



Agenda

Strategic Planning and Transport Committee

Wednesday, 18 July 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, 18 July 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

13 July 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 20 June 2018 be confirmed as a true and accurate record.

9. ANNOUNCEMENTS BY PRESIDING MEMBER

The presiding member may make announcements to the meeting

10. QUESTIONS OR PERSONAL EXPLANATIONS BY MEMBERS

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

11. REPORTS AND RECOMMENDATIONS

Deferred Item

SPT1807-01 SCHEME REVIEW (LPS4) - PROPOSED PROCESS

Meeting Date: 18 July 2018
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1. Previous item SPT1803-4

SUMMARY

The purpose of this report is to advise Council of its statutory obligations in relation to review of the Local Planning Scheme and to consider how best to advance this to align with the Council's existing strategic initiatives and priorities.

Council deferred consideration of a report on this matter on 28 March 2018 to allow officers to have further preliminary discussions with the Department of Planning, Lands and Heritage (DPLH) on the matter. The report originally recommended that officers commence the review process by preparing:

- a Scheme Review Report which will consider whether the City's local planning scheme is up-to-date and complies with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- an update of the Local Planning Strategy based on the strategic direction established by Council in the Strategic Community Plan and informing strategies.

Shortly after City officers discussed the matter with senior officers of the DPLH in late April, the state government released the Green Paper on Planning Reform. The Green Paper specifically recommends delaying work on the review of local planning schemes and strategies until guidance on the new form and content of local planning frameworks as proposed in the Green Paper is available.

In the light of this new information, officers now recommend deferral of work on the project pending confirmation of direction from the state government on its preferred approach.

BACKGROUND

On 28 March 2018, Council considered a report on a recommended process to review its Local Planning Scheme (see attachment 1 – previous item SPT1803-4) which recommended that:

Council authorise the preparation of a:

- a) Scheme Examination Report in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015' and*
- b) Updated Local Planning Strategy based on the strategic direction of the Strategic Community Plan and subordinate strategies of Council.*

Council resolved to defer consideration of the item to the next appropriate Strategic Planning and Transport Committee to allow time for officers to have further preliminary discussions with the Department of Planning, Lands and Heritage (DPLH). The purpose of this discussion was to gain a better understanding of the Department's expectations of the review, and support for the approach being contemplated by Council.

OFFICER COMMENT

On 24 April 2018, officers met with the Director General of the DPLH and senior staff, and this and subsequent discussion has indicated 'in principle' support from the Department for the approach proposed. The final decision on endorsement of the Scheme Review Report (and subsequent Local Planning Strategy) rests with the Western Australian Planning Commission (WAPC) however the discussions provided a reasonable level of confidence in both the Department's expectations of the process, their satisfaction with the City's scheme, and the City's objectives.

Immediately following these discussions, the state government released a Green Paper into planning reform commissioned from an independent expert. A report on the Green Paper was considered by Council on 27 June 2018 (refer SPT1806-5). Of note, the Green Paper recommends a revised approach to both local planning strategies and planning schemes and specifically suggests that:

“Local governments currently undertaking or about to embark on, a substantive review of local planning frameworks delay the preparation of local planning strategies and local planning schemes (and related omnibus amendments) until guidance on the form and content of local planning frameworks is available” (recommendation 2.4.3).

Whilst there may be merit in progressing reporting on the status of the scheme and the more minor updates considered likely to arise from this, given the resource implications it is recommended that Council defer progression of its scheme review pending clarification of state government direction on the review and reform processes. It is, however, suggested that officers provide an informal update to the Department of Planning, Lands and Heritage on the operation of the scheme to confirm its status and general currency.

It is further recommended that the potential to better align and integrate strategic planning processes required under local government and planning legislation be noted and that the development of a review process for the Strategic Community Plan (and specifically community consultation on strategic direction) seek to facilitate this so far as is feasible.

The original report on the scheme review is attached as background information.

FINANCIAL IMPLICATIONS

None at this time. When further guidance on the future approach to local planning frameworks (including the form, content and review process for schemes and strategies) as outlined in the Green Paper is available, financial implications for the City will be reassessed.

LEGAL IMPLICATIONS

Review of the operation of the local planning scheme is a statutory requirement under the *Planning and Development Act 2005*. The preparation of a Scheme Review Report is also required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

The *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* specifies current public consultation requirements for the preparation, consolidation and amendment of local planning schemes and local planning strategies. These may be affected by the state government's response to recommendations in the Planning Reform Green Paper in due course. The Green Paper identifies the potential for better integration of strategic planning processes relating to local planning strategies and strategic community plans.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

RECOMMENDATION

Council:

1. Defer the preparation of:

- a) a Scheme Examination Report in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and
- b) an updated Local Planning Strategy based on the strategic direction of the Strategic Community Plan and subordinate strategies of Council,

until further guidance is available on the form and content of local planning frameworks as recommended in the Green Paper on Planning Reform currently being advertised for public comment.

Council decision

SPT1807-02 POTENTIAL SCHEME AMENDMENT 75 - NEW SUB AREA WHITE GUM VALLEY - PRELIMINARY ENGAGEMENT & INITIATION

Meeting Date:	18 July 2018
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Schedule of submissions 2. Previous report 28 March 2018 SPT1803-2

SUMMARY

In March 2018, the City received a request to initiate an amendment to Local Planning Scheme No. 4 (LPS4 or Scheme) for the R20/25 density coded land bounded by Hope Street to the north, Wongan Avenue to the east, Watkins Street to the south and Yalgoo Avenue to the east. The amendment sought to enable the sub-precinct's development (and specifically HN119 Hope Street within it) for higher density (R60) residential development where additional development requirements relating to housing diversity, sustainability, open space, trees and landscaping, built form, car movement and parking were met.

Council considered the proposal at its ordinary meeting on 28 March 2018 and resolved to request changes to the proposal and additional preliminary consultation prior to determining whether to formally initiate the amendment.

The applicant completed the requested changes and officers sought the comments of residents in the area and surrounds on the proposal in accordance with *Local Planning Policy 1.3 - Public Notification of Planning Proposals*.

The City received 29 submissions on the potential amendment. 25 submissions were in objection, three were neutral and one submission was in support. The main concerns expressed in the submissions were in relation to:

- Three storey development in the area
- Proposed density for the area
- Traffic and parking issues as a result of additional density
- Maintaining and additional green space and tree canopy, including community open space
- Solar access of adjoining sites
- Building sustainably
- Reasons for scheme amendment
- Ensuring good design of new development

Officers recommend that that the proposal be modified in response to these concerns to remove the potential for 3 storey development, and to restrict the proposal to 119 Hope Street and that this be reflected in a formal resolution to amend the scheme. The amendment will then be subject to further formal public consultation prior to determination of a recommendation by Council to the Western Australian Planning Commission.

BACKGROUND

In 2017 the owners of 119 Hope Street, White Gum Valley (WGV) met with the City to discuss potential development opportunities for their 5489 sqm site. The City advised that a scheme amendment application for the whole block could potentially be considered if it aligned with council’s strategic objectives, and suggested that provisions similar to the Freo Alternative would be appropriate for consideration. This reflected prior discussions with the previous owners of the site, the Department of Communities. The subject area therefore is the street block bounded by Hope Street to the north, Wongan Avenue to the east, Watkins Street to the south and Yalgoo Avenue to the east (refer to figure 1 below).



Figure 1. Aerial of site area the subject of the potential scheme amendment

The proponents undertook their own preliminary engagement with landowners and other residents in the area about potential development of the site in September 2017. In March 2018 the proponents submitted the amendment for initiation consideration. For further background refer to the previous report to council is provided in attachment 2 [28 March 2018 SPT1803-2].

At its Ordinary Meeting on 28 March 2018, Council resolved to advise the applicant:

1. *...that Council is not prepared to support the amendment in its current form in light of the variations it proposes to the community values and standards established through the Freo Alternative, particularly in regards to:*
 - *The provision of communal open space.*
 - *The provision for deep planting zones and tree planting on site.*
 - *Parking access and extent and permeability of manoeuvring area.*
 - *A greater proportion of dwellings smaller than 120 square metres in plot ratio area.*

2. *That, upon receipt of a revised proposal from the proponents responding the concerns outlined above, officers undertake consultation with owners and occupiers of properties in Hope Street, Watkins Street, Yalgoo Avenue and Wongan Avenue within and immediately surrounding the area subject to the proposed scheme amendment no. 75 prior to council considering whether to initiate the proposed amendment, and to include details of the outcome of this consultation in a further report to be presented to the next appropriate meeting of the Strategic Planning and Transport Committee.*

The proponents amended their proposal in accordance with part one of Council's resolution. The results of the community engagement undertaken on the potential scheme amendment in White Gum Valley form the subject of this report.

