



Agenda

Strategic Planning and Transport Committee

Wednesday, 17 October 2018, 6.00pm

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

Elected Members

A Strategic Planning and Transport Committee meeting of the City of Fremantle will be held on **Wednesday, 17 October 2018** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

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

Paul Garbett
Director Planning and Projects

12 October 2018

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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 Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Whadjuk people as the custodians 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

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

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 to be presented to the committee.

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

7. DEPUTATIONS

7.1 Special deputations

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

There are no special deputation requests.

7.2 Presentations

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

8. CONFIRMATION OF MINUTES

Officer's recommendation

That the minutes of the Strategic Planning and Transport Committee meeting dated 19 September 2018 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.

11. REPORTS AND RECOMMENDATIONS

Committee delegation

Nil

Council decision

SPT1810 -1 FREMANTLE CHAMBER OF COMMERCE - GREATER FREMANTLE ACTION PLAN

Meeting Date:	17 October 2018
Responsible Officer:	Director Strategic Planning and Projects
Decision Making Authority:	Council
Agenda Attachments:	Greater Fremantle Action Plan produced by Fremantle Chamber of Commerce

SUMMARY

The Fremantle Chamber of Commerce has recently published a document titled 'Greater Fremantle Action Plan'. The document seeks to identify actions that might be undertaken by a range of stakeholders including the City of Fremantle, working collaboratively with the aim of rejuvenating the greater Fremantle region.

This report recommends that Council:

- Receives the Greater Fremantle Action Plan document for information.**
- Acknowledges the initiative taken by the Chamber of Commerce in producing the document, and confirms to the Chamber that the City is willing to participate in a Governance Group proposed to oversee implementation of the Action Plan.**
- Gives consideration to actions listed in the document for which the City is identified as a lead agency, weighed against other priority projects and overall resource capacity, through the Strategic Community Plan review and annual Corporate Business Plan and budget processes.**

BACKGROUND

In 2015 a number of Fremantle-based stakeholders including the City of Fremantle and the Fremantle Chamber of Commerce (FCC) commissioned a research report produced by the Committee for Perth and University of Western Australia. The report, titled 'Fremantle as a re-connected city – a FACTBase Special Report', was published in December 2015. It outlined 14 key findings about the current state of the greater Fremantle region's economy, vitality and potential.

The FCC has used the report and its findings to develop an Action Plan that takes into account the strategic plans, policies and developments already under way in the region, and is aiming to use the document to guide further action by a range of stakeholders including the FCC itself and the City of Fremantle to rejuvenate the region.

A copy of the action plan document, titled the Greater Fremantle Action Plan (GFAP), is provided in Attachment 1 to this item.

OFFICER COMMENT

The GFAP document is structured around five key themes or sectors as follows:

- Economic growth
- Infrastructure and transport
- Culture and community
- Tourism
- Retail, food and beverage.

For each sector, the document identifies a goal and a series of actions to guide research, policy and economic and physical development over the next five years. Some actions are identified as 'quick wins' and others have a longer term time frame up to 2022. Many of the actions are currently underway or already planned, whilst others are initiatives that the Chamber of Commerce believes the identified lead agency might consider as part of their strategic priorities.

For each action, partners involved in undertaking the action are identified including a lead partner. Out of a total of 69 actions across the five sectors, the City of Fremantle is identified as the lead agency for 30 actions and the Chamber of Commerce as the lead for 12. The City and Chamber are identified as joint lead partners for a further 4 actions.

In the case of the actions for which the City is identified as the sole lead agency, more than half are specific projects already in progress (e.g. Kings Square redevelopment, Fremantle Oval planning process) or are actions that sit under an overarching strategy or initiative; for example a number of tourism-focused actions are within the scope of work being undertaken by the Destination Marketing Working Group in order to produce the Destination Marketing Strategic Plan that will be presented to the Council for consideration in the near future. However, a number of actions are not within the City's currently anticipated priorities as identified in the Strategic Community Plan and related strategic documents, nor included within the adopted 2018/19 budget. In respect of these actions it is recommended that the Chamber be informed the Council will give further consideration to their merits as part of the next review of the Strategic Community Plan

and related business planning and annual budget processes, in the context of other priorities.

