

LEIGHTON

MEMORANDUM OF  
UNDERSTANDING

City of Fremantle

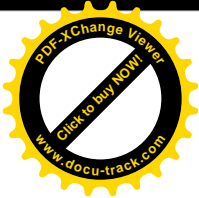
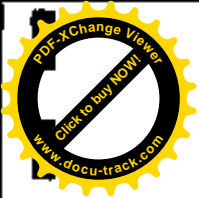
&

LandCorp



CITY OF  
FREMANTLE

LANDCORP



**THE CITY OF FREMANTLE AND LANDCORP**  
**DRAFT MEMORANDUM OF UNDERSTANDING**  
**LEIGHTON PROJECT**

**1. INTRODUCTION**

The redevelopment of the 4 hectare urban component of the Leighton Marshalling Yards (Leighton) site will create a transit oriented, mixed use development incorporating medium-high density residential and commercial land uses. The redevelopment incorporates a range of social, environmental, architectural and economic objectives. For the broader community, the redevelopment will result in an increased coastal reserve, improve local and regional road access to the coastal reserve, improve pedestrian and cyclist access across the site, improve the presentation of the site as part of Fremantle's entry statement, make better use of the passenger rail line and provide a new service and recreation node.

The sustainability goals for the site are:

**Social:**

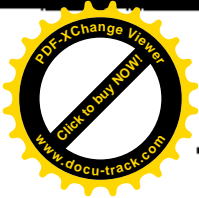
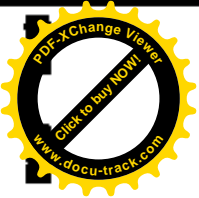
The development will seek to create a vibrant and sustainable neighbourhood community. The redevelopment will be undertaken to create an urban village with a form and character to encourage community interaction and ownership.

**Environment:**

Redevelopment of the site seeks to address environmental concerns by providing adequate coastal setbacks, cleaning up any site contamination and providing a transit oriented development to reduce the effect of car travel and increase public transport usage. The redevelopment will also assist in funding the rehabilitation and regeneration of the coastal reserve.

**Economic:**

The redevelopment of the site will be cost neutral to government and demonstrate economic sustainability through mixed use development and expansion of employment opportunities in the area.



## 2. PURPOSE OF AGREEMENT

At the City of Fremantle ordinary Council meeting on 27 October 2003 (item SP0310-45 refers) it was resolved that:

"...a recommendation is included regarding the development of a memorandum of understanding with Landcorp and other controls to ensure the relocation of Port Beach Road and rehabilitation of the Coastal Reserve as a condition of approval of the structure plan."

*This document sets out the understood procedures and responsibilities for the design, consultation, approval, administration, assessment, management and maintenance of key project elements.*

It is intended that this document be executed by both parties. It will act as an undertaking by each party to use its best endeavours to meet the respective obligations on each party as set out below. It is not intended nor does it apply as a legally binding contract and recognises that commitments may be subject to budget allocation.

## 3. DEVELOPMENT AREA

The development area is shown on the attached plan and comprises a 4 hectare area (The Project, see below) as identified in the Leighton Structure Plan (December 2003) and City of Fremantle Town Planning Scheme 3 Development Plan 17 (TPS3 DP17), for redevelopment. A wider 13 hectare area extends to the north and is to be set aside as coastal reserve.

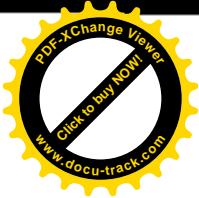
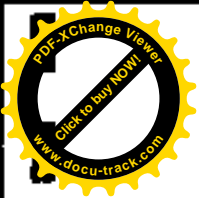
## 4. "THE PROJECT"

The broader project consists of three distinct areas:

1. The Project refers to the implementation of the development of the 4 hectare parcel which Landcorp will own, manage, fund and construct;
2. Peripheral infrastructure such as off site road works, landscaping and station access improvements, where Landcorp will manage, with other agencies to fund construction;
3. 13 hectare coastal reserve of which Landcorp will manage the preparation of the coastal master plan only, with other agencies to fund the management and implementation of the plan.

