



# Agenda

## Strategic Planning and Transport Committee

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Wednesday, 19 June 2019, 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, 19 June 2019** 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**

14 June 2019

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**CITY OF FREMANTLE**

**Strategic Planning and Transport Committee**

**Agenda**

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**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.

**6. PETITIONS**

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

**7. DEPUTATIONS**

**7.1 Special deputations**

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

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 15 May 2019 be confirmed as a true and accurate record.**

## **9. ELECTED MEMBER COMMUNICATION**

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

## **10. REPORTS AND RECOMMENDATIONS**

### **10.1 COMMITTEE DELEGATION**

Nil

### **10.2 COUNCIL DECISION**

**SPT1906-1 NOS. 7 & 9-15 QUARRY STREET, FREMANTLE - PRINCIPLES OF SCHEME AMENDMENT**

**Meeting Date:** 19 June 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1. Site Photographs

**SUMMARY**

**Council has been considering zoning options for its properties located at Nos. 7 and 9 – 15 Quarry Street, Fremantle to allow their sale as a single development site by removing the zoning inconsistency which currently exists.**

**Preliminary consultation was undertaken in relation to a Mixed Use R100 option, in response to which considerable community concern was expressed.**

**In January 2019, Council resolved to defer initiating a formal planning scheme amendment, to enable more time to consider alternative development scenarios for the sites, and the best planning mechanisms to achieve these. This was discussed at an informal Councillor workshop on 1 April 2019 with a site visit with community members occurring on 23 April 2019.**

**This report reiterates key considerations and options, and proposes a series of development outcomes and mechanisms for the planning of the site as follows:**

- **Introduction of a uniform zoning of Mixed Use and residential density of R80 with a plot ratio of up to 1, across the lots.**
- **Introduction of specific building height limits and setbacks, to reflect the site's location and facilitate a transition between high and low density.**
- **Introduction of policy controls to include specific boundary wall, overshadowing, interface and pedestrian access link controls.**

**It recommends approval of these approaches, and the preparation of a further report setting out details of an amendment to Local Planning Scheme No. 4 and Local Planning Policy 3.1.3 to achieve this.**

**BACKGROUND**

Nos. 7 (lots 2 & 1) and 9 – 15 (lot 8) Quarry Street, Fremantle (the 'subject site') are owned by the City and have been budgeted for disposal. However, because the three lots have different zonings (with lots 2 and 1 being zoned 'Mixed Use' RAC3 and lot 8 being zoned 'Residential' R25), they cannot currently be amalgamated or developed as a composite site. The site is strategically located within the 'frame' of the City Centre, at the zoning interface between high and low density, but currently provides for a very blunt transition between these, through the mid-site drop in coding. Council considered a report on this in July 2018 and resolved to undertake preliminary consultation in relation to the site's potential rezoning to Mixed Use R100 with an extra restriction on building

height within 10m of the low density R25 zoned lots to the north east (refer Item SPT1807-06).

Preliminary consultation occurred in September - October 2018 with 50 submissions received raising a variety of concerns, particularly in relation to the proposed residential density and potential building height of up to 15 metres, among other matters.

Council considered the outcomes of preliminary consultation in November 2018 (item PC1812-15) and again in January 2019 (item PC1901-10) and resolved after debate to:

- 1. Defer the draft scheme amendment.**
- 2. Refer the matter of the most appropriate development outcome for the site to the Strategic Planning and Transport Committee.**
- 3. Give further consideration to the scheme amendment and any other mechanisms to secure Councils preferred development outcomes on advice from the Strategic Planning and Transport Committee.**

The opportunities and constraints presented by the site were discussed at an informal Councillor workshop on 1 April 2019 and were further considered during a group site visit arranged and attended by community members (as well as elected members) on 23 April.

The purpose of this report is to further consider these and the range of views expressed, and to establish the principles for a path forward.

### Site Context Overview

As has been touched on in previous reports, the subject site is located within an area which can be defined as having a mixed use character, both from a land use and built form perspective. Whilst single residential dwellings immediately about the site on the north-eastern and south-western boundaries, the surrounding area also comprises of converted warehouses, commercial land uses, multiple dwellings as well as existing or proposed mixed use development. It has a total site area of 4133m<sup>2</sup>.

The site is very well located from a planning perspective, being accessible by high frequency service bus routes as well as the Fremantle train line, with a high number of facilities and services within a 500m radius catchment including parks, sporting and leisure facilities, schools, shops, restaurants and the Fremantle Arts Centre. These locational attributes are summarised in Figures 1 and 2.



Figure 1: Immediate development and land use context, subject site.

