification should only be supported if these can be adequately resolved. The Traffic Impact Assessment submitted with the proposal (which assumes 2 restaurants and 6 dwellings) indicates that Main Roads don't support any access / egress to High Street in this location. The report concludes, however, that in the event of this position being maintained, the proposal could operate through a single Left-In, Left-Out access point to Carrington Street. Whilst possibly technically feasible, this is not considered likely to promote good planning and transport outcomes or present a sound basis on which to pursue commercial redevelopment.

Given the small extent of the amendment proposal, it makes little significant contribution to the City's strategic objectives. At a stretch, the amendment has the potential to make a modest contribution to the City's economic development and housing diversity objectives. However, it is not considered that these would be significant enough to warrant initiation of a scheme amendment process in this case, and any benefits are, in any event, counterbalanced by design, traffic and place concerns.

The amendment request itself contains little detail regarding specific density or built form controls for the site. The submission includes a proposed zoning map (Refer Figure 3) which notes the new Mixed Use zone, however it is unclear whether the existing R30 residential density is to remain: it is presumed so. If this were the case, the site would have the potential for a density bonus of up to R60 as per Cl. 4.2.5 of LPS4, subject to satisfying certain criteria.

In saying this, LPS4 limits building height within the Mixed Use zone to 7.5 metres (external wall height), or approximately 2 storeys. The proponent's development concept for the site shows a building of up to 3 storeys or roughly 10.5 metres in height, and therefore non-compliant with the scheme standards. Despite this discrepancy, the proponent has not included any specific building height or setback controls as part of their amendment request to vary the scheme provisions with the proposal providing little certainty of outcome. The negative feedback from the DAC on preliminary designs, as noted previously, is also acknowledged in this regard, as is the absence of any transport noise assessment (a requirement under State Planning Policy 5.4).

Given the above, officers recommended that Council not support the initiation of the scheme amendment request.

Should Council wish to explore alternative zoning and development options for this site, it is recommended that this occur through a coordinated development plan with the adjoining sites and address streetscape interface and design considerations, transport noise mitigation and coordinated access.

CONSULTATION

No external consultation has been undertaken as part of this scheme amendment request. Should Council opt to progress with a scheme amendment for the site, preliminary community consultation would be required in accordance with Local Planning Policy 1.3 prior to Council making a decision to initiate a formal scheme amendment for the site.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil. Should Council initial a re-zoning of the site, the amendment will be processed in accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*.

There is no right of appeal on Council's decision not to initiate a rezoning (though the Minister can instruct the Council to amend its scheme).

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council resolve to not progress the scheme amendment request to rezone Lots 1, 2 and 3 (Nos. 394 – 396) High Street, Fremantle from Residential R30 to Mixed Use for the following reasons:

- a. **The ad hoc nature of the proposal is not consistent with principles of orderly and proper planning;**
- b. **The preference for a coordinated planning approach incorporating adjoining sites which exhibit similar potential for renewal;**
- c. **Concerns with the form of development being contemplated;**
- d. **Concerns with potential traffic impacts associated with intensification of use on this site.**

10.3 COUNCIL DECISION

SPT2002-2 SCHEME AMENDMENT 81 TO LPS4 - 59 ELLEN ST FREMANTLE ADDITIONAL USES - OUTCOMES OF CONSULTATION & FINAL ADOPTION

Meeting Date:	12 February 2020
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Schedule of submissions
Additional Information:	Nil

SUMMARY

The City has undertaken community consultation on a scheme amendment (Amendment No. 81) relating to a property at No. 59 Ellen Street, Fremantle. The amendment proposes to apply additional land use permissibility for 'veterinary clinic', 'veterinary hospital', 'consulting rooms' and 'medical centre' to the subject property without changing the existing residential zoning and density of the site.

Subsequent to a preliminary assessment and consultation phase, the City undertook formal community consultation on the proposal between December 2019 and February 2020. To the date of writing, 3 submissions were received expressing no objection to the proposal.

Given that no new issues were raised in submissions during this formal consultation process (assuming none raised following finalisation of the report), and that the rationale outlined in the previous officer reports remains current, it is recommended that the amendment be adopted by Council and referred to the Western Australian Planning Commission (WAPC) with a recommendation for final approval by the Minister for Planning.