Amendment Proposal

The potential scheme amendment area currently has an R-code of R20/25. This density typically results in subdivision and single house development on lots of 300-450 square metres. The 'deemed to comply' building height standards under this R-code is up to 6m wall height and 9m pitched roof, measured from ground level.

The proposal on which community comment was sought would, subject to meeting specified criteria, enable:

- Residential development up to R60 on smaller lots with a building height limit of 6m wall height and 9m pitched roof as measured from ground level.
- Apartment development on corner sites over 1,000m² in site area and up to a maximum of three storeys in height (maximum external wall height of 10 metres and a maximum overall height of 14 metres as measured from ground level).

Proposed additional requirements to be met included:

Housing Diversity

- i) A minimum 30% of proposed dwellings having a floor area less than 120m²
- ii) A maximum 40% of proposed dwellings having a floor area more than 140m².

Sustainability

1+ star in excess of the current energy efficiency requirement of the National Construction Code.

Each single or grouped dwelling provides a minimum 1.5Kw photovoltaic solar panel system.

Open Space

60% open space on the site being provided and supported by a detailed Waterwise landscaping plan.

Trees and Landscaping

At least 25% of the site area shall be landscaped with Waterwise plantings and permeable surfaces.

A minimum 3m dimension and 9m² deep rooted planting zone provided for

each single or grouped dwelling and every three multiple dwellings or portion thereof with a 400l approved tree planted in the area prior to occupancy of the development.

Community

Landscaping treatment of street verges, including the creation of communal use recreation spaces and the provision of vehicle parking for visitor and public use.

Communal open space that is usable and effective and assessable to all residents with a minimum dimension of 3m.

Built Form

Dwellings adjacent to the street are to be provided with direct access from the street, and are to include habitable room windows and porches overlooking the street.

Car Movement and Parking

Consolidated site access points to encourage coordination of access to adjoining properties and minimize the number and width of crossovers required to service future development.

Parking area surface treatments to be water permeable.

No garages will be permitted fronting the street.

A *Local Development Plan** will be required for lots exceeding 1,000m² in area that address the following specific built form considerations:

- Vehicle and pedestrian access and egress.
- Building setbacks, including boundary walls and rear setbacks.
- Solar access.
- Garage and carport location.
- On-street parking provision.
- Communal open space provision.
- Fencing and retaining walls.
- Private open space location and treatments.
- The interface with existing development on adjoining lots.

*Local development plans are prepared to coordinate and assist in achieving better built form outcomes by linking lot design with site and development standards that are applied to the lot.

FINANCIAL IMPLICATIONS

The applicant has paid the fee for lodging a complex Scheme amendment. This fee covers officer time and the advertising cost of community engagement on the scheme amendment.

LEGAL IMPLICATIONS

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

CONSULTATION

Community engagement on the potential scheme amendment was undertaken in accordance with *Local Planning Policy 1.3 - Public Notification of Planning Proposals* for 'preliminary scheme amendment' from 18 May 2018 to 15 June 2018 (28 days).

The advertising consisted of:

- 397 Letters of notification and inviting comment on the proposal to landowners and occupiers within at least 100m of the amendment area. The letter included a summary information sheet to explain the proposal.
- An information package including: information sheet, previous Council minutes, applicant's Scheme amendment report, and a submission form were made available at the City's offices and on the website.
- Notification to the WGV precinct group.

Subject to Council resolving to formally initiate the proposed scheme amendment, the amendment would be advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (P&D Regulations) as they apply to complex scheme amendments. The P&D Regulations include a period within which submissions may be made of not less than 60 days. Additional forms of community engagement specified for this type of scheme amendment in the City's *Local Planning Policy 1.3 Public Notification of Planning Proposals* would also be carried out, including a community information session, notification to the local precinct groups and additional individual notification to property owners and occupiers within and surrounding the scheme amendment area.

Summary of submissions

During the preliminary engagement period, the City received 29 submissions from residents and landowners in the amendment area or surrounding the amendment area (refer to attachment 1 for the full schedule of submissions). The majority (25) objected to the proposal and three stated 'neutral' with concerns around the potential of three storey height in the area, design of new buildings and upgrades to amenities. One submission was in support with additional sustainability requirements suggested.

Many of the submissions stated general support for infill and smaller lot housing development and there was general support for two storey development. The majority of submissions, however, stated objection to the three storey apartment development. The main themes that came through in submissions are summarised below.

Main submission themes

➤ *Three storey apartment development in the subject area*

The majority of submissions objected to the three storey apartment development component of the potential scheme amendment. The reasons for the objection were around the location of three storey development in a suburb of predominantly single and two storey houses. Additionally there is a gradual rise in the street block's topography from a lower level on Yalgoo Avenue to the west side up 9-10m to Wongan Avenue to the east. This results in the applicant's corner lot at 119 Hope Street being on the higher end of the street block. Submissions were also concerned about the impact of this development type on the existing character and amenity of the area.

Some submissions acknowledge that the new WGV (former Kim Beazley) site contains buildings of three storey development, however they note this site was a master planned area and the apartments overlook the golf course with limited interface with existing housing.

Alternatives to three storey development on the corner suggested in the submissions were:

- Drop height downwards to the corner to better mesh with the surrounding streetscape.
- A height limit of 12m incorporated within an integrated development.

“The corner of Hope Street and Wongan Avenue is a topographical high point to the proposed area of “change of zone”. A three storey apartment development at this site will be unattractive to the outlook for residents on all the adjoining roads. It will be highly visible on the landscape.”

“...do not believe the high density apartment components of the development fit with the suburbs general aesthetics.”

“...one of the corner lots on the street block has a newly constructed single storey house (Yalgoo and Hope) and the other (Wongan and Watkins) has a soon to be constructed single storey house. This means that 3 storey corner block structures are not going to be implemented as part of a broader LDP applied to the entire street block, rather there will be an eyesore 3 storey structure directly abutting a predominantly single storey character.”

➤ *Proposed density in the area*

Six submissions questioned the appropriateness of a R60 density or lots of 150 sqm in a R20/25 area and adjoining existing lots of R20/25 density.

“The move to rezone from the existing R20 /R25 to R60 is in my view not in the interests of existing home owners or the community as a whole.”

➤ *Traffic and parking issues as a result of additional density*

Many submissions noted that additional traffic would be generated from higher density and apartment development of the subject area. Several submissions note they currently have quiet streets, but have noticed an increase in traffic from the WGV development in recent years. Additional traffic concerns were noise level, pollution and safety.

In regards to parking, the concerns raised in submissions were that with the increase in traffic there would be an increase in the number of visitors and residents parking on the road and verge area.

“Parking for units/houses needs to be adequate so that overflow parking does not occur on the streets or verges in the surrounding area, as this causes significant danger for vehicles and pedestrians with blind spots. The provision for 1 car bay per unit/house is not sufficient in my opinion.”

➤ *Maintaining and additional green space and tree canopy*

Three submissions discussed the importance of green/open space within developments and new community open space areas. As part of these submissions greenery is considered part of the character of the existing streetscape.

➤ *Solar access of adjoining sites*

Some submissions discussed solar access to existing and new dwellings (including their north facing windows and solar panels) given the length of the southern boundary at 119 Hope Street, WGV. One submission suggests additional setback/building envelope controls be placed on the development to protect solar access for adjoining properties, particularly the battle axe dwellings on Watkins Street.

➤ *Building sustainably*

Many submissions generally stated new development should be sustainable. One submission suggested new development in the subject area should be 7 star green star.

The submission in support, suggested the following be added to the proposed scheme amendment requirements:

- Dual plumbing to allow internal alternative non-potable water supply e.g. rain.
- Dual drainage to allow installation of greywater reuse device.
- A 3kl min rainwater tank to each single dwelling.
- A shared 7kl min rainwater tank to each apartment development.
- Higher spec WELS water efficiency fixtures.
- Minimum 1.5kW PV to be increased to 3kW.
- A shared EV charging station to each apartment development.

➤ *Reasons for scheme amendment*

Several submissions commented on there being no reasons provided for the scheme amendment proposal. A few of these submissions noted the other properties in the subject area have subdivided already and therefore would have little opportunity to develop what is proposed. One submission asked about the wider scope of strategic planning and long term vision of the area.

“I would question the suitability of providing R60 residential development in this location, being outside the walkable catchment of a neighbourhood centre and without high frequency public transport. Perhaps it would be more appropriate for the proposed scheme amendment to consider a different R Code in this location which would still enable higher density on smaller lots, but with building heights capped at 2 storeys.”