The City acknowledges that the Project is subject to Cabinet approval. While LandCorp will use best endeavours to ensure the Project is to proceed in the stages shown, no guarantee as to all or any project component proceeding can be given by LandCorp.

The coastal master plan for the remaining 13 hectares of land is to be prepared to establish management guidelines and a landscape plan, setting priorities for development of the coastal reserve, an implementation timetable and indicative budget (see section 20 below).



This document is applicable to the design and implementation phases of the Project as stated above as long as LandCorp remains project manager.

## **5. LAND ASSEMBLY**

Project lands are currently owned by the State Government (Public Transport Authority). Subject to Cabinet approval, the 4 hectare project area will be transferred to LandCorp. Transfer of the land and payment for the land will be the subject of a separate agreement between LandCorp and the Public Transport Authority. LandCorp will be deemed the owner of the 4 hectare project area for the purposes of this document.

## **6. ENVIRONMENTAL**

The Public Transport Authority (PTA) remains the proponent for compliance with the environmental conditions for rehabilitation and remediation of the site.

LandCorp will liaise with the PTA and Department of the Environment (DoE) in compliance reporting, site cleanup and achieving the necessary approvals to allow development. LandCorp will endeavour to ensure that the City is kept informed at all times.

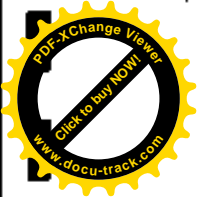
The Environmental Protection Authority (EPA) in its advice to the City on TPS3 Amendment 61, advised that the overall environmental impact of the project and its implementation would not be severe enough to warrant assessment under Part IV of the EPA Act and as such, no formal conditions have been set.

Non binding advice from the EPA, however, relates to some key environmental factors:

- Noise and vibration
- Risk and hazard
- Odour
- Setback to Leighton beach
- Potential site contamination

The EPA took into account the Leighton Regional Planning Guidelines outcomes and recommendations in setting the level of advice and was satisfied that the above environmental issues were appropriately considered within the overall planning context.

The City's TPS3 DP17 includes specific provisions to deal with these issues.



## 7. DESIGN GUIDELINES

### Drafting

- i. LandCorp or its consultants will be responsible for drafting design guidelines and will liaise with appropriate City of Fremantle staff in their preparation.
- ii. LandCorp will undertake further community consultation in preparation of these guidelines. It is intended LandCorp and the City will jointly convene a community based liaison group to provide input to the design guidelines.

### Approval

- iii. Draft guidelines will be submitted to the City for assessment and approval prior to advertising for comment.

### Administration

- iv. Once agreed, guidelines will be adopted by the City as policy and administered by the City through its town planning scheme or other regulatory processes.

### Development Approvals & Building Licences

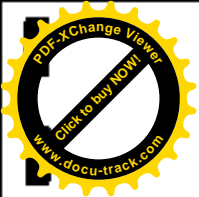
- v. The City will be responsible for the approval of building proposals in accordance with scheme provisions and the guidelines through its normal development approval and building licence process.

## 8. SUBDIVISION DESIGN

LandCorp undertakes to discuss subdivision proposals with City officers in order to facilitate the production of an acceptable subdivision design for the 4 hectare project area and to avoid or agree non-standard conditions. Likewise, the City undertakes to raise and discuss any issue likely to lead to such conditions as early as possible in order to facilitate a streamlined approval process. It is likely that LandCorp will seek subdivision of the 4 hectare site into a number of super lots, purposefully designed for super block apartment development as per the agreed structure plan.

It is agreed by the City of Fremantle that public open space allocation is to be provided as agreed within the structure plan and no further provision will be requested at the time of subdivision.

The constructed standard of the subdivision will be in accordance with the City's and/or Australian standards, as appropriate.