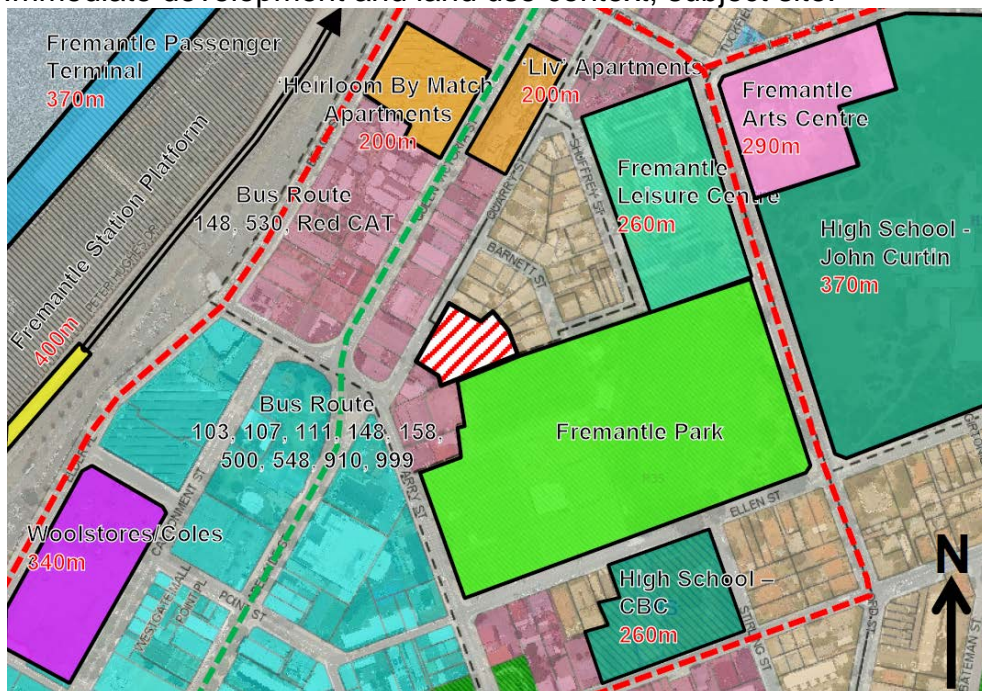


Figure 2: Context overview, key sites within 500m radius.

Planning Context

A detailed overview of the planning framework applicable to this proposal was provided in the November 2018 report to Council; this information remains current, however a brief summary has been provided as follows:

**State Planning Framework:**

*Perth and Peel@3.5million*, in combination with the *Central Sub-regional Planning Framework* (which the City of Fremantle municipality forms part of), provides detail on the broad objectives to cater for future population growth within the Perth Metropolitan Area. Under these, the City has been allocated an additional urban infill housing target of just over 4,100 new dwellings by 2031 and 7,030 by 2050. Location of infill development and consolidation in well serviced locations (particularly those with access to public transport, employment and commercial services) represents a long standing planning policy within WA which has been strengthened through *Perth and Peel@3.5million* and the introduction of density targets in the sub-regional frameworks.

**Strategic Community Plan:**

The site is immediately adjacent to the Fremantle Northern Gateway/Queen Victoria Residential Quarter, and the Fremantle City Centre, which the Strategic Community Plan and associated Freo 2029 Transformational Moves prioritise for consolidation and revitalisation. Figures 1 and 2 demonstrate the site's location in relation to this context.

**Local Planning Framework:**

A portion of the site (Lots 1 and 2) is currently within a local planning sub-area under Schedule 8, introduced as part of the 'East End'/Northern Gateway project in 2011, via Scheme Amendment No. 38. This area is subject to Local Planning Policy 3.1.3: Precinct 3, which was adopted by Council in 2012 to provide further direction, design and explanatory guidance for new developments within the sub-area.

**OFFICER COMMENT**

Debate on this item at Council has indicated that retention of the current zoning is not an acceptable option given the strategic location of the site. Informal discussion with the Department of Planning, Lands and Heritage, coupled with the clear policy position of the WAPC, has confirmed that overall down coding of the site will not be supported. Rezoning options which optimise the role of the site in contributing to housing density, diversity and revitalisation objectives whilst minimizing adverse impact on adjoining low density development have consequently been explored.