➤ *Good design of new development*

The design of new dwellings in the area was a concern in submissions. Specific comments were around avoiding low quality builds, ‘lego land’ and ‘project home’ type development.

One submitter suggested mandatory design guidelines that reflect the WGV estate guidelines and include the following:

- *create a unique and eclectic development that responds to the context and climate*
- *provide a benchmark for innovative and sustainable infill development*
- *introduce a range of alternative housing typologies to the market*
- *provide high-quality urban and built form solutions*
- *demonstrate affordable living options*
- *demonstrate an integrated approach to sustainability including:*
 - *Environmental Leadership*
 - *Community Wellbeing*
 - *Economic Health*
 - *Design Excellence.*

Additional submitter comments on this theme:

“The appearance should reflect that of the WGV and Fremantle 'look' and not an outer housing estate by restricting the use of things such as render and encourage different building materials to promote sustainability and design innovation. Recycled brick, wood, concrete should be not only encouraged but made mandatory for street spaces.”

“...as homes become smaller, the need for quality design becomes greater. A large, poorly designed house on a big block will generally retain value, despite the design, because of its size. But small buildings poorly designed can very quickly become substandard housing as owners/occupiers reject them and rental rates drop.”

Additional submitter comments

Additional submitter comments related to:

- *Anti-social behaviour of small housing typology*
- *Capacity of infrastructure/amenities in the suburb (Primary School, local transport links (e.g. bus), and road infrastructure).*
- *Suggested road configuration changes e.g. replace roundabouts with stop signs etc*
- *City's verge parking policy and suggested car parking be clearly marked on the street.*

OFFICER COMMENT

The stated objective of the proposal, as submitted, is to:

“implement a new set of planning controls on the scheme amendment area to encourage a more efficient, diverse and sustainable form of residential development that takes its cues from the City's award winning 'The Freo Alternative' initiative.

The Freo Alternative represents a commitment to engaging the community in planning for a sustainable future and provides the tools and recommendations for developers seeking an alternative to 'business as usual' development.”

The previous (March) report discussed the merits of this proposal from a general planning perspective. This report considers the outcomes of the additional preliminary consultation undertaken at the request of Council with a view to determining whether or not to formally initiate the scheme amendment.

Officer comment on main submission themes

- *Three storey apartment development in the subject area*

Multiple dwelling (apartment) development was originally supported as part of the amendment as it increases the diversity of the proposal by providing an additional development type. However, of the 4 (corner) sites which might accommodate this, one (HN113 Hope Street) has a new dwelling constructed on it whilst 118 Watkins Avenue has recently obtained planning approval for a new dwelling. Only 119 Hope Street and 104 Watkins Street are, therefore, likely to benefit from the proposed additional development potential within the foreseeable future.

Given the extent of community concern this component of the amendment has raised and its limited application, it is suggested that this provision and the additional height associated with it be deleted.

➤ *Proposed density in the area*

Currently the 5,489 sqm lot at 119 Hope Street, WGV could be subdivided into approximately 15 lots under the R25 density coding, resulting in the addition of 15 conventional (typically 4x2) dwellings to the housing stock in WGV.

Alternatively, if the Freo Alternative amendment is approved by the Minister the lot would, based on land area, have the potential for approximately 34 Freo Alternative dwellings (though the design and open space requirements of the Freo Alternative may reduce this development potential estimation).

The proposed scheme amendment would provide for a range of different housing sizes: minimum 30% under 120 sqm (consistent with the Freo Alternative provisions) and maximum 40% over 140 sqm, meaning a minimum of 60% of the dwellings developed on site would be under 140 sqm in size. The applicant provided concept plans initially that showed the potential for 36 dwellings (19 grouped houses and 17 apartments) at 119 Hope Street, WGV. These are concept only and ultimately the market will influence what is delivered within the parameters of the scheme

Given the comparability of yield outcomes under either Freo Alternative or the proposal, it is recommended that the amendment provisions be retained.

In relation to the concerns raised on the impact of the amendment on existing housing stock within the street block, it is acknowledged that many lots have recently been redeveloped and so are unlikely to pursue the additional potential created through the amendment. 6 lots (including 119 Hope Street) present potential in the shorter term. Of these, two have recently obtained development approval, leaving only 119 Hope Street and three other lots potentially benefiting from the proposal. This is unlikely to realise the coordinated outcome originally envisaged, and has raised concern with some affected residents (see submissions in attachment 1).

➤ *Traffic and parking issues as a result of additional density*

The potential amendment does not reduce the on-site car parking requirements as set out in the Residential Design Codes. The parking requirements under the proposed scheme amendment would therefore be the equivalent to:

- Multiple dwelling: 1.25 car spaces for one or two or <110 sqm bedroom apartments; 1.5 car spaces three bed or >110 sqm or more and .25 visitor parking spaces per dwelling.
- Grouped dwelling/single house: 1 car space per one bedroom; 2 spaces per two or more bedroom dwelling.

These requirements are considered to be adequate for the proposed amendment (and exceed those stipulated by the Freo Alternative).

➤ *Maintaining and additional green space and tree canopy*

The amendment proposes:

- 60% open space on the site being provided and supported by a detailed

Waterwise landscaping plan.

- At least 25% of the site area shall be landscaped with Waterwise plantings and permeable surfaces.
- A minimum 3m dimension and 9m² deep rooted planting zone provided for each single or grouped dwelling and every three multiple dwellings or portion thereof with a 400l approved tree planted in the area prior to occupancy of the development.

All of these requirements are in excess of the requirements currently applicable under the R20/25 coding. Additionally the tree requirements exceed those proposed in the Freo Alternative. Officers consider the proposed requirements for green space and tree canopy in the amendment are sufficient and do not need to be amended.

➤ *Solar access of adjoining sites*

The proposed local development plan requirements in the proposed scheme amendment include the requirement that the development considers the interface with existing development on adjoining lots. Additional to this the R-codes also provide requirements for solar access to adjoining sites that any development assessment would be assessed under. The deemed-to-comply requirements of the R-codes for the area are: *the shadow cast at midday, 21 June onto any other adjoining property does not exceed 25 per cent of the site area.*

Officers consider the proposed local development requirements that ensure the interface with adjoining lots is considered as part of development of the site and the R-codes requirements are sufficient to address solar access of adjoining sites and the amendment does not need to be amended in regards to the submission points.

➤ *Building sustainably*

The amendment proposes similar sustainability requirements to Freo Alternative including:

- 1+ star in excess of the current energy efficiency requirement of the National Construction Code.
- Each single or grouped dwelling provides a minimum 1.5Kw photovoltaic solar panel system.

These align with the requirements of Freo Alternative provisions, with potential for any additional requirements to be applied via policy.

➤ *Reasons for scheme amendment*

The City considered the applicant's request for a scheme amendment as they stemmed from early discussions with the Department of Communities (which originally owned the whole street block) to facilitate greater housing diversity as part of a composite redevelopment plan.

Increasing diversity of housing is a key strategic objective of the City's Strategic Community Plan 2015-25:

Outcome	Fremantle provides more affordable living opportunities.
Objective	• Increase affordable, adaptive, accessible and diverse housing.
Measure of success	• Provide for and seek to increase the number and diversity of residential dwellings in the City of Fremantle.

The fragmented disposal of the site which subsequently occurred has undermined the potential to realise the form of development originally envisaged. This makes the merits of the current proposal from the owner of a substantial portion of the site more debatable when measured against the above objective.

➤ *Ensuring good design of new development*

Several submissions commented on the design outcome with such comments as no support for project homes or ‘lego land’ development. Creating provisions through an amendment to ensure design quality of new development is difficult. The amendment includes the requirement for a local development plan that would ensure for more comprehensive and considered development, as opposed to ad hoc development. The local development plan is required to address:

- Vehicle and pedestrian access and egress.
- Building setbacks, including boundary walls and rear setbacks.
- Solar access.
- Garage and carport location.
- On-street parking provision.
- Communal open space provision.
- Fencing and retaining walls.
- Private open space location and treatments.
- The interface with existing development on adjoining lots.

If the scheme amendment does not proceed there would be a prospect of the land being re-subdivided and developed with conventional lower density housing. In this situation the above design factors could only be statutorily assessed through the normal provisions of the R-Codes.