## **9. INFRASTRUCTURE / SERVICES DESIGN**

LandCorp undertakes, through its consultants, to discuss proposals with City officers and service authorities in order to facilitate acceptable design for all services including drainage, sewerage, gas, power, water and telecommunications.

In consultation with the City, sustainability and minimisation of ongoing maintenance costs will be a factor in design. Beyond life expectation, replacement cost and vulnerability to damage, it is the City's responsibility to investigate other potential future costs.

## **10. ENGINEERING AND LANDSCAPE DESIGN - APPROVAL PROCESS**

LandCorp undertakes to consult and liaise with the City's Assets and Infrastructure staff (incorporating engineering, landscape and parks) and Strategic Planning & Corporate Development units, in the design phases of engineering and landscape planning.

The City will arrange reasonable coordination and availability of these staff to assist in consultation and liaison.

LandCorp will landscape all public areas within The Project including streets, POS, and the east west pedestrian link with a combination of hard and soft landscaping. The western access road will also be landscaped.

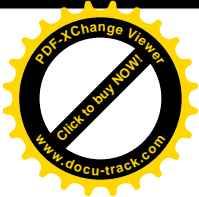
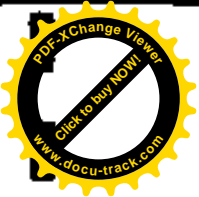
Staging and responsibility for landscaping for the area between the western access road and beach is to be determined by the coastal master plan (see section 20 below).

## **11. SITE WORKS**

It is agreed that the site will not be filled, however, may be lowered. All works to be undertaken to comply with the City's standards.

## **12. BUILDING HEIGHT REQUIREMENTS**

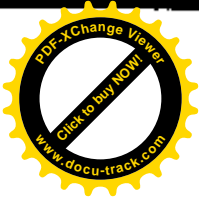
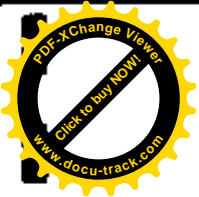
The maximum AHD building heights for new development within the project area will be in accordance with that stated in the Leighton Structure Plan and TPS3 DP17.



### **13. LANDCORP UNDERTAKINGS**

With respect to the 4 hectare project area, and in addition to those items agreed as conditions and standards of subdivision, the following matters will be undertaken by LandCorp:

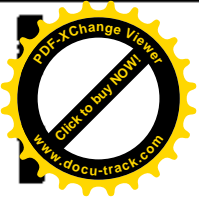
- Infrastructure, services and landscaping within the project area.
- Western Access Road – construction of an access road immediately adjacent to the western edge of the 4 hectare project area to service the beach front retail and residential development, with associated on street parking and landscaping. Connection of this road to the Port Beach Road/Curtin Ave system at the north and south of the site.
- Central Open Space – a high quality pedestrian space will be created within the 4 hectare project area to provide appropriate access between the station and through to the beach. This access will provide movement for all pedestrians travelling east -west and will take into account topographical differences between the 4 hectare project area and the coastal reserve.
- Northern Open Space – parkland is to be constructed with landscaping to maintain the Craig Street vista. Landscaping elements are to blend with future landscaping treatments for the 13 hectare coastal reserve. Future pedestrian access will be subject to the recommendations of the 13 hectare Coastal Master Plan.
- Internal access roads – to be generally provided as shown in the Structure Plan with any additional internal roads to be provided by LandCorp or any future joint venture participant in the development of the 4 hectare site with LandCorp.
- Beachfront Commercial – Landcorp is committed to providing a diversity of beach front commercial land uses and encourage this through the joint venture process to provide for a suitable mix of tenants and services over the life of the project and subject to market demand, viability and sustainability. Recommended land uses have been specified in the approved Structure plan. The design guidelines will ensure appropriate interface between private and public open space, commercial and residential land uses.
- Built Form – use and built form will be controlled through TPS3 DP17, the proposed design guidelines, and joint venture development and tendering procedures adopted by LandCorp will comply with, or demonstrate, the design guidelines.
- Public Art - the cost of and installation of public art within the 4 hectare project area will be a project cost with themes being jointly decided by the City and LandCorp.