Discussion of options has essentially continued to revolve around those originally outlined in the July 2018 report, but with further consideration occurring in relation to points of concern raised in preliminary engagement (particularly with regards to neighbour interface, heights, overshadowing, land use mix, building design and streetscape). The following broad parameters were discussed at the informal Councillor workshop:

- Priority for residential land use given the need to encourage more people to live near central Fremantle, without excluding the potential for a modest mixed use component;
- A residential coding of a medium-high density (achieving an equal or greater yield to that under current zoning – previously estimated around 34 dwelling units – refer to December 2018 report);

- Diversity of dwelling types is preferred but should not be prescribed beyond the new requirements recently introduced into the R-Codes Volume 2 by Design WA;
- Building height up to 4 storeys (reflective of provisions already applicable to Lots 2 and 1 and its associated sub-area) in the centre of the site with lesser heights on the boundaries with existing low density residential (including that to the south-west);
- A higher quality design outcome is desired on site, as far as this can be achieved through traditional planning processes (noting the much stronger emphasis on this aspect established in the new R-Codes Volume 2 by Design WA);
- Existing vegetation should be encouraged to be retained but not be prescribed beyond the new requirements recently introduced into the R-Codes Volume 2 by Design WA;
- There should be specific provision on where boundary walls should be permitted, along with minimum setbacks for upper floors to limit bulk and overshadowing on neighbouring properties;
- Pedestrian access should be incorporated through the site to provide a connection to Fremantle Park and to potentially activate the ‘dead’ corner at the back of the site

The site walk-around reinforced local community concerns about excessive bulk and height, impacts on amenity, the suitability of the site to accommodate non-residential uses and concerns about design quality. Support was expressed for the proposed pedestrian connection into Fremantle Park.

Key planning elements and options responding to the direction received are summarised below:

<b>Table 1 – Potential Primary Planning Controls – Quarry Street lots 1, 2 &amp; 8</b>	
<b>Zoning</b> Mixed Use	<p>The site abuts Residential zoned land to the north-east and Mixed Use zoned land to the south-west. Both options facilitate the residential form of development identified but the Mixed Use zone also would allow (but not require) “<i>a mix of compatible land uses... in small scale premises... where the uses would not be detrimental to the viability of ...(centres) ...(or) to the amenity of adjoining owners or residential properties in the locality</i>”. A wide range of uses are permissible. The Residential zone, by contrast, would potentially allow (but not require) much more limited commercial options including home offices, home or liquor store, restaurant, cottage industry, child care and education.</p> <p>Based on the location of the site at the periphery of the CBD, maintaining the option for Mixed Use has been marginally preferred, consistent with the remainder of the sub-area, recognising that its relatively low exposure may inhibit demand for this. However, given the concerns expressed by residents and the priority Council has placed on a residential outcome, it remains open to Council to pursue a Residential zone instead.</p>
<b>Density</b>	With the gazettal of the new Volume 2 of the R-Codes, development

<p>R80</p>	<p>standards have varied slightly. The site has previously been estimated to accommodate a <i>theoretical</i> yield of approximately 34 dwellings (based only on plot ratio and an assumed average apartment size of 85m<sup>2</sup>). Under the default provisions of the new Volume 2 of the codes and the same assumptions, an R80 plot ratio (1) could facilitate 48 units, whilst R100 (PR 1.3) could facilitate 63. However, as noted previously, the application of height, setback and parking requirements coupled with consideration of market demand would almost certainly limit the actual yield to a lower number than above.</p> <p>Whilst R100 provides greater flexibility (and might encourage a mix of dwelling types by allowing greater plot ratio for apartments counterbalanced with lower density grouped dwellings), on balance the R80 option is recommended as closer to the built density likely to be achieved within the other site constraints. Stipulation of a minimum yield through a condition of land sale could occur to ensure Council’s objectives are achieved.</p> <p>The minimum average lot size which would apply to any grouped dwellings (as opposed to apartments) if these were proposed is the same for both codings: 150m<sup>2</sup> (though larger lots can be proposed).</p>
<p><b>Height</b> 4.0 Storeys/11.0 metres. Max 7.5m within 10m of side boundaries.</p>	<p>Heights of surrounding buildings vary from one to 4 storeys: development opposite and in the adjoining ‘Area 6’ of the sub-precinct contains or is zoned to accommodate development of 11-15m (3-5 storeys). However, immediately adjoining buildings are (effectively) 1-2 storeys (3-7.5m).</p> <p>The size of the site allows the option of a graduation in scale internally. To facilitate a density outcome, a maximum building height of 11.0 metres (approximately 3-4 storeys) is proposed, consistent with the adjoining Area 6. However, provision for 4.0 metres of additional height to 15 metres, as is the case with the remainder of the sub-area, is recommended to be excluded. This represents an increase in potential height from 9m (top of pitched roof) or 7.5m for a flat roof for Lot 8 but a reduction from that currently permissible on Lots 1 and 2.</p> <p>To provide a transition to low density dwellings to the north-east and assist in mitigating bulk and scale impacts, a 7.5m (2 storey) height limit (consistent with that applicable to R25) has been proposed within 10m of this boundary. Extension of this principle to the south-west boundary is now also proposed in recognition of the development restrictions which apply to the adjoining heritage listed single house. This promotes a stepped design which, although a somewhat crude measure, provides some certainty to neighbours. It may also possibly encourage the placement of lower density / grouped dwellings at one of these interfaces (though this is speculative).</p>