Options going forward

Overall the potential scheme amendment proposes similar requirements (but with scope for a proportion of larger dwellings) to the City’s recently adopted Freo Alternative. Sustainability, open space (60%), trees and landscaping, communal space and car movement and parking requirements are generally consistent with the Freo Alternative provisions. The amendment proposes more trees and landscaping than the Freo Alternative and the requirement of a local development plan. The proposed requirements in the amendment vary the advertised Freo Alternative requirements in so far as they propose:

Proposed scheme amendment	Freo Alternative provision
Height up to 3 storey/10m external wall height for multiple dwellings on corner sites	Height of the existing suburb: generally two storey/6m external wall height
Permeable parking spaces	Permeable driveway and parking spaces
60% open space landscaped with 25% waterwise plantings and permeable surfaces	60-70% open space
A minimum 3m dimension and 9m ² deep rooted planting zone provided for each single or grouped	Retain or plant at least one tree on site

dwelling and every three multiple dwellings. The requirement for a local development plan for sites over 1000 sqm	No requirement for a local development plan
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Three basic options for further action on the proposal, taking into account the community engagement responses, have been identified:

1. Initiate the amendment in its current form

Council could formally initiate the amendment as submitted. This option would mean noting the community concerns expressed (particularly those around apartment development on the corners of the subject street block) and exploring these further with the community through a formal scheme amendment process. However, given the high level of objection to the principle of 3 storey, multiple dwelling development expressed through the recent consultation process it seems unlikely that these concerns could be effectively resolved through further engagement as part of the formal scheme amendment process.

2. Initiate a modified amendment that addresses the community's concerns

Council could initiate the amendment without the apartment (multiple dwelling) provisions. This would address the main concern that was raised in the submissions on the suitability of apartment development in the area.

Officers would additionally recommend reducing the amendment area to be applicable to the lot at 119 Hope Street only, not the entire street block.

3. Do not initiate the amendment

Council could resolve to not initiate the amendment in its current or modified form. The landowner could still undertake a more diverse form of development delivering a similar dwelling yield by utilising the Freo Alternative scheme provisions (upon and assuming gazettal – currently anticipated to occur late 2018/early 2019).

Conclusion

As has previously been noted, the proposal aligns with the City's strategic objectives in facilitating housing diversity however its contribution towards this goal will be relatively modest. As such, whilst the proposal is considered to have some planning merit, it is not overwhelming. The extent of community concern raised in relation to the three storey apartment component is not insubstantial and so pursuit of the amendment with this component (i.e. option 1) is not recommended.

Out of the other two options officers recommend, on balance, formal initiation of the scheme amendment in a modified form with deletion of the multiple dwelling component and restriction of the amendment provisions to the land parcel at 119 Hope Street.

However, officers do acknowledge that this street block is already within one of the larger areas to which the Freo Alternative scheme provisions are proposed to apply. Development under these provisions could deliver smaller, more diverse new housing across a wider area in this locality in a manner that might be considered more consistent with the principles of orderly and proper planning. It could deliver a comparable dwelling yield on the site of No. 119 Hope Street in a manner less likely to be perceived as an ad

hoc rezoning/upcoding. If elected members wished to support this option, the following alternative motion to the officer recommendation could be appropriate:

Council resolves to refuse to adopt the amendment to Local Planning Scheme No. 4 proposed by the landowner of No. 119 Hope Street, White Gum Valley, on grounds that the proposed amendment provisions would represent ad hoc changes to residential density and development standards that would not be consistent with the principles of orderly and proper planning.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Note the submissions received during the engagement on the potential scheme amendment provisions.
2. Pursuant to regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopt the following amendment No. 75 to City of Fremantle Local Planning Scheme No. 4:
 - a) Insert the following into Schedule 8 Local Planning Areas (development requirements), Local Planning Area 6 – White Gum Valley after 6.2 Matters to be considered in applying specific and general height requirements

6.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS	
Sub Area 6.3.2	[Map to shows 119 Hope Street, White Gum Valley only, to be completed prior to advertising]	
	LOCAL PLANNING AREA 6 – WHITE GUM VALLEY	Local Planning
	Sub-Area 6.3.2	
	<p>Additional development standards In applying Additional Development Standards within sub area 6.3.2, clause 6.2 'Matters to be considered in applying general and specific height requirements' of Local Planning Area 6 does not apply. Additional development standards shall be in accordance with the criteria and standards set out in the table below.</p>	
	Requirements (criteria) to be met in order for additional development standards to apply	Additional development standards
	<p>Housing Diversity a) Diversity of housing typologies is to be demonstrated with: i. a minimum of 30% of proposed dwellings having a floor area less than 120m²; and ii. a maximum of 40% of proposed dwellings</p>	<p>Density a) Residential density code R60. b) Notwithstanding the minimum site area requirements</p>

<p>having a floor area more than 140m².</p> <p>Sustainability</p> <ul style="list-style-type: none"> b) The proposed development provides 1+ star in excess of the current energy efficiency requirement of the National Construction Code. c) Each single or grouped dwelling provides a minimum 1.5Kw photovoltaic solar panel system. <p>Open Space</p> <ul style="list-style-type: none"> d) A minimum of 60% open space being provided and supported by a detailed Waterwise landscaping plan. <p>Trees and Landscaping</p> <ul style="list-style-type: none"> e) At least 25% of the site area shall be landscaped with Waterwise plantings and permeable surfaces. f) A minimum 3m dimension and 9m² deep planting zone will be provided for each single house or grouped dwelling with a 400L approved tree planted in the area prior to occupancy of the development. <p>Community</p> <ul style="list-style-type: none"> g) Landscaping treatment of street verges, including the creation of communal use recreation spaces and the provision of vehicle parking for visitor and public use. h) Where there are three or more dwellings on a site communal open space that is accessible to all residents of a development site and with a minimum dimension of 3m of usable and effective open space is to be provided. <p>Built Form</p> <ul style="list-style-type: none"> i) Dwellings adjacent to the street are to be provided with direct access from the street, and are to include habitable room windows and porches overlooking the street. <p>Car Movement and Parking</p> <ul style="list-style-type: none"> j) Consolidated site access points being provided to encourage coordination of access to adjoining properties and minimise the number and width of crossovers required to service future development with a maximum of: <ul style="list-style-type: none"> i. Two reduced width one way access points per development site; or ii. One consolidated two way access point per development site. 	<p>of clause 5.1.1 and Table 1 of the Residential Design Codes, development approval may be granted for the development of grouped dwellings with a reduced minimum site area per dwelling as per the housing diversity requirements.</p> <ul style="list-style-type: none"> c) Multiple dwellings will not be permitted in the sub area.
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	<p>k) Parking area surface treatments to be water permeable.</p> <p>l) No garages will be permitted fronting the street.</p> <p>Local Development Plan</p> <p>m) A local development plan is required to be prepared prior to the approval of any proposed development, addressing the following specific built form considerations:</p> <ul style="list-style-type: none"> i. Vehicle and pedestrian access and egress. ii. Building setbacks, including boundary walls and rear setbacks. iii. Solar access. iv. Garage and carport location. v. On-street parking provision. vi. Communal open space provision. vii. Fencing and retaining walls. viii. Private open space location and treatments. ix. The interface with existing development on adjoining lots. 	
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**Note: Where the above criteria are not met:
The residential density code as shown on the Scheme Map applies.
The height requirements in 6.1 of Local Planning Area 6 above apply.**

3. In its opinion, the amendment is a complex amendment for the following reason: it is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.
4. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation.
5. Authorise the amendment be submitted to the Environmental Protection Authority for determination of whether an environmental review is required.
6. Subject to the Environmental Protection Authority determining that an environmental review is not required, pursuant to regulation 37 of the Planning and Development (Local Planning Schemes) Regulations 2015 the scheme amendment be referred to the Western Australian Planning Commission and the Commission be informed that the City of Fremantle has resolved to proceed to advertise the amendment.

SPT1807-03 REPLACEMENT OF TWO MORETON BAY FIG TREES, KINGS SQUARE

MEETING DATE: 18 JULY 2018

Responsible Officer: Kings Square Project Director
Decision Making Authority: Council
Agenda Attachments: 1. Revised Kings Square Public Realm Concept Plan
2. Report on Community Consultation

SUMMARY

The purpose of this report is to provide the council with feedback from the community regarding the proposal to replace two declining Moreton Bay Fig trees in Kings Square. Although diverse opinions were received, overall there was general recognition that arboricultural assessments support the removal of the trees sooner rather than later and to replant with new trees as part of the Kings Square Project:

- 73% in favour of replacing the “Christmas Tree” No. 4
- 69% in favour of replacing tree No. 5

BACKGROUND

For the purposes of community consultation, the council agreed on 23 May 2018 to adopt a revision to the Kings Square Public Realm Concept Design to include the removal and replacement of two additional trees in Kings Square. The proposal is to replace Moreton Bay Fig tree No 4 (“Christmas Tree”) with an advanced Moreton Bay Fig Tree and replace Moreton Bay Fig tree No 5 with an advanced London Plane Tree (see attachment 1).