BACKGROUND

The subject site consists of two lots (Lots 5 and 6) located on the corner of Ord Street and Ellen Street, Fremantle. The site has a combined area of 1,684m², is oriented north-south and contains an existing single house with two hardstand car parking areas, accessed one from each street.

On 20 November 2019, Council initiated an amendment to Local Planning Scheme No. 4 (LPS4) to apply additional land use permissibility for 'veterinary clinic', 'veterinary hospital', 'consulting rooms' and 'medical centre' to the subject property (Item SPT1911-1). The amendment does not seek to change the underlying 'residential' zoning and density of the site.

The scheme amendment was initially requested by a prospective purchaser of the land (now the land owner) who seeks to operate a veterinary hospital from the site. The property was previously used as a medical centre (Ellen Health), which had non-conforming use rights under LPS4 until the business vacated the premises. The building has remained untenanted since this time. The proponent does not propose to make any

significant physical changes to the property aside from some minor internal works to support the new business.

Formal advertising of the amendment was undertaken between 13 December 2019 and 7 February 2020. This report outlines the outcomes of this consultation and makes a final recommendation on the proposal.



Figure 1: Aerial image of subject site - No. 59 Ellen Street, Fremantle (Nearmap 2019)

As detailed in the previous officer report, the proponent received approval from Planning Committee in October 2019 to operate a veterinary clinic 'home business' from the property (DA0290/19). This approval was obtained to enable the proponent to set up a (smaller scale) business whilst the scheme amendment was being processed.

CONSULTATION

Pursuant to the Strategic Planning and Transport Committee's decision in November 2019, the City undertook formal community consultation on the amendment in accordance with the requirements of Regulation 47 of the *Planning & Development (Local Planning Schemes) Regulations 2015* ('the Regulations') and the City's *Local Planning Policy 1.3: Public Notification of Planning Proposals* ('LPP 1.3'). Consultation included a dedicated page on the City's My Say Freo website, letters to surrounding land owners and occupiers, signage on site and a community information session. The local precinct group was also notified in writing of the scheme amendment but did not seek a briefing.

The consultation period commenced 13 December 2019 and concluded on 7 February 2020. Additional time was added to the standard advertising period to factor into account the Christmas/New Year shut down period, as per LPP1.3. At the time of preparing this report (5 February), a total of 3 submissions had been received, all expressing neutral or no comment on the proposal. Any additional submissions received in the few days

between preparation of this report and the closing date for submissions will be reported to the Committee as Additional Documents.

OFFICER COMMENT

Given the absence of objections to the proposal, final approval is recommended on the basis of the rationale outlined in the earlier reports considering it. These include that:

- The proposal essentially seeks to extend (and slightly modify) a previous long standing non-conforming use.
- The location of the site, with a variety of surrounding land uses and in close proximity to the CBD, means that it could be seen to function as part of the city centre edge and therefore lend itself well to uses other than 'residential' in function.
- The proposal utilises a heritage building and the existing modifications and facilities (including parking) undertaken for this to accommodate its previous use.
- Preliminary feedback from the community indicated strong support for the proposal and the idea of establishing a veterinary clinic on the site.

Given the above, officers recommend that Council adopt Scheme Amendment No. 81 without further modification. It is noted that a special condition regarding the number of animals to be kept on site overnight remains as part of the proposed scheme text additions to restrict the scale of the operation given its proximity to residences.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The process for assessing and adopting a 'standard' scheme amendment is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and has been followed accordingly with this amendment.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Note the submissions received on Amendment 81 to Local Planning Scheme No. 4 as detailed in the officer's report and attachment 1.**
- 2. In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve to adopt Amendment No. 81 to Local Planning Scheme No. 4 by inserting the following into *Schedule 2 – Additional Uses* of the scheme text, as follows:**

No.	Description of Land	Additional Use	Conditions
3	59 (Lot 5 on Plan 4320 Certificate of Title 1700/129) Ellen Street, Fremantle	Veterinary Clinic, Veterinary Hospital, Consulting Rooms, or Medical Centre	A maximum of 10 animals to be kept on site overnight, and to be supervised at all times by a vet or nurse.