	<p>These setbacks for taller elements would apply in addition to the setbacks applicable under the R-Codes.</p>
<p><b>Setbacks</b></p>	<p>Setbacks within the street vary from nil (opposite and as provided for through sub-area 6) to 0.5-2m to the dwelling to the south and 6m to the dwelling to the north (though its garage is approximately 1m from the street).</p> <p>Given the setback of adjoining buildings and the strong likelihood of their retention on this alignment (given their heritage listing), a 2m minimum street setback is proposed for the subject site. This aligns with the default ‘acceptable outcome’ for R80 and R100 in Volume 2 of the R-Codes (noting that this is no longer to be taken as a ‘deemed to comply’ standard). It also aligns with the maximum setback applicable within Sub-Area 6.</p> <p>To maintain a firm edge to the street, however, and consistency with the principles applicable to the remainder of the sub-area, a maximum 4m street setback is proposed.</p>

If agreed, inclusion of the above controls within the scheme reflects the approach taken in the existing sub-area and other precincts within the City. It also provides a greater degree of certainty.

Most other development standards would typically be controlled by the default scheme, R-Code and policy requirements. Supplementing these with additional controls to promote a higher quality of design and extension of a pedestrian link through the site is proposed. This is most neatly achieved through inclusion of the site within the Precinct 3 (Northern Gateway / Queen Victoria Residential Quarter) Local Planning Policy area.

This:

- Recognises the role of the site as contributing towards the objectives of the sub-precinct;
- Incorporates a specific design objective which states that “new buildings in the area should embody contemporary and innovative architecture which is sensitive to Fremantle’s sense of place...”
- Allows the existing pedestrian access provisions already required of other sites to link Queen Victoria Street to Quarry Street, to be applied to this site to stipulate a similar link to Fremantle Park;
- Allows for application of site-specific controls. Suggestions include:
  - additional boundary wall controls to clearly limit the application of these on the southern boundary to the area aligning with the existing dwelling, and
  - open space interface requirements.

Inclusion of specific requirements relating to minimum yield and provision of the pedestrian link to Fremantle Park in the contract of sale for future disposal of the land by the City has also been recommended to reinforce these requirements.

## **Conclusion**

The proposed planning controls aim to address the key themes raised on this project, balancing residential density and broader city planning outcomes with a context-responsive built form outcome. If agreed, these can inform the preparation of a scheme amendment and accompanying policy material which would be submitted to Council for preliminary approval, referral to the Western Australian Planning Commission and public consultation.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the process of rezoning of the site, if undertaken in-house. Valuation impacts of any change of zoning to the City's landholding do not represent planning considerations and are consequently not further considered in this report.

## **LEGAL IMPLICATIONS**

The processes for a scheme amendment and policy modification are outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

## **CONSULTATION**

Preliminary community consultation on a potential scheme amendment was undertaken in September - October 2018 in accordance with *Local Planning Policy 1.3 - Public Notification of Planning Proposals* (LPP 1.3). During this time a total of 50 submissions were received raising concern in respect to impact on residential amenity, streetscape, traffic, built form and architectural quality, the closure of the child care centre and housing diversity.

If initiated, and subject to relevant consent from the Environmental Protection Authority (EPA) and the Western Australian Planning Commission, consultation on the formal scheme amendment and local planning policy changes would be undertaken in accordance with LPP 1.3, as well as the Regulations.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Approves the following as the desired development outcomes, and the mechanisms to be used to facilitate those outcomes, for the land at No's 7 and 9-15 Quarry Street:**
  - a) All the subject land to be zoned Mixed Use with a residential density coding of R80 and a plot ratio of 1 through an amendment to Local Planning Scheme No. 4.**
  - b) All the subject land to be included in local planning sub-area 2.3.1.**
  - c) Maximum building heights for new development to be limited to 11m, but reduced to a maximum of 7.5m on parts of the subject land within 10m of the north-east and south-west boundaries, through an amendment to development controls in Local Planning Scheme No. 4.**
  - d) Parapet walls constructed on lot boundaries shall be restricted to a limited section of the south-western boundary abutting an existing boundary wall to the heritage listed building at No. 3 Quarry Street, to be prescribed in a local planning policy. All other lot boundary setbacks shall be in accordance with the R-Codes.**
  - e) Design features to achieve activation and passive surveillance in the part of any new development overlooking Fremantle Park, to be incorporated as provisions of a local planning policy.**
  - f) A pedestrian access link from Quarry Street to Fremantle Park, accessible to members of the public, to be provided across the subject land secured through contractual arrangements on sale of the land by the City, and reinforced through inclusion in local planning policy.**
  - g) A minimum dwelling yield of 34 to be delivered in future development on the site, to be secured through a condition of sale of the land by the City.**
- 2. Request officers to prepare for Council's consideration a further report setting out details of amendments to Local Planning Scheme No. 4 and Local Planning Policy 3.1.3 to achieve outcomes a) to e) in recommendation 1 above.**
- 3. Include provisions to achieve outcomes f) and g) in recommendation 1 above as part of documents required to undertake a future sale of the subject land by the City of Fremantle**