OFFICER COMMENT

A variety of views and opinions were received as a result of community consultation on the two fig trees (see attachment 2). The ‘Christmas tree’ in particular solicited some emotional reactions and in some instances a sense of sadness if it were to be removed. Overall, there was an understanding that the council was trying to do the ‘right thing’ by these trees and, if removed, the council would invest appropriately in replacing them with mature trees commensurate with the overall plans for Kings Square. Some opposing views to London Plane Trees were received based on claims that they might generate allergic reactions to some people and/or a personal dislike for the species. Some opinions were received suggesting that perhaps the Moreton Bay Fig is not the right tree for this location and that the “Christmas Tree” should be replaced with an alternative species.

In summary, the following has been concluded:

- Extensive arboricultural investigations have occurred together with various attempts to reverse the decline of these two trees. (See previous council report SPT1805-2, 23 May 2018 for full details.)
- There is overall support to remove both trees now rather than manage the public risks associated with continued decline.
- The Kings Square Redevelopment Project provides an opportunity to replace these trees with two new mature trees, as an integrated part of the design.
- The replacement of tree No. 5 with a London Plane Tree should be prioritised to complete the recent tree-relocation works between the Old Town Hall and St John’s Church.
- The replacement of tree No. 4 (“Christmas Tree”) with another Moreton Bay Fig may take longer to source an appropriate tree, prepare for its relocation and complete the transplanting works.

FINANCIAL IMPLICATIONS

The removal of both trees will be funded from existing operational accounts in the Parks and Landscape Services budget.

The proposed planting of a new London Plane Tree will be funded under the overall Kings Square budget for tree relocations and new design. This may require a mid-year budget adjustment, depending upon cost of new tree and other works occurring in Kings Square.

The funding source and amount for the replacement of the ‘Christmas Tree’ will be further considered once there is more certainty on the actual tree being proposed, and the financial year in which relocation will occur.

CONSULTATION

Please refer to Attachment 2 for full report on community consultation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. **Receives the attached report on community consultation regarding the revised concept plan for Kings Square that proposes the removal of two Moreton Bay Fig trees.**

- 2. Agrees to remove the two Moreton Bay Fig trees in Kings Square identified as trees No. 4 and No. 5 on the attached plan when practicable, subject to support being obtained from the State Heritage Office and the Anglican Church before either tree is removed.**

- 3. Prioritises the replacement of tree No. 5 with a mature London Plane tree, to reinforce the proposed civic area in Kings Square. The size of the new tree to be similar to those recently relocated between the old town hall and St. Johns church.**

- 4. Agrees that tree No. 4 ('Christmas Tree') is to be replaced with a suitably advanced Moreton Bay Fig tree, noting that technical work on availability, preparation and timing of transplant will result in a time lag between commencement and completion of the replacement process.**

SPT1807-04 STRATEGIC PUBLIC TRANSPORT LINKS TO ACTIVITY CENTRES AND GROWTH AREAS - SOUTH WEST METROPOLITAN AREA

Meeting Date:	18 July 2018
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1 – Extract of CoF Integrated Transport Strategy: Figure 14 – Fremantle’s transit corridors 2 – Extract of Perth & Peel @ 3.5 Million: Central Sub-Region Public Transport Network

SUMMARY

Council adopted an Integrated Transport Strategy (ITS) in 2015 to provide a broad strategic position on a variety of transport and land use issues to transition toward a “connected city”. The ITS identifies the following as primary (regional connectors) public transport routes:

- the South Street corridor connecting Fremantle to the Murdoch Activity Centre; and
- the existing freight rail corridor/Marine Terrace connecting Fremantle to Cockburn Coast and the Cockburn Central Activity Centre.

The state government recently released its land use planning, infrastructure and public transport framework for Perth and Peel (*Perth and Peel @ 3.5 million*) and has issued a series of announcements regarding the Metronet program for delivery of public transport improvements. These identify:

- Creation of a High Priority Transit Corridor between Fremantle and Cockburn Central (incorporating Hampton Road) in the medium term (2022-2031);
- Creation of a High Priority Transit Corridor between Fremantle, Kwinana and Rockingham (incorporating Hampton Road) in the medium term (2022-2031);
- Investigation into the extension of the heavy rail from Thornlie to Fremantle via Cockburn Central in the long term (2031-2050); and
- Creation of a High Priority Transit Corridor between Murdoch and Cockburn Coast via Fremantle (incorporating South Street), for implementation ‘beyond 2050’.

The City has been involved with a number of studies around Bus Rapid Transit (BRT), Light Rail Transit (LRT) and public transport corridor planning, both independently and as part of the Cockburn Coast Transport group and South West Group of councils. Given the importance of an improved public transport network for the city and wider metropolitan area and the release of the state’s planning and transport framework, it is timely to consolidate the City’s position to advocate for early advancement of planning with the relevant stakeholders.

This report recommends that Council advocate for early advancement of detailed planning for the key public transport corridors of South Street and

southern/eastern connection to Cockburn Central via the growth area of Cockburn Coast as priorities.

BACKGROUND

Improved public transport objectives and policy positions are identified in a suite of Council documents:

Strategic Community Plan 2015 – 2025

Seeks to:

- Enhance the connectivity throughout the City of Fremantle and other strategic economic hubs and population centres so that public transport is a preferred method of transport.
- Improve public transport options (including the pursuit of light rail) facilities and amenities for the efficient movement of people so there is less reliance on private transport and better connections to surrounding suburbs.

It identifies light rail connecting Fremantle with regional growth areas as a strategic project, noting that quality rapid transit to link the city centre with the surrounding growing regional centres in an efficient and sustainable way is essential for Fremantle's long-term growth. It will also be a catalyst for higher density development and investment along the whole transit corridor, not just within the city centre.

Integrated Transport Strategy 2015 (ITS)

The ITS establishes policy positions and actions around the provision of public transport on the primary public transport transit corridors, summarised as follows:

- Essential rapid public transport links between Fremantle and the major urban centres in the region, to support future residential and employment growth sustainable movement throughout the region.
- Primary corridors as routes where the highest public transport priority will be required. These routes will be characterised by light rail services that can deliver a high capacity, high frequency service. Secondary corridors will be bus served routes that require a heightened level of priority, but are likely to also continue functioning as important streets for car use.
- Together with South Street, the City's position is that an alignment option involving Marine Terrace and the freight heavy rail reserve warrants further consideration as a longer term light rail alignment.
- The City acknowledges that any further investigation of a light rail alignment option involving the freight rail reserve and other adjacent public land needs to occur on the basis that freight rail operations in this reserve would not be constrained in any way. The corridor, which includes the existing freight rail line, various parks, car parks and street sections, is an extremely valuable asset for the City, and presents an excellent opportunity for a light or heavy rail passenger service.

Freo 2029 Transformational Moves

Light rail - Quality rapid transit to link the city centre with the surrounding growing regional centres in an efficient and sustainable way is essential for Fremantle's long-term growth. It will also be a catalyst for higher density development and investment along the whole transit corridor, not just within the city centre.

South West Group – Light Rail in the South West Metro Region of Perth

The City has contributed to the development of a light rail corridor feasibility study to connect activity and employment centres. Stage two of this project is looking at ‘value capture’ opportunities and is nearing completion. The feasibility study includes the South Street and freight rail corridor links to Murdoch and Cockburn Central.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

Consultation has been undertaken in the preparation of Strategic Community Plan, Integrated Transport Strategy and Freo 2029 document and so has informed the policy positions on which this report is based. Further consultation will be undertaken if and when more detailed planning for delivery of new infrastructure advances.

OFFICER COMMENT

The City is strongly committed to improved public transport services and infrastructure as outlined in the Strategic Community Plan, ITS, Freo 2029 Transformational Moves and contributing to the public transport studies with the South West Group, but is limited in its capacity and legal authority to deliver these. Partnership with the state government and advocacy for its preferred routes has always been recognised as necessary to achieving strategy outcomes in this arena.

The state government’s planning framework recognises the city as an activity centre connected by ‘high frequency public transit’ and ‘proposed high priority transit’ corridors (Stirling Highway, Canning Highway, Marmion Street, Hampton Road and South Street) and a future passenger rail link from the Perth to Mandurah Line, connecting Fremantle to the line close to Cockburn Central (refer to Attachment 2).

The transport documents in Perth and Peel @ 3.5 million define these corridors as follows:

High Frequency Public Transit Corridor: where public transport services are available at a frequency of five minutes in peak times and 15 minutes out of peak times.