3. Authorise the Mayor and the Chief Executive Officer to execute and affix the common seal of the City of Fremantle to the relevant scheme amendment documentation.
4. Submit Scheme Amendment No. 81 and the associated recommendation outlined in (2) above to the Western Australian Planning Commission with a recommendation for final approval from the Minister for Planning.

SPT2002-3 NOS. 7 & 9-15 QUARRY STREET, FREMANTLE –SCHEME AMENDMENT NO. 77 AND ASSOCIATED LOCAL PLANNING POLICY – OUTCOMES OF CONSULTATION AND FINAL ADOPTION

Meeting Date: 12 February 2020
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1. Schedule of submissions
 2. Amended Scheme Text – Sub-Area 2.3.1
 3. Draft Local Planning Policy 3.1.3.1
Additional Information: Nil

SUMMARY

In July 2019, following 12 months of preliminary review and consultation, Council resolved to initiate an amendment to the local planning scheme to rezone Nos. 7 & 9-15 Quarry Street, Fremantle (Lots 1, 2 and 8) to Mixed Use with a residential density of R80. These properties are owned by the City and have been budgeted for disposal. The lots currently have a different zoning and density under the planning scheme and so the City has been exploring various zoning and density options to allow for coordinated redevelopment. A local planning policy was also drafted to complement the scheme amendment, providing further design guidance for future development on the site.

Community consultation on the scheme amendment (Amendment No. 77) and draft local planning policy (LPP 3.1.3.1) was undertaken between November 2019 and January 2020. A total of 9 submissions were received on the amendment, with one of these submissions expressing an objection to the proposal.

Officers recommend that, subject to some minor administrative amendments, the scheme amendment and local planning policy be adopted by Council and referred to the Western Australian Planning Commission (WAPC) with a request for final approval of the amendment by the Minister for Planning, and approval of the local planning policy variations to the R-Codes by the WAPC.

BACKGROUND

As detailed in previous reports, Council has been considering various zoning and density options for Nos. 7 & 9-15 Quarry Street, Fremantle (Lots 1, 2 and 8) prior to their disposal. The site comprises three lots which are zoned a combination of high-density (R-AC3) Mixed Use and low-density (R30) Residential. The City has been seeking to rezone the lots to apply a consistent zoning and density to allow for a coordinated future redevelopment of the site.

Following a 12-month preliminary consideration and consultation period, Council resolved to initiate a formal scheme amendment for the site. In addition, a supplementary local planning policy was prepared to provide additional design guidance.

The scheme amendment proposes to include the site as 'Area 6A' within sub-area 2.3.1 of the 'Fremantle' Local Planning Area. Specific provisions for the site, to be included in the amended scheme map and text, as well as a new local planning policy, include the following:

- A zoning of Mixed Use and residential density of R80.
- A maximum building height of 10 metres (wall) and 12 metres (roof), with a reduced building height applicable within 10 metres of the north-eastern and south-western side boundaries.
- A street setback of between 2 and 4 metres, increasing to between 4 and 10 metres within 10 metres of the northern and southern side boundaries.
- A portion of boundary wall is permitted on the southern boundary, abutting the existing single house on the adjoining property.
- A minimum 2 metre setback is required from the rear/eastern boundary.
- Development is required to be set back in accordance with the R-Codes from the north-eastern and south-western side boundaries.
- A maximum 25% of the adjoining single residential property to the south-west to be cast in shadow, measured at midday 21 June.

The above provisions are summarised on a map in the local planning policy (see Figure 1 below). The density coding of R80 and a Mixed Use zone responds to the central location of the site in close proximity to the Fremantle CBD, and provides a transition between existing high-density (R-AC3) Mixed Use zone to the south-west and the low density residential zoning to the north-east. Meanwhile, specific height and setback controls are incorporated in the scheme text and policy which have regard to the lower-scale built form of adjoining sites. Further background discussion on how these provisions were formulated can be read in previous reports on this project, most notably that considered by Council on 24 July 2019 (SPT1907-1).

Council resolved to initiate Scheme Amendment No. 77 to rezone the subject site at its meeting in July 2019. Subsequent to obtaining consent to advertise the amendment from the Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA), the City undertook formal community consultation on the proposal between November 2019 and January 2020. This report considers the outcomes of this consultation and makes a recommendation on Council's final recommendation to the WAPC and Minister for Planning for finalisation of the proposal.