State Cabinet has allocated funds for a range of peripheral infrastructure associated with the project and the new rail loop. With respect to these peripheral works the funds have been allocated to various agencies. LandCorp will liaise with those agencies to ensure the works are completed in conjunction with the development of the 4ha parcel as follows:

- Technical Officers Working Group – LandCorp is to form and chair a whole of government technical officers group including representatives from the Public Transport Authority and the City to progress implementation strategies for the project and ensure peripheral connection issues are coordinated. Liaison with the Town of Mosman Park is to be maintained.
- Curtin Ave Stage 1 – construction of a road to the east of the 4ha project area. The road is to be aligned via Walter Place along the current Curtin Ave alignment. Cabinet has allocated funds to Main Roads WA (MRWA) for the construction of Curtin Avenue Stage 1 as part of the redevelopment.
- Railway Pedestrian Crossing to the 4ha project area- Cabinet has approved funds to the PTA for the construction of a pedestrian crossing from the railway station to the development site. Final design of this crossing will be subject to the requirements of the PTA and relevant safety authorities.
- East West Pedestrian Linkages with the 4ha project area to the Beach – Cabinet has approved funds to the Western Australian Planning Commission (WAPC) to ensure that suitable pedestrian connections are provided between the 4 hectare project area and the peripheral beach area. LandCorp will coordinate all finishes and detailed planning to compliment.
- Beachfront Open Space – Cabinet has provided funds to the WAPC for the land contained between the 4 hectare site and existing Port Beach Road to be landscaped and continuity of access from the station to the beach maintained. Integration of this space with the development site will be achieved through the development of the design guidelines and the Coastal Master Plan.
- Port Beach Road – Cabinet has provided funds to the WAPC for the calming of the existing Port Beach Road upon the completion of Curtin Avenue Stage 1.
- 13 hectare Coastal Park – Cabinet has provided funds for the preparation and implementation of a Coastal Master Plan to the WAPC. The WAPC is to progress the future planning for this land, with the Department for Planning and Infrastructure (DPI) providing governance to the project and LandCorp acting as project manager. The development of the 4 hectare project area is to ensure that finished levels between the coastal reserve and development site are compatible for pedestrian access. The master planning process will determine how the funds allocated by Cabinet, are to be spent and by whom.





#### **14. CITY OF FREMANTLE UNDERTAKINGS**

- The City and LandCorp are to jointly establish a Community Liaison Group incorporating local design and business professionals and local interest groups, to assist and provide input on the proposed design guidelines, landscape concepts and future landscape planning for the 13 hectare coastal park. LandCorp is to fund its professional consultants, with the City being responsible for the operational costs for the Liaison Group.
- The City currently undertakes care, control and maintenance of the existing coastal reserve (existing as at March 2004). The future responsibilities of the City will be outlined in the proposed Coastal Master Plan (see section 20 below). The Coastal Master Plan when approved may override any coastal issues identified in this MoU.
- The City acknowledges that following amendment of the MRS to incorporate that part of the 13 hectares within the City of Fremantle boundaries, that the City's control and maintenance responsibilities may include the increased reserve.
- The City will contribute 'services in kind' to the master planning of the increased coastal reserve but will not contribute direct funds. As the land is to be set aside in a regional Parks and Recreation Reservation, the local authority will not fund any such studies.
- Public Art - Ongoing maintenance responsibilities will be with the City as from practical completion.
- The City is to be available and proactively participate in a technical officers working group to ensure pedestrian crossings and access issues across Stirling Highway and through the site are investigated with relevant agencies.

#### **15. PUBLIC ART**

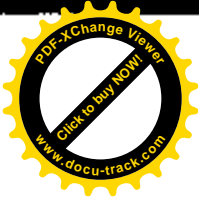
The City will lead a joint process with LandCorp for the design and installation of public art in the project area.