High Priority Transit Corridor: where high frequency public transport is facilitated through the use of traffic signalling priority, queue jumps at traffic lights or dedicated lanes.

The difference between the two is that a High *Frequency* Public Transport Corridor indicates the frequency of public transport only and no infrastructure whereas a High

Priority Transit Corridor indicates infrastructure upgrades such as dedicated public transport lanes.

The plans also indicate the current state government commitment for passenger rail (Stage 1 Metronet projects) which include:

- Forrestfield - Airport link (8.5km)
- Thornlie – Cockburn link (17.5km)
- Yanchep rail extension (13.8km)
- Byford rail extension (8km)
- Midland rail extension (3km)
- Morley – Ellenbrook line (21km)

The Perth and Peel @ 3.5 million documents identify detailed planning for the Fremantle – Rockingham (via Cockburn Coast) and Fremantle to Cockburn high priority transit corridors as occurring in the medium term (2022-2031) and passenger rail link to Cockburn Central post 2031. The strategies do not identify timing for detailed planning for the Fremantle to Murdoch link, nominating this as ‘Beyond 2050’.

The City has undertaken a range of public transport corridor feasibility and planning studies over the years including:

- Community engagement around reserving a public transit corridor linking Fremantle train station to south of the city centre (2010); and
- Passenger rail corridor feasibility study as part of the Cockburn Coast structure planning process (2010 and 2011).

More recently, the South West Group commissioned consultants to identify high quality and high-capacity light rail transit (LRT) and bus rapid transit (BRT) route options to link to activity centres in the south west metropolitan region. The emphasis is on route options that will meet strategic transport objectives, identify development opportunities along activity corridors and in activity centres and generate private investment along the transit route. The intention is to:

- identify one or two priority routes suitable for development before 2031;
- advise on the transport mode most likely to meet the transport and development objectives and to generate private investment or value capture that will contribute to funding;
- assess land use opportunities for intensification and or change of use along potential LRT or BRT routes; and
- provide preliminary advice on the feasibility of LRT or BRT route options and staging and potential for funding.

Stage 1 of this study identifies the Fremantle to Murdoch via South Street as the priority alignment for LRT, with the Fremantle to Cockburn Central via Cockburn Coast having longer term potential.

There is the opportunity to consolidate this work and advocate to state government and other stakeholders the merits of bringing detailed planning and design of the South Street and Cockburn links forward. This will also be advantageous in having more

detailed plans and cost estimates ready for Federal and/or State funding opportunities (e.g. ‘shovel ready’). Ultimately, funding and implementation of these projects by the state is sought.

This report seeks to confirm Council support for this view and authority to develop an advocacy position on these routes based on available information and any additional investigation deemed necessary.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. **Adopt an advocacy position for:**
 - a) **Designation of the High Priority Transit Corridor between Fremantle city centre and Murdoch along South Street as a light rail route and commitment to its funding in the short-medium term.**
 - b) **Identification of the corridor between Fremantle city centre and Cockburn Central (via Cockburn Coast) as a route for passenger rail (heavy or light rail) within Stage 2 of Metronet.**

2. **Approve officers' continued liaison with stakeholders to advance council's adopted advocacy position in relation to the priority public transport corridors referred to in part 1 above, including:**
 - a) **Continued progression of South West Group investigations.**
 - b) **Preparation of relevant documents, studies and data.**

SPT1807-05 AMENDMENT 1 TO LEFROY ROAD QUARRY LOCAL STRUCTURE PLAN - RECEIPT

Meeting Date: 18 July 2018
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: Draft Amendment 1 to Lefroy Road Quarry Local Structure Plan (Part 1 only)

SUMMARY

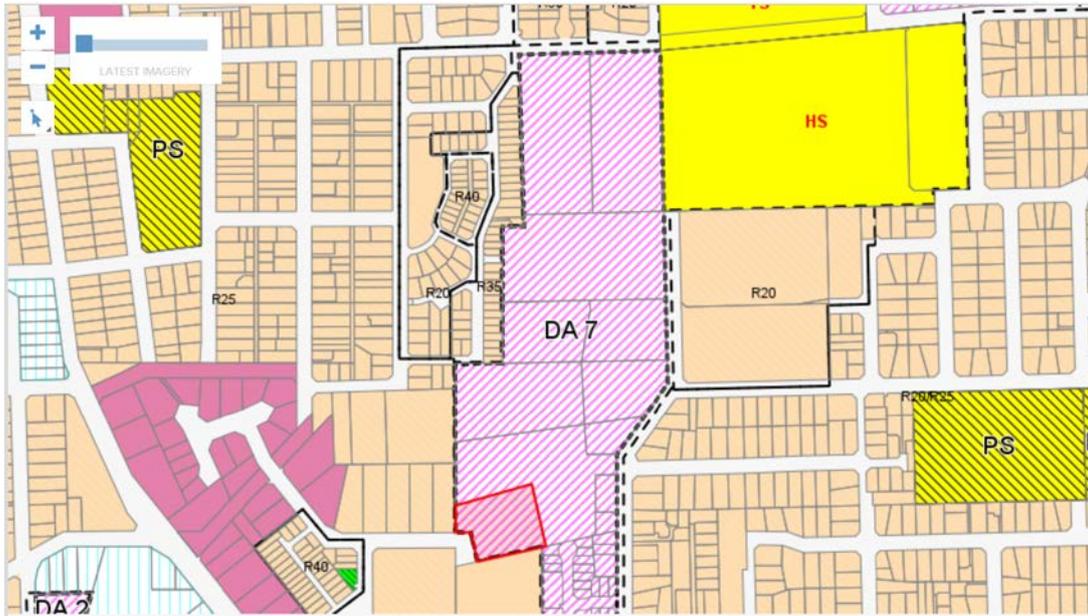
This report advises Council of the receipt of an amendment to the Lefroy Road Quarry Local Structure Plan (LSP) to incorporate planning provisions for the Portuguese Club site at Lot 5 Strang Street, Beaconsfield, which has been developed by planning consultants Roberts Day Group on behalf of the contracted purchasers of the site.

Local Planning Scheme No. 4 (LPS4) and *Local Planning Policy 1.3 - Public Notification of Planning Approvals (LPP1.3)* include requirements for advertising structure plans which elaborate on the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The policy provisions include notices in a local newspaper, a sign on site, an information session and written notification to owners and occupiers of land likely to be affected by the plan and other interested parties.

Council is not being requested to form a view on the planning merits of the structure plan amendment at this stage, but merely to note its advertising in accordance with the requirements of LPS4 and policy LPP 1.3.

BACKGROUND

Development Area 7 within Local Planning Scheme No. 4 (LPS4) applies over the Lefroy Road Quarry and surrounding sites (see 'DA7' on plan below) and runs between Lefroy Road and Clontarf Road in Beaconsfield.



The area is zoned ‘Development’ in LPS4 and Schedule 7 of the scheme states that a structure plan is to be prepared and adopted for this area before any future subdivision or development is undertaken, and that development and subdivision shall be in accordance with the Lefroy Road Quarry Structure Plan.

A structure plan for the majority of the Development Area was endorsed by the Western Australian Planning Commission (WAPC) on 2 August 2012.

The structure plan did not however include Lot 5 (HN2) Strang Street (see site plan below) which has for many years housed the Portuguese Club. Until 2015 Lot 5 was a Community Facility local reserve under LPS4. Scheme amendment 43 gazetted on 28 August 2015 rezoned the property to Development zone and added it into Development Area 7 at the request of the Portuguese Club to facilitate a potential sale and redevelopment of the site.



The Club is pursuing sale of the site. A prospective purchaser has prepared and submitted an amendment to the local structure plan to incorporate this site and establish the development requirements which would apply to future development.

The Schedule 2 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* stipulate the requirements for the preparation, assessment and approval of local structure plans. They require that, on receipt of an application for a structure plan (or amendment to a structure plan), the local government must advertise the structure plan within 28 days of its receipt where all necessary information is submitted, or within 14 days of receipt of additional information where this is required.

Advertising is to be for a minimum of 14 days and a maximum of 28 days (unless otherwise approved by the WA Planning Commission).

The amendment documentation to incorporate Lot 5 within the Lefroy Road Quarry LSP has been reviewed and deemed to be complete. Assessment of the planning merits of its content will occur parallel with and following advertising.

The purpose of this report, therefore, is to advise Council of the receipt of the proposal and its contents, and to confirm the advertising being arranged. It should be noted that the Regulations do not allow the City to refuse to advertise the proposal or to delay advertising of the proposal based on content (other than incompleteness), or to request modifications prior to advertising; comment on the content of the proposal is, under the Regulations, deferred until post-advertising.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Schemes) Regulations 2015* specify the process for the advertising, assessment and approval of structure plans.