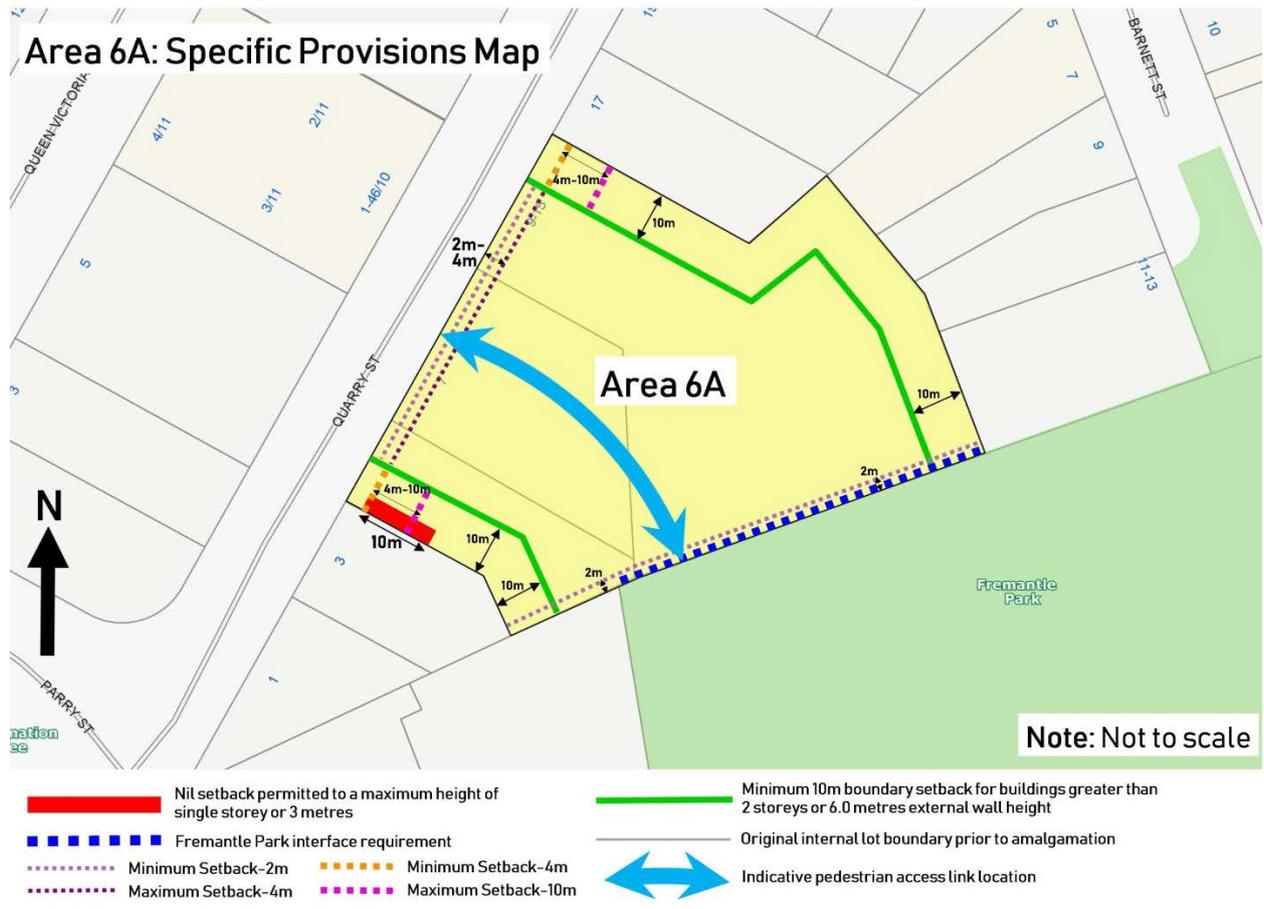


Figure 1: Specific Provisions Map (Draft Local Planning Policy 3.1.3.1)



Figure 2: Aerial Photo of the subject site (Nearmap 2019)

CONSULTATION

Pursuant to Council's decision in July 2019, the City undertook formal community consultation in accordance with the requirements of the *Planning & Development (Local Planning Schemes) Regulations 2015* and the City's *Local Planning Policy 1.3: Public Notification of Planning Proposals*.