The Chamber proposes that implementation of the GFAP should be overseen by a Governance Group led by the Chamber but including representatives of other sectors including local government. It envisages that the action plan will be updated on a regular basis, with changes to the plan being determined by the Governance Group in consultation with relevant stakeholders. Officers recommend the Chamber be informed that the City is willing to participate in the Governance Group.

FINANCIAL IMPLICATIONS

Some actions in the GFAP document for which the City of Fremantle is identified as the lead agency or a partner would involve expenditure by the City that does not form part of the Council's current adopted budget. Consideration could be given to these actions as part of the City's annual corporate planning and budget processes in future years.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

None undertaken by the City of Fremantle.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Receive for information the document titled 'Greater Fremantle Action Plan' produced by the Fremantle Chamber of Commerce, as contained in Attachment 1 to the agenda of the Strategic Planning and Transport Committee meeting dated 17 October 2018.**
- 2. Acknowledge the constructive initiative taken by the Chamber of Commerce in producing the Greater Fremantle Action Plan document, and inform the Chamber that the City of Fremantle is willing to participate in a Governance Group proposed by the Chamber to oversee the implementation of the Action Plan.**

- 3. Advise the Chamber that in respect of items in the Action Plan document for which the City is identified as a lead partner but which are not within the Council’s current priorities or adopted budget, the Council is prepared to consider these on their merits weighed against other priority projects and activities and overall resource capacity as part of the next review of the Strategic Community Plan and related corporate business planning and budget processes. However at the present time the City is not committing to necessarily undertake these actions.**

SPT1810 -2 'PLANNING FOR ENTERTAINMENT NOISE IN THE NORTHBRIDGE AREA' PUBLIC CONSULTATION PAPER - SUBMISSION

Meeting Date: 17 October 2018
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1 – Executive Summary of '*Planning for entertainment noise in the Northbridge area*' public consultation paper.

SUMMARY

The purpose of this report is to consider a public consultation paper released by the Western Australian Planning Commission on entertainment noise and a proposed approach to address this in Northbridge. The report recommends that Council make a submission on the paper supporting the proposed approach and suggesting that consideration be given to extending the trial to include part of Fremantle CBD.

BACKGROUND

The World Health Organisation (WHO) has established that prolonged exposure to excessive noise can have a significant detrimental impact on health.

In Western Australia, noise is regulated through the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. These stipulate acceptable noise levels for particular land uses and specify responsibility for compliance. Lower levels of noise are deemed acceptable for 'noise sensitive' land uses (including residential uses, hospitals and schools), than for other uses, with lower levels permissible at night than in the day time.

Responsibility for compliance with acceptable noise levels received generally rests with the generator of the noise, irrespective of which use was first established. This generates some significant challenges in mixed use environments, and has been a source of controversy in inner city locations where the reintroduction / intensification of residential uses as part of urban consolidation and revitalisation strategies has seen a rise in complaints from residents about noise emissions from transport and entertainment venues in particular.

Entertainment venue operators have raised concerns about the cost of compliance, the inequity of compliance obligations resting with venue operators rather than with new developers, and the uncertainty created because of the continual change in context as new developments involving noise sensitive uses establish around existing venues. It has been suggested that this significantly affects their viability and potentially poses a threat to the sector as a whole.

The state has acknowledged these concerns and the adverse impact current regulation may have on creative industries, to the detriment of the state as a whole.

From a planning perspective, mixing of uses is considered desirable in many locations (particularly higher order activity centres) and so balancing the needs of different users of

a place in an effective and reasonable manner represents an enduring but critical challenge.

In recognition of these issues, the Western Australian Planning Commission (WAPC) has released a public consultation paper entitled '*Planning for entertainment noise in the Northbridge precinct*'. Whilst targeted at Northbridge, as Perth's primary entertainment precinct, the issues posed relate equally to other locations including Fremantle, albeit on a smaller scale.