**SPT1906-2      LOT 11 (NO. 3) MOUQUET VISTA, WHITE GUM VALLEY - LOCAL DEVELOPMENT PLAN**

**Meeting Date:** 19 June 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1. Schedule of Submissions  
2. Local Development Plan

**SUMMARY**

The City has received an application for a local development plan (LDP) at Lot 11 (No. 3) Mouquet Vista White Gum Valley. The LDP was submitted in response to a condition of subdivision approval issued for the subject site by the Western Australian Planning Commission (WAPC). The LDP requirement was imposed by the WAPC in preference to the ‘construct to plate height’ condition the City had requested to ensure development of lots in accordance with the development application approved by Planning Committee in December 2018 (PC1812-1).

The plan shows the subject site, located centrally within Landcorp’s WGV Estate, being developed into six (6) grouped dwelling lots with a common property vehicle access leg, reflecting the development approval.

Consultation on the plan, in the form of letters to surrounding property owners and occupiers, was undertaken between April and May 2019 to meet statutory requirements. A total of ten (10) submissions were received, mostly expressing concern with the development indicated on the plan and questioning its compliance with sustainability criteria and the WGV Estate design guidelines.

Whilst these concerns reflect some expressed by the City on receipt of the original proposal, given the plan’s consistency with the subdivision and development approvals for the site, the LDP is recommended for approval without further modification.

**BACKGROUND**

The subject property is located within the WGV Estate, a Landcorp development site that previously contained the former Kim Beasley School. The site is currently zoned ‘Development’ under Local Planning Scheme No. 4 for which a structure plan and local planning policy have been adopted to guide development. Lot 11 is an irregularly shaped lot located centrally within the estate with an area of 1690m<sup>2</sup> and an assigned density of R60 under the adopted structure plan. It is bounded by Mouquet Vista and Karak Lane, and has four street frontages; however the primary frontage is to Mouquet Vista.

## Subdivision and Development Approval

The City received a subdivision referral from the WAPC on 23 August 2017 showing a six lot survey-strata subdivision with common property on the subject site (WAPC Ref: 823-17). The City sent a response to the WAPC on 10 October 2017 recommending refusal for the subdivision due to the proposal being inconsistent with the *White Gum Valley former Kim Beazley School Site Structure Plan* in respect to housing density and typology, as well as being detrimental to achieving the City's housing infill targets. This site is noted on the structure plan, and supplementary local planning policy, as supporting a density of 'R60' which is more typically associated with multiple dwelling forms of development (however it does not preclude grouped dwellings).

The WAPC formally responded to the City's recommendation on 16 November 2017, advising that a decision on the subdivision had been deferred pending the approval of a development application on the subject site for the development of dwellings on the proposed lots. An extension to this deferral was granted by the WAPC on 15 October 2018.

A development application for the site was subsequently lodged with the City on 9 May 2018, for six two-storey grouped dwellings (DA0208/18). Subsequent to public advertising, feedback from the City's planning department and design advice from the WGV estate architect, various sets of amended plans were submitted prior to Planning Committee granting development approval for the proposal at its meeting held on 5 December 2018 (PC1812-1). Variations to the density requirements of the structure plan, and design provisions of Local Planning Policy 3.15 (the City's policy for the WGV Estate), were discussed in the officer report.

Following the Planning Committee's approval of the development application, the WAPC issued a subdivision approval for the site on 24 December 2018 for six survey-strata lots and a common property access leg. Condition 2 of this approval required the submission and approval of a Local Development Plan (LDP) addressing the following matters:

- a) the development parameters for (R35 and R40) development as specified under the City of Fremantle Local Planning Policy 3.15.
- b) the provision of adaptable housing options.
- c) a minimum building height.