The consultation period commenced on 1 November 2019 and concluded on 15 January 2020. Consultation included letters to property owners and occupiers within 100 metres of the site, a dedicated web page on My Say Freo, two signs on site and a community information session at the *Fremantle Leisure Centre* attended by approximately 15-20 local residents. The Arts Centre precinct group was also informed of the proposal in writing.

A total of 9 submissions were received; 1 expressed objection to the amendment, and 8 stated neutral or no comment on the proposal. The one objection to the amendment was received from a property owner within 100 metres of the subject site. This submission raised concerns in respect to the proposed residential density, viability of commercial development on the site as well as a lack of housing diversity. The remaining submissions of non-objection were received from referral and service authorities (e.g. Fremantle Ports, ATCO Gas and Department of Education). A summary of submissions and officer response to each is provided in the Schedule of Submissions provided in Attachment 1.

OFFICER COMMENT

As detailed above, only one objection to the amendment was received during the consultation period. In contrast, close to 50 objections were submitted during the preliminary consultation phase undertaken in 2018, where a density of R100 and building height of up to 4 storeys was being contemplated by the City. This suggests that the modifications made in this formal proposal have addressed at least the most substantial community concerns with the preliminary proposal. Responses to the points of objection are outlined in the Schedule of Submissions.

During the community information session, concern was raised by some attendees in relation to the residential density proposed for the site, with preference given to a lower density of R25 that reflects the existing single houses to the north. However, other attendees acknowledged that the amendment as proposed, along with the supplementary local planning policy, represents a fairer compromise to the higher-density options explored by the City previously.

The R80 density, combined with the specific height and setback controls in the scheme text and planning policy, were formulated in response to feedback received from the community in 2018 and 2019. Officers consider that the proposed provisions provide for an appropriate transition between high and low residential densities in this precinct.

As such, it is recommended that Council formally support the scheme amendment and draft local planning policy. Very minor formatting and administrative edits have been made to the final scheme text and local planning policy documents (attached). Most notably, the draft *Local Planning Policy 3.1.3.1* now includes a section which directly

references the Residential Design Codes Volumes 1 and 2, including the specific clauses overridden or supplemented by the policy, for the sake of clarity.

Given that the draft policy seeks to amend the deemed-to-comply and acceptable development provisions of both volumes of the R-Codes for Solar Access (Volume 1) and Orientation (Volume 2), it is required to be referred to the WAPC for approval. A similar process was undertaken for the Freo Alternative scheme amendment and policy. The local planning policy will be referred to the WAPC concurrently with the scheme amendment; this requirement has been included as part of the officer's recommendation.

FINANCIAL IMPLICATIONS

There are no financial implications associated with adopting the officer's recommendation given that the scheme amendment has been processed in-house.

The subject site is owned by the City and its zoning consequently has potential implications for the value of the land. This is not, however, a planning consideration.

LEGAL IMPLICATIONS

The process for a complex scheme amendment is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), and has been adhered to by the City in dealing with this amendment.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Note the submissions received on Amendment No. 77 to Local Planning Scheme No. 4 as detailed in the officer's report and Attachment 1.**
- 2. In accordance with regulation 41 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve to support Amendment No. 77 to Local Planning Scheme No. 4, as detailed 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 Local Planning Scheme No. 4 Amendment No. 77 documentation.**
- 4. Submit Local Planning Scheme No. 4 Amendment No. 77 and the associated recommendation defined in (2) above to the Minister for Planning via the Western Australian Planning Commission with a request for final approval.**

- 5. Submit Local Planning Policy 3.1.3.1 to the Western Australian Planning Commission (WAPC) concurrently with the above-mentioned scheme amendment, seeking approval to replace the overshadowing requirements of the Residential Design Codes (Volumes 1 and 2), as detailed in Attachment 3.**

- 6. Subject to gazettal of Amendment No. 77 and no objection from the Western Australian Planning Commission, adopt Local Planning Policy 3.1.3.1 in accordance with Schedule 2, Part 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

SPT2002-4 LOCAL PLANNING SCHEME NO.4 REVIEW REPORT - DRAFT

Meeting date:	12 February 2020
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Agenda attachments:	1. Draft LPS4 Scheme Review Report 2019
Additional information:	1. Nil

SUMMARY

In September 2019, Council resolved to prepare a Scheme Review Report in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to identify how to progress with a review of the Local Planning Scheme and Strategy, and the scope and staging of the review.