The purpose of this report is to consider the recommendations of the paper and to formulate a response.

Paper Summary

The Consultation Paper is available online on the WAPC website at https://www.planning.wa.gov.au/dop_pub_pdf/Entertainment_Noise_Sept2018.pdf , with its Executive Summary provided at Attachment 1 to this report. The report represents the basis of a proposed Position Statement of the WAPC which would:

1. seek to balance the ongoing viability of the entertainment industry within Northbridge with protecting the amenity of residents and other businesses;
2. propose a special control area (SCA) established through an amendment to the local planning scheme to designate an area within which special noise provisions would apply;
3. within the SCA, shift responsibility for compliance with noise regulations to the 'agent of change' i.e. the new development, rather than automatically having this responsibility resting with the noise generator;
4. within the SCA, apply modified noise standards (involving amendment to the Noise Regulations) to remove the requirement to comply with noise regulations standards outside of buildings (where noise mitigation is much more challenging), retaining only the indoor standards (unmodified);
5. within the SCA, require that notifications being included on certificates of title advising of the existence of entertainment noise.

Whilst the paper and suggested recommendations only propose application to Northbridge, it suggests that extension of elements to other areas would be considered if the need was demonstrated.

In addition to seeking general feedback, the paper seeks comment on a series of specific questions to prompt more complete and well thought out responses.

OFFICER COMMENT

The move as a whole to undertake some reform on this issue is very welcome and long overdue.

The approach of using amendments to planning provisions (SCA designation under planning scheme) and environmental legislation (the noise regulations) in parallel seems a sound one, and necessary to address the combination of issues.

The introduction of the ‘agent of change’ principle (the notion that the party introducing the new development into an area, whether that is a noise-generating or noise sensitive development, should bear the responsibility for mitigating noise impacts) is much more equitable than the current arrangements where the noise generating use always carries the burden of responsibility even if they have been in operation for a long time and a new noise sensitive use is introduced nearby against their wishes.

The proposal to apply only the indoor assigned noise levels under the noise regulations and exclude the outdoor areas is also supported.

It is suggested that Council request that the proposed Northbridge trial be extended to a second trial area within the Fremantle CBD, addressing the concerns recently raised in relation to the approval of the former police station and law courts redevelopment adjacent to the Drill Hall in Holdsworth Street. Whilst the precise area would require further consideration, it might reasonably include the cappuccino strip and the precinct between Fremantle Oval and the Kings Square redevelopment, including the Drill Hall and the former police station/ law courts precinct.

In considering this boundary (which would require development though the preparation of a formal SCA amendment in the event that the WAPC supports the principle of a trial in Fremantle), the management of interface areas becomes apparent: that is, areas where location of new noise generating entertainment uses might not be supported, but where residences may be in sufficiently close proximity to experience noise from nearby existing venues. It is suggested that the WAPC give consideration to providing for this in the drafting of the Position Statement and potentially enable the creation of an Entertainment Precinct within the scheme (within which entertainment noise might be expected to be generated), with a frame or buffer zone around it (within which entertainment uses might not be supported, but the effects of nearby uses could be experienced). This might prove unnecessary but should be considered to avoid either unnecessarily large precincts being developed or, conversely, established precincts effectively having an internal buffer.

In relation to the other items on which comment is sought, the following comments are offered:

1. Use of notification on title to advise of the existence of special controls is sound in principle and can assist in reducing complaints based on ignorance of the regime post-property purchase. Some concern is raised regarding how far this principle should extend and the point at which property purchasers should be expected to make their own enquiries: notifications cannot be used to inform property purchasers of all the potential controls, restrictions and affects their property may be subject to. Inconsistent use of notifications could also be problematic in purchasers being unaware that restrictions or controls apply if no notification is present, having come to anticipate them. Conversely, where planning controls are modified, it may become increasingly difficult to maintain the currency of notifications. Their use is consequently recommended for more exceptional circumstances (which these special precincts could be regarded as for so long as they are deemed a trial).