An advice note on this approval also stated:

*'it is the Western Australian Planning Commission's expectation that the City of Fremantle Development Approval (DA0208/18) would meet the Local Development Plan requirements'.*

The purpose of applying this condition and advice note was to ensure that development can take place in a coordinated fashion, in accordance with Council's planning approval, regardless of whether or not the lots are subdivided and sold off separately. It also ensures the provision of certain key aspects in Council's local planning policy for the WGV Estate (LPP 3.15). It should be noted that the City's preference was for a condition to be imposed requiring the development to be constructed to 'plate height' prior to

subdivision clearance being granted, as has been done with other subdivisions in the City, however the WAPC opted to impose the local development plan condition instead.

### Local Development Plan

This local development plan was subsequently submitted to the City on 19 March 2019. As per the abovementioned WAPC condition and advice note, the plan reflects the approved development granted by Planning Committee in December 2018. More specifically, the plan shows the following:

- Development of the site to support six grouped dwelling lots;
- Common property access leg, accessed via Karak Lane from the southern boundary of the site;
- Provision for adaptable housing on Lots 2, 3 and 4;
- Minimum two storey building height with ground and second floor building envelopes indicated;
- Minimum internal and lot boundary setbacks for buildings; and
- Dwelling 'primary frontage' and assigned garage locations.

The only variation proposed to the approved development in the submitted LDP is to the garage location for Lot 2, which is now shown facing the northern boundary of the site (approved location was the eastern boundary). This change is not of concern and is actually considered preferable from a vehicle access/safety and street surveillance point of view. Further discussion on the local development plan is provided below.

## **STATUTORY AND POLICY REQUIREMENTS**

### **State Planning Framework**

#### Planning and Development (Local Planning Schemes) Regulations 2015

The Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') outline the process for preparing local development plans. It specifies that they can be prepared where required by the WAPC through a local structure plan, condition of subdivision approval or otherwise agreed by the Commission, and are to be subject to the approval of the local government. They operate as documents of 'due regard' (i.e. without the statutory weight of the scheme).

The City has followed the relevant processes outlined within the Regulations in the processing of the local development plan. It is noted that following advertising of a local development plan, the City has 60 days to consider submissions and determine the proposal.

The LDP must also be prepared in a format approved by the WAPC. In this regard, the submitted LDP has been assessed against the WAPC's 'Framework for Local Development Plans' and is considered to address the relevant criteria.

Local development plans are valid for a period of 10 years from the date of Local Government approval which in this case would be the date Council approve the plan.

## Local Planning Framework

### Structure Plan and Local Planning Policy (LPP 3.15)

As stated, the subject site is located with a Development zone for which a structure plan (*White Gum Valley former Kim Beazley School Site Structure Plan*) has been adopted to guide future development. This structure plan assigns a residential density of R60 to the site as part of the Residential Density Plan for the estate. The development, as previously assessed and approved by Council, achieves a density closer to R40. Further comment on the structure plan is provided in the officer report from December 2018.

A local planning policy (LPP 3.15) supplements the Structure Plan and estate Design Guidelines. Because of the style of development proposed, the development was assessed against the provisions of the local planning policy for R35/40 dwellings which were considered more appropriate than the provisions for higher density development sites. A full assessment of the development's compliance with LPP 3.15 is also provided in the officer report from December 2018.

Further to the above Landcorp, the State-Government estate developer, have developed a set of design guidelines to further control built form and sustainability outcomes within the estate. Assessment of development against these guidelines is undertaken by the estate architect independent of the City. A preliminary assessment of the development application was undertaken by the estate architect, feedback from which was provided to the proponent during the planning application. The proponent will be required to seek detailed design endorsement of the working drawings prior to construction of the development.

## FINANCIAL IMPLICATIONS

Nil.

## LEGAL IMPLICATIONS

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

## CONSULTATION

Consultation on the LDP was undertaken from 4 April to 2 May 2019 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3. Letters were sent to owners and occupiers of properties within 100 metres of the subject site notifying of the submitted LDP.

At the completion of the comment period, the City had received 10 submissions (refer Attachment 1 – Schedule of Submissions), which included the following comments:

- The development should abide by One Planet living principles.
- Verge plantings should be considered which include fruit trees suitable to the climate to encourage community interaction.
- Disappointment that this style of development will take place on the site; a more innovative project such as a Baugruppen would have been preferable.

- Concern expressed that the plan submitted will be different to the buildings actually completed.
- Concern that the development will not satisfy the WGV Estate design guidelines.
- The development is contrary to the vision of the estate, and does not provide for affordable living options.
- The development should be higher density to facilitate housing choice and affordability.
- The development should strictly comply with Freo Alternative principles.
- The proposal fits in with the existing built form surrounding the site.
- The development will facilitate a housing alternative aside from apartments which are most prevalent within the area.