The Scheme Review Report has been drafted, based on the guidelines provided by the Western Australian Planning Commission (WAPC). The purpose of this report is to allow Council to consider the content and findings of the Scheme Review Report, and to make a recommendation to the WAPC on the status of the scheme and strategy.

This report recommends that Council:

1. Approve the Scheme Review Report provided in Attachment 1 for referral to the WAPC.
2. Recommend to the WAPC that the City of Fremantle Planning Scheme No. 4 is satisfactory in its existing form, but should be maintained into the future based on an agreed program of scheme amendments.
3. Recommend to the WAPC that the City of Fremantle Local Planning Strategy be reviewed and updated to reflect the subsequent strategic direction and amendments progressed by the City through its integrated planning processes.

BACKGROUND

On 18 September 2019, the Strategic Planning and Transport Committee considered a report on the state government's planning reform program and resolved as follows:

Strategic Planning and Transport Committee acting under delegation 1.1 request officers to prepare a Scheme Review Report in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 to identify how to progress with a review of the Local Planning Scheme and Strategy, and the scope and staging of the review (refer Item SPT1909-3)

The scheme review report is required under Regulation 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which also states that:

- (2) The report must be prepared in the manner and form approved by the Commission and must include the following information —
- (a) the date on which the local planning scheme was published in the *Gazette* in accordance with section 87(3) of the Act;
 - (b) the date on which each amendment made to the scheme was published in the *Gazette* in accordance with section 87(3) of the Act;
 - (c) the date on which the scheme was last consolidated under Part 5 Division 5 of the Act;
 - (d) an overview of the subdivision and development activity, lot take-up and population changes in the scheme area since the later of —
 - (i) the date on which the scheme was published in the *Gazette* in accordance with section 87(3) of the Act; and
 - (ii) the date on which the scheme was last reviewed;
 - (e) an overview of the extent to which the scheme has been amended to comply with the requirements of any relevant legislation, region planning scheme or State planning policy.

The report is to recommend whether the scheme and the associated local planning strategy are:

1. Satisfactory in their current form; or
2. Should be amended; or
3. Should be repealed and replaced.

The process and proposed approach was discussed with elected members at an informal forum on 4 November 2019.

The purpose of this report is to consider the draft scheme review report prepared in accordance with Council's resolution, and its recommendations for the scheme and local planning strategy.

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 scheme review report includes:

1. An overview of the City
2. A summary of the local planning framework
3. A summary of the state planning framework
4. An outline of development activity in the City since gazettal of the scheme
5. Discussion of how well the current scheme and local planning strategy align with and respond to the state and local planning context, and the development which has occurred since the scheme was prepared
6. Recommendations on how to proceed.

In summary, the report concludes that:

1. The City's strategic planning objectives align well with state objectives.
2. The City has been proactive in maintaining its planning scheme through the strategic investigation of issues and amendment to the scheme in response.
3. The City has seen a solid rate of development since gazettal of the scheme, particularly given the economic environment following the global financial crisis and end of the mining boom. This has included, to 2016, the addition of nearly 2,000 dwellings (or 16%) since 2006 (the census year immediately prior to gazettal of the scheme) and 1,134 since 2011 (the base year for the *Perth and Peel @ 3.5 Million* infill target for Fremantle).
4. The scheme makes adequate provision to meet the infill target through existing zoning, and in appropriate locations, promoting the more sustainable, connected urban form promoted by both state and council.
5. A number of further issues have already been identified for further investigation and, potentially, further scheme amendments. These would be best addressed through staged projects rather than as part of a single comprehensive planning scheme review.
6. The local planning scheme is adequate subject to amendment (addressing the issues flagged – see below).
7. The local planning strategy requires updating to reflect the strategic initiatives pursued by Council subsequent to its adoption in 2001, and the changing policy and physical context.