2. There may be a case for designating different acceptable noise levels for different days of the week (e.g. indoor noise levels only, to apply on weekend evenings) as this might pose a more reasonable balance in some instances. However, establishment of an overly complex approach is cautioned against because of the difficulties this poses for public comprehension and administration. Establishment of different acceptable indoor noise levels, for example, is not recommended.
3. Noise compliance is a notoriously difficult area to manage. The proposed reforms do not make this either easier or more complex, but do at least establish a principle aligned to many people's sense of natural justice, that the change agent should be responsible for mitigation. The need to establish the change agent may create additional challenges on some occasions (for example where a pre-existing venue increases the frequency or volume of live music) however is considered a relatively minor challenge compared to others.

As a final point, it is suggested that the Position Statement consider the application of pre-emptive quiet house design requirements for dwellings within designated areas to minimise future conflict and avoid much more costly retrofit options. The application of such requirements would be likely to incur some additional cost to developers however as the provisions would only apply within designated entertainment precincts which are generally subject to other noises sources as well (such as deliveries and commercial waste services), this approach is likely to have the effect of reducing complaints and land use conflict beyond that related to entertainment noise, as well as maintaining opportunities for land use change and evolution over time.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

The Consultation Paper this report discusses is available for public comment. Any planning scheme amendment initiated to establish an Entertainment Precinct would be subject to further consultation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Council:

1. Support a submission on the '*Planning for entertainment noise in the Northbridge precinct*' public consultation paper which indicates that:
 - a) The move as a whole to undertake some reform on this issue is very welcome and long overdue.
 - b) The approach of using amendments to planning provisions (special control area designation under planning scheme) and environmental legislation (the noise regulations) in parallel seems a sound one, and necessary to address the combination of issues.
 - c) The introduction of the 'agent of change' principle is supported as much more equitable than the current arrangements where the noise generating use always carries the burden of responsibility even if they have been in operation for a long time, within an established precinct, and a new noise sensitive use is introduced nearby against their wishes.
 - d) The proposal to apply only the indoor assigned noise levels under the noise regulations and exclude the outdoor areas is also supported.
2. Request that the proposed Northbridge entertainment precinct trial proposed by the WAPC be extended to a second trial area within the Fremantle CBD (details of boundary to be determined through a subsequent process upon and assuming WAPC support in principle for a second trial area).
3. Offer the following additional detailed comments on the '*Planning for entertainment noise in the Northbridge precinct*' public consultation paper:
 - a) The WAPC is requested to give consideration to transition / interface areas in the drafting of the Position Statement on entertainment precincts and potentially enable the creation of a frame around entertainment precincts within which noise impacts might be experienced.
 - b) The use of notification on title to advise of the existence of special controls is supported in principle for more exceptional circumstances (such as within special entertainment precincts for so long as these are deemed a trial) but over-use of notifications to advise of routine development requirements and controls is cautioned against.
 - c) There may be a case for designating different acceptable noise levels for different days of the week (e.g. indoor noise levels only, to apply on weekend evenings) as this might provide a more reasonable balance in some instances. However, establishment of an overly complex approach is cautioned again because of the difficulties this poses for public comprehension and administration.
 - d) Establishment of different acceptable indoor noise levels is not recommended.
 - e) Noise compliance is a notoriously difficult area to manage. The proposed reforms do not make this either easier or more complex, but do at least establish a principle aligned to many people's sense of natural justice, that the change agent within established precincts should be responsible for mitigation. The need to establish the change agent may create

additional challenges on some occasions however is considered a relatively minor challenge compared to others.

- f) The Position Statement consider the application of pre-emptive quiet house design requirements for dwellings within designated areas to minimise future conflict and avoid much more costly retrofit options.**

12. 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.

13. 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.

14. 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.

15. CONFIDENTIAL BUSINESS

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

16. CLOSURE