Many of the comments received were similar in nature to those made for the development application, addressed in the Council report from December 2018. Further discussion on some of the key points raised above is provided in the following officer comment section.

### **OFFICER COMMENT**

It is acknowledged that provision of an LDP in this situation, where a development and subdivision approval has already been granted for a site, is unusual: LDPs are usually prepared in advance to guide future development of a site and to control specific built form outcomes prior to approval of developments and/or subdivisions.

However, the WAPC has the ability under the *Regulations* to require the preparation of an LDP as part of a subdivision approval and has preferred this to stipulating construction of a specific design. The plan will ensure that key aspects of the approved development, such as maintaining a minimum building height of two storeys, vehicle access and garage location, building envelopes to facilitate solar access to internal courtyards and provision of adaptable housing, are provided. It will also mean that these key design aspects are provided for even if the development is constructed in stages. Any future revisions to the approved development will also need to be in accordance with the LDP, providing an additional design safeguard. In addition, an LDP is typically valid for a period of 10 years (according to the *Regulations*) whereas the development approval is only valid for 4 years.

A number of submissions raised points concerning how the development will satisfy the sustainability and building design requirements of the WGV Estate design guidelines. These design guidelines are not administered by the City, and are assessed independently by Landcorp's Estate Architect (Arcadia Design Studio). A similar process has been established for other Landcorp projects across Perth. It is noted that feedback on the design and compliance with the guidelines was provided to the City by the estate architect during assessment of the development application, resulting in design changes being made to address concerns raised. The proponent is also required to obtain detailed design endorsement from the estate architect prior to the issue of a building permit, which will ensure that the various criteria in the design guidelines checklist are satisfied on the construction drawings.

Further comment was made in submissions concerning the style of development proposed, with concern regarding its relatively low-scale and grouped dwelling form.

Similar comments were submitted for the development application and were shared by the City (hence the recommendation of refusal of subdivision). However, the absence of any specific minimum density requirement or requirement for a multiple dwelling form on the site in the structure plan resulted in its approval.

Some submissions were received in support of the local development plan.

Some comments were made expressing concern that the development does not comply with Freo Alternative or satisfy the specific One Planet principles. As mentioned, the WGV estate has its own set of design guidelines (assessed independently by Landcorp's appointed architect) which have been developed to facilitate desired built form and sustainability outcomes. Monitoring of the estate's overall performance against the One Planet Living Principles is also undertaken independently, by environmental consultancy Bioregional, and not the City of Fremantle. One Planet criteria do not form part of the City's statutory planning assessment framework for individual developments within WGV, which comprises of the local planning policy (LPP 3.15). Furthermore, the site is not located within the Freo Alternative special control area and as such those specific provisions do not apply here. Further commentary on the development's compliance with the City's planning provisions (LPP 3.15) is provided in the officer report on the development application from December 2018.

Overall, given that this LDP is required (through the subdivision approval) and reflects the development approval already granted for this site, there is little scope for the City to change design parameters as part of this assessment. Prior to submission, the proponent made some changes to the LDP to ensure consistency with the WAPC's local development plan framework, as well as the approved grouped dwelling development from December 2018. As such, given that the LDP is consistent with both the framework and the approved development from 2018 as required by the subdivision condition, approval for the plan is recommended. As stated, the plan is valid for a period of 10 years from the date of Council's approval.

## **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Note the submissions received as detailed in the report relating to the local development plan considered at the meeting of the Strategic Planning and Transport Committee on 19 June 2019 and Attachment 1 to that report.**
- 2. In accordance with Regulation 52 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approve the local development plan submitted for Lot 11 (No. 3) Mouquet Vista White Gum Valley, plan dated 19 March 2019, below:**

**LOCAL DEVELOPMENT PLAN**  
LOT 11 MOUQUET VISTA, WHITE GUM VALLEY

**LOCATION PLAN**

**LOCAL DEVELOPMENT PLAN PROVISIONS:**

This Local Development Plan (LDP) has been prepared pursuant to Clause 52(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions and the Residential Design Codes.

**General:**

- The provisions of the City of Fremantle Local Planning Scheme No. 4, City of Fremantle Local Planning Policy 3.15 Former Kim Beazley School Site - White Gum Valley & State Planning Policy 7.3 (Volume 1) Residential Design Codes (R-Codes) are varied within this LDP to the extent that they conflict with the provisions of this LDP.

**Development Parameters:**

- Provisions 1-4 (R35 & R40) and provision 12 (R50 & R55) that form part of LPP 3.15 shall apply to development assessment (provisions 9-11 are not applicable).

**Adaptable Housing:**

- Survey Strata Lots 2-4 must have a flexible habitable room with ensuite on the upper floor adjacent and overlooking Karak Lane.

**Building Height:**

- Minimum 2 stories (single storey with loft not compliant) with maximum height as per Table 3 (Category B) of R-Codes.

**Approval:**

Pursuant to Clause 52(1)(1) of the Planning and Development (Local Planning Schemes) Regulations - 2015 Schedule 2 - Deemed Provisions this Local Development Plan is hereby approved.

Authorised Officer: \_\_\_\_\_ Date: \_\_\_\_\_

**LEGEND**

- SITE BOUNDARY
- ADAPTABLE HOUSING REQUIRED
- ← PRIMARY FRONTAGE
- BUILDING ENVELOPE - GROUND FLOOR
- BUILDING ENVELOPE - FIRST FLOOR
- ⊠ DESIGNATED GARAGE LOCATION

**CITY OF FREMANTLE**  
These Revised Plans Form Part of  
**LOCAL DEVELOPMENT PLAN**  
4 June 2019

SCALE 1:300 @ A3

THE LAND DIVISION  
PO BOX 5544, FREMANTLE, WA 6160  
P: (08) 9432 2000 F: (08) 9432 2001  
E: LAND@CITYOF.FREMANTLE.WA.GOV.AU  
PLAN NUMBER: 1900000 Description: Lot 11 - 4 June 2019

3. In accordance with Regulation 55 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publish a copy of the approved local development plan on the City of Fremantle website.

**SPT1906-3 LOCAL PLANNING SCHEME NO. 4 AMENDMENT NO. 79 - OMNIBUS AMENDMENT**

**Meeting Date:** 19 June 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1: Proposed Scheme Map Amendments

**SUMMARY**

The purpose of this report is to consider minor and administrative amendments to the City of Fremantle Local Planning Scheme No. 4 (LPS4) to maintain its currency.

The proposed changes can be sorted into four broad categories:

1. Updates to amend references to the Residential Design Codes (R-Codes) in order to reflect changes introduced via State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (Design WA).
2. Administrative fixes to correct minor errors and reflect current legislation.
3. Minor changes to amend some land use permissibility.
4. Minor Scheme map changes to align with changes to the region scheme and correct unzoned land and misaligned zones.

The changes are administrative and / or minor in nature and so have been bundled into an omnibus amendment for the sake of efficiency. Council is recommended to resolve to initiate these amendments as a ‘standard’ category scheme amendment.

**BACKGROUND**

The *Planning and Development Act 2005* provides for local governments to prepare local planning schemes to guide the use and development of land in their area. These are to be maintained through periodic review and amendment.

Whilst formal review of the City’s planning scheme has been deferred pending clarification on the direction of the green paper on planning reform, the City continues to maintain the scheme through periodic amendment.

As part of this maintenance program, a series of minor issues were identified as in need of update. These include: references to obsolete legislation, typographical errors, updates to the scheme map to reflect minor changes in the regional reserve along Stirling Highway and several other minor zoning anomalies. Changes arising from gazettal of State Planning Policy 7.3 - Residential Design Codes Volume 2 (SPP 7.3) have also been identified (refer item SPT1905-4). Finally, some changes to correct historical land use definitions and update minor items within the land use zoning table have been suggested. These have been compiled into an omnibus amendment.

To streamline the process, the amendment compilation process has focussed on predominantly minor and administrative changes: items with more significant implications or complexity (such as fuller review of land use definitions and permissibility) have been reserved for separate exercises.

The purpose of this report is to outline the minor updates recommended to be initiated in an omnibus amendment to the scheme.

## **OFFICER COMMENT**

The changes proposed within the amendment are intended to reflect current land use and zoning expectations, and anticipate implementation of SPP 7.3.

The changes proposed can be sorted into four broad categories, which are discussed below.

### **1. Updates to amend references to the Residential Design Codes (R-Codes) in order to reflect changes introduced via State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments.**

Item SPT1905-4 of the Strategic Planning Committee agenda on 15 May 2019 confirmed the impending gazettal of the new Apartment volume of the R-Codes and outlined implications for the City's planning framework. Briefly, the new 'Design WA'-led Apartment code will operate as part of the R-Codes (Volume 2), replacing the previous Part 6 provisions, with the single house and grouped dwelling provisions applicable under the current codes continuing to act, as a re-adopted Volume 1. As a consequence, any reference to the R-Codes in the scheme will automatically incorporate the Apartment code. References to specific clauses of the now-redundant Part 6 of the R-Codes within the scheme do, however, need