CONSULTATION

The *Planning and Development (Local Planning Schemes) Regulations 2015* specify that local structure plan amendments are to be advertised for public comment for a minimum of 14 days and a maximum of 28 days. Given the significance of the proposal, advertising for 28 days is recommended, consistent with the provisions in the City's Local Planning Policy 1.3 'Public Notification of Planning Proposals' (LPP3.1). Consultation will be conducted in accordance with LPP3.1.

OFFICER COMMENT

The Portuguese Club are seeking to relocate and sell the site, making it available for redevelopment. The site is 8094m², elevated, with sweeping views to the east and north-east and with potential views to the west.

The site contains the 1890's Federation Queen Anne residence of the Healey family of the Winterfold Estate, but this has been substantially modified over the years to

accommodate various uses. The site is included on the City’s Heritage List and would benefit from conservation work to reverse some unsympathetic alterations.

The proponents for the LSP amendment (the Amendment) are understood to have a contract to purchase the site, and are looking to establish its suitability to accommodate aged care.

The Amendment proposes extension of the residential zone applicable to lots to the north and east to extend over the site. A base code of R25 is proposed with a potential height and density bonus up to 27.5m and R160 respectively, where certain criteria are met. These include:

- Coordinated development planning for the whole site,
- A minimum 6m setback from the eastern and southern boundaries or other demonstration of appropriate interface with adjoining residential,
- High standard of pedestrian connectivity,
- Minimum 50% open space, and minimum 1 deep planting zone for every 1000m² of open space (i.e. minimum of 4 DPZs),
- Restoration of the Healey residence, and
- Referral of any development proposal to the Design Advisory Committee and demonstration of a high quality of design.

The proposal incorporates a 7.5m north-south linkage through the site as a continuation of that secured through sites to the south within the Clontarf Road area. This seeks to facilitate pedestrian movement and establishment of a green linkage, consistent with the recommendations of the Greening Fremantle Strategy 2020.



The site is within the Heart of Beaconsfield Masterplan area. It was hoped that completion of the Amendment and its advertising could be delayed to enable finalisation of the Masterplan however this would involve a delay unacceptable to the proponents.

The proposal will therefore need to be processed in parallel with the masterplan, and informed by its draft content. The proposal is in keeping with the Heart of Beaconsfield Masterplan preliminary concepts previously advertised for public comment to the extent that it proposes residential use of the site (albeit aged residential care). The proposal does not, however, incorporate the east-west link shown clipping the corner in the south of the site in one of the two draft concepts developed to date (Concept B – see extract below).



The proposal also involves buildings of a greater height than anticipated in the two Concepts prepared to date.

The views of the community on the acceptability of the proposal will be sought during the public advertising period, following which a report will be submitted to Council for a recommendation on the plan to the Western Australian Planning Commission.

Council is consequently requested to note receipt of the proposal and the arrangements being made to advertise it for public comment.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council note the receipt of proposed Amendment 1 to the Lefroy Road Local Structure Plan to incorporate Lot 5 Strang Street Beaconsfield into the existing structure plan, and the requirement for this to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Council's *Local Planning Policy 1.3 - Public Notification of Planning Approvals (LPP1.3)*.

SPT1807-06 PROPOSED PRINCIPLES FOR SCHEME AMENDMENT - LOTS 2, 1 AND 8 QUARRY STREET FREMANTLE

Meeting Date: 18 July 2018
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The City’s properties at lots 1 & 2 (No. 7) and lot 8 (No’s. 9-15) Quarry Street, Fremantle have been budgeted for disposal. The zoning variation between lots 1 & 2 and lot 8 presents challenges for their amalgamation and sale as a composite site. Review of zoning and residential density options has consequently been undertaken to rationalise this across all three properties. Preliminary consultation on the principles of a scheme amendment to rezone to apply a Mixed Use R100 zone with additional height restrictions is recommended to occur in accordance with Council’s *Local Planning Policy 1.3 Public Notification of Planning Proposals* as a preliminary step to assist Council in determining how and whether to proceed with rezoning.

BACKGROUND

Lots 1 and 2 HN 7 Quarry Street and Lot 8 HN9-15 Quarry Street are located on the periphery of the Fremantle city centre abutting Fremantle Park to the south.

All are owned freehold by the City and have been budgeted for disposal. They have combined area of 4133m² as detailed below:

Address	Site Area (m ²)	Current Zoning	CT
Lot 2 HN 7 Quarry Street	582	Mixed Use (RAC3)	545/181
Lot 1 HN 7 Quarry St	895	Mixed Use (RAC3)	545/181
Lot 8 HN 9-15 Quarry St	2656	Residential (R25)	241/32
COMBINED	4133		

They have, until recently, accommodated community uses including a child care on Lot 8, in purpose-built buildings (refer aerial image below).



Lots 2,1 & 8 (HN7 & 915) Quarry Street - Aerial Image (source: CoF Intramaps)

The City recently sought tenders for sale of Lots 1 and 2 for a 'Baugruppen' type housing project however this has not proceeded as neither of the two tenders received were accepted. Disposal on the open market is consequently being considered.

In preparation for sale of the sites, the desirability of amalgamating the properties into a single consolidated site has been identified. The current variation in zoning between the lots is however problematic, and amalgamation would be unlikely to be supported by the Western Australian Planning Commission (WAPC) unless the zoning were rationalised. This consideration has led to a review of the zoning of the sites. In considering this, it is important that Council is cognisant that its role as local planning authority in considering the planning merits of a potential rezoning of land should be undertaken independent from the City's interests as a landowner.

FINANCIAL IMPLICATIONS

There are no financial implications with undertaking preliminary consultation on the potential rezoning of the site.

Valuation impacts of any change of zoning do not represent planning considerations.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Preliminary consultation on the proposed principles of the rezoning is recommended in accordance with the City's Local Planning Policy 1.3. This will involve writing to the surrounding landowners and conducting a community information session to gauge

community sentiment prior to formal initiation of a local planning scheme amendment. Consultation with affected service agencies is also recommended.

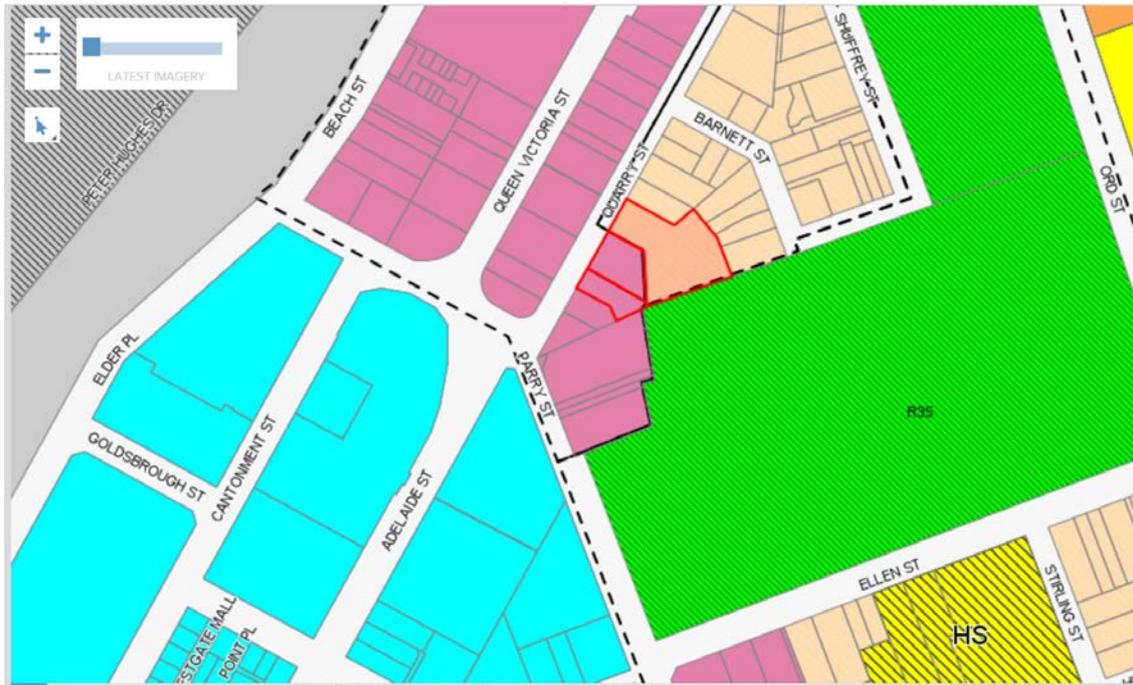
In the event of Council resolving to initiate a scheme amendment, additional statutory consultation will be required in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

OFFICER COMMENT

The Fremantle city centre is a Strategic Metropolitan Centre under the state government planning framework, and Queen Victoria Street represents a significant gateway into the City Centre. In 2011 a scheme amendment to apply a high density coding (R-AC3) and height limits between 11m and 24.5m to facilitate more intensive residential/mixed use redevelopment of the Mixed Use zoned properties in the area was gazetted (amendment number 38). Subsequently in 2014 a further amendment to LPS4 (amendment no. 60) was gazetted. This amendment addressed an anomaly in scheme amendment 38 which had applied a Mixed Use R-AC3 zoning to lot 2, 7 Quarry Street but left lot 1 with a Residential R25 zoning despite its non-residential use at that time. The amendment applied the Mixed Use R-AC3 zoning to lot 1 also.