Issues flagged as requiring further investigation include:

- a. Short term:
 - i. Administrative updates to complete alignment with Model Scheme Text terminology (basic amendment).
 - ii. Review of and alignment of land use definitions with Model Scheme Text and centre nomenclature.
 - iii. Rationalisation of Development zones.
 - iv. Review of Schedule 8 development standards to ensure consistency in terms and potentially reconsider the allocation of controls between scheme and policy.
- b. Medium term:
 - i. Establishment of Special Control Areas affected by noise (entertainment and transport).
 - ii. Establishment of a Special Control Area to recognise areas at risk of long term coastal process impacts.
 - iii. Review of Mixed Use zoning and development controls.
 - iv. Review of parking requirements (pending completion of a Parking Plan currently under development).
 - v. Review of zoning/development standards around the Paddy Troy Mall.
 - vi. Review of zoning along and west of the South Terrace corridor in South Fremantle
- c. Longer term
 - i. Review of industrial buffer areas

- ii. Review of signage provisions to rationalise these in relation to local laws.
- iii. Review of Fremantle – Murdoch and Fremantle – Cockburn transport corridors (pending confirmation of alignment, mode and funding by the state - discussions ongoing).

The report acknowledges that further issues may be identified as time goes by, particularly through engagement processes being planned for the Strategic Community Plan review (which might potentially incorporate concurrent, integrated engagement on the updated Local Planning Strategy).

The report also suggests that in the absence of a comprehensive scheme review, the City consider implementation of a regular program of omnibus amendments to allow more strategic but timely and efficient consideration minor amendment requests, similar to the annual update undertaken for the Local Heritage Survey.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The scheme review report fulfils the requirements of Regulation 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

No consultation was undertaken in the preparation of the scheme review report. Consultation is required in any amendments and updates undertaken to the local planning strategy and local planning scheme.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That Council:

- 1. Approve the Local Planning Scheme No.4 Scheme Review Report 2019 provided in Attachment 1 for referral to the Western Australian Planning Commission.**
- 2. Pursuant to Regulation 66(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 recommend to the Western Australian Planning Commission that the City of Fremantle Planning Scheme No. 4 is satisfactory in its existing form, but should be maintained based on an agreed program of projects including:**
 - a. Short term:**

- i. Administrative updates to complete alignment with Model Scheme Text terminology (basic amendment).
 - ii. Review of and alignment of land use definitions with Model Scheme Text and centre nomenclature.
 - iii. Rationalisation of Development zones.
 - iv. Review of Schedule 8 development standards to ensure consistency in terms and potentially reconsider the allocation of controls between scheme and policy.
 - b. Medium term:
 - i. Establishment of Special Control Areas affected by noise (entertainment and transport).
 - ii. Establishment of a Special Control Area to recognise areas at risk of long term coastal process impacts.
 - iii. Review of Mixed Use zoning and development controls.
 - iv. Review of parking requirements (pending completion of a Parking Plan currently under development).
 - v. Review of zoning/development standards around the Paddy Troy Mall.
 - vi. Review of zoning along and west of the South Terrace corridor in South Fremantle
 - c. Longer term
 - i. Review of industrial buffer areas
 - ii. Review of signage provisions to rationalise these in relation to local laws.
 - iii. Review of Fremantle – Murdoch and Fremantle – Cockburn transport corridors (pending confirmation of alignment, mode and funding by state - discussions ongoing).
 - d. Periodic / recurrent / ongoing
 - i. Regular (approximately biennial) consideration of zoning requests via omnibus amendment
 - ii. Policy review
 - iii. Structure Plan update
- 3. Pursuant to Regulation 66(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 recommend to the Western Australian Planning Commission that the City of Fremantle Local Planning Strategy be reviewed and updated to reflect the subsequent strategic direction and amendments progressed by the City through its integrated planning processes, including
 - a. Strategic Community Plan
 - b. Economic Development Strategy
 - c. One Planet Strategy
 - d. Integrated Transport Strategy
 - e. Draft Cultural Strategy (under development)

and include additional commentary on housing and activity centres to reflect the strategic approaches taken by the City consistent with relevant State Planning Policy.

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