#### **16. SUBDIVISION CLEARANCES/LETTER OF UNDERTAKING**

Where requested, the City of Fremantle will accept a letter of undertaking from LandCorp as reasonably required by the City as a suitable document for the purpose of issuing subdivision clearances. Undertakings may relate to completion of the overall subdivision or specific items such as fencing, paving etc.

The City will accept partial clearance of subdivision conditions where future proposals may result in a further subdivision of lots (eg Apartment/commercial sites). LandCorp will provide where necessary, further specific undertakings and information as to obligations and responsibilities in the area where clearances are to be deferred.

The DPI to be advised of agreements between the City and LandCorp to facilitate timely clearance of conditions by reference to the technical officers working group.



## **17. CONSTRUCTION & DUST CONTROL**

Construction of civil works and built form will be subject to a comprehensive management and implementation plan for dust, noise and vibration as agreed with the City of Fremantle and as per DoE requirements. The Management Plan will address issues relevant to construction management, noise, vibration and dust control management and will be prepared by the project environmental consultants and /or contractor to the satisfaction of both the City and LandCorp.

Where practical, LandCorp undertakes to minimise inconvenience to surrounding stakeholders and residents. Contractors will be advised to conduct public liaison during the course of works by means of signs, letters etc. in order to notify stakeholders and residents of specific actions which may cause inconvenience to an 800m radius.

## **18. FEES**

LandCorp will pay all normal application, building licence and construction supervision fees which apply to subdivision and development as required.

## **19. CAR PARKING**

Provision of car parking within the 4 hectare project area shall be in accordance with the Structure Plan and TPS 3 DP17 provisions unless jointly resolved otherwise between LandCorp and the City. Parking bay dimensions will be in accordance with City and Australian standards.

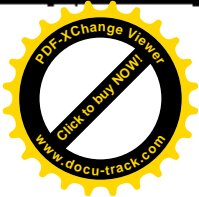
The Coastal Master Plan shall set its own provisions for parking within the remaining 13 hectare area and existing beach reserve. This report will analyse parking requirements in the foreshore and include recommendations on implementation and maintenance.

## **20. COASTAL MASTER PLAN**

The Department for Planning and Infrastructure has prepared a draft study brief to prepare a Coastal Master Plan for the 13ha Leighton and Port Beach 'Oceanside Park', including community consultation and consideration of long term management responsibilities.

Cabinet has approved funds to the WAPC for the preparation and implementation of the Coastal Master Plan. LandCorp has committed to project manage this study on behalf of the WAPC, with DPI to chair the steering committee.

Aspects of this MOU related to the foreshore reserve may be reviewed by both parties when this Master Plan is complete.

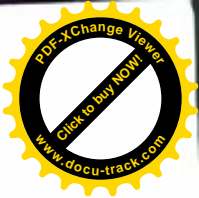
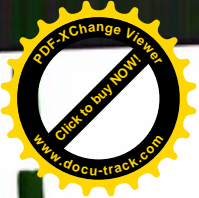


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**Graeme MacKenzie**  
**Acting CEO**  
**City of Fremantle**

Date:

\_\_\_\_\_  
**Ross Holt**  
**CEO**  
**Landcorp**

Date: 12/10/04.



# Appendix 1



**A  
N**

## LEIGHTON DEVELOPMENT AREA STRUCTURE PLAN

Figure No. 2

**THE PLANNING GROUP**

### Title: Site Context

Date: 30 October 2003 Revision No: 1

Scale: NTS Job No: 704.001

Designer: Drawn: L.C.

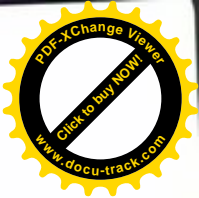
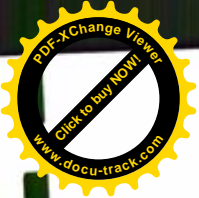
Reference: Regional Plan 1619

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# Appendix 2