These scheme provisions facilitate an appropriate entrance into a high order centre, provide a transition between the city centre and surrounding residential areas, and also advance the City's strategic objectives (as defined in the Strategic Community Plan and Freo 2029) of consolidating urban development and residential population in well located areas around the CBD where this can be accommodated in harmony with the City's heritage and other objectives. It also aligns with state planning policy.

The mixed use zoning incorporates lots on the corner of Parry Street, which acts as something of a perimeter road around the CBD, and at the south-eastern end of Quarry Street (see extract from Local Planning Scheme zoning map below). The definition of the most appropriate boundary between this zoning and the residential area to the east side of Quarry Street is, however, not clear cut.



Lots 2, 1 & 8 (HN7 & 915) Quarry Street – LPS4 Zoning (source: CoF Intramaps)

Lots north-east of the Mixed Use zone remain zoned for low density residential, reflective of their traditional use.

Lots 2, 1 and 8 contain no buildings of heritage significance and represent a significant opportunity to facilitate consolidated development within the city centre catchment, with excellent access to public transport, open space and various amenities. Their location on the boundary of two currently different zonings and density codings does, however, require careful consideration to ensure an appropriate outcome balancing larger scale planning objectives against those of more immediate local impact.

In reviewing options for the zoning of the sites prior to disposal, the following basic alternatives have been identified:

Option	Advantages	Disadvantages
Rezone Lots 2 and 1 Residential R25 (so this applies to all lots)	Amalgamation and consolidated redevelopment possible	Time involved in scheme amendment process (12-18 months approx.) Dwelling yield (approx. 11 dwellings) sub-optimal given the strategic location of the site.
Rezone Lot 8 Mixed Use (RAC3) (so this applies to all lots)	Amalgamation and consolidated redevelopment possible. Maximises residential yield within city centre catchment.	Time involved in scheme amendment process (12-18 months approx.) Amenity impacts on adjoining low density residential properties likely if not mitigated through additional scheme provisions.

		Potentially sub-optimum streetscape outcomes due to sudden change in character mid-block, at zoning boundary.
Rezone all lots Residential R80 or R100	Amalgamation and consolidated redevelopment possible. Creates transition between high density mixed use to the west and south and low density residential to the north	Time involved in scheme amendment process (12-18 months approx.) Constrains opportunities for an element of non-residential development (e.g. at ground level on Quarry St frontage) as part of a predominantly residential redevelopment.
Rezone lot 8 Mixed Use (so this applies to all lots) and apply R80 or R100 density coding to all lots	Amalgamation and consolidated redevelopment possible. Creates transition between high density mixed use to the west and south and low density residential to the north. Maintains flexibility for opportunities for mixed uses in new development.	Time involved in scheme amendment process (12-18 months approx.)

Whilst all options have advantages and disadvantages, it is recommended that one of the last two options of introducing a new ‘transition’ density coding applicable to all three lots be pursued. The merits of Mixed Use or Residential zoning for all lots is discussed under ‘Land Use zoning’ below.

Summary of Development Standards

To assist in assessing the options available, a summary comparison of key development standards between the zoning options (based on default ‘deemed to comply’ criteria or, in the case of the Mixed Use zone, the current scheme provisions) is outlined below:

	Max Wall Height (m)	Plot Ratio	Street setback (m)
R25	6m	N/A (0.5 applies to R30)	Single storey: 5m, second storey: 7m (under LPP2.9)
Mixed Use RAC3	11	2.0	0-2 (under LPS4)
Residential or Mixed Use	12	1.25	2

R100			
Residential or Mixed Use R80	12	1.0	2

Plot Ratio

A Residential R100 zoning would provide a ‘deemed to comply’ plot ratio of 1.25, approximately half way between the low density residential (0.5 applies to R30 coded lots) and the RAC 3 coding (to which a plot ratio of 2 applies). Based on the site area and an assumed average apartment size of 85m², this zoning could theoretically yield up to 60 apartments. In practical terms, this would most likely be further restricted by height, setback and open space controls which apply in addition to plot ratio and effectively restrict the building envelope available. Market and construction considerations and cost can also influence the delivery of apartments and impose additional restrictions.

Building Height

The building height limits applicable to lots in the Mixed Use zone vary depending on location. In this location, a permitted building (wall) height of 11m is applicable to lots opposite and adjoining the subject sites (including Lots 2 and 1 currently) with potential for an additional 4m (to 15m) where setback from the street and integrated with the overall design of the building. In contrast, a default 12m wall height, 15m overall roof height applies to lots coded R100 under the Residential Design Codes (R-Codes), and a 6m wall height (9m overall roof height) to low density (R25) development.

To ensure reduced impact on the amenity of properties to the north, it is recommended that a lower, approximately 2 storey, height limit (consistent with the height limit that applies under the current R25 coding) be retained along the northern portion of Lot 8 so that existing residential properties abut buildings of similar scale to that already permitted under the existing R25 coding. For the balance of the site, retention of the 11-15m height limits applicable to Mixed Use lots adjoining (including Lots 2 and 1) is recommended as preferable, to ensure development in keeping with the scale of built form emerging under the current Mixed Use provisions.

Overshadowing & Privacy

Overshadowing under the R-Codes is based on the coding of the affected property and so would be unaffected by the proposed amendment. Reduced overlooking setbacks do, however, apply.

Land Use zoning

Officers consider that application of an R100 density coding under either a Mixed Use or Residential zoning would achieve the most appropriate balance between more intensive development and safeguarding the amenities of residents in lower density housing stock to the north-east of the site. Both zoning options have merit. If inclusion of the flexibility to potentially include a commercial component in any future redevelopment of the site is considered desirable, the option exists to retain the Mixed Use zone over Lots 2 and 1 and extend it to Lot 8. Alternatively, a residential zoning might be seen as offering slightly more safeguards to the amenities of neighbouring residents to the north-east as very few non-residential uses would be permissible under this zoning, and it might be considered that sufficient land already zoned Mixed Use exists in the locality to accommodate demand for commercial tenancies. On balance, officers consider that a zoning of Mixed

Use is slightly more preferable, although it should be recognised that under either Mixed Use or Residential zoning a wholly residential development may occur.

Conclusion

Whilst a number of valid zoning options exist in relation to these sites, and could be pursued to achieve the consolidated parcel sought, introduction of a 'transition' R100 density coding mid-way between that of the Mixed Use zone to west, and the low density residential to the north-east is recommended, together with a zoning of Mixed Use. Retention of existing lower building height controls for the portion of Lot 8 at the interface of with existing R25 single houses to the north-east is recommended as an additional control to further facilitate built form transition and to assist in mitigating the impact of denser development on existing residents. Preliminary consultation on these principles is recommended to assist Council in determining whether and how to pursue formal rezoning of the lots.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council

1. **Endorse the following elements to form the basis of a potential scheme amendment for lots 1, 2 and 8 (numbers 7 and 9-15) Quarry Street, Fremantle:**
 - a. **Zoning: Mixed Use**
 - b. **Density Code: R100**
 - c. **Special Development Controls: Height of buildings to accord with the adjoining Mixed Use zone (as already applicable to Lots 2 and 1) being 11-15m, except within 10m of adjoining Residential R25 zoned lots where height is to be restricted to 7.5m external wall height consistent with the height applying to Mixed Use zone properties in the remainder of the Fremantle Local Planning Area 2, to mitigate building bulk impact on adjoining Residential R25 lots to the north-east.**

2. **Authorise officers to undertake consultation on the principles of rezoning Lot 7-9 Quarry Street Fremantle as per part 1 of this resolution in accordance with *Local Planning Policy 1.3 Public Notification of Planning Proposals* and report the outcomes of that consultation back to Council.**

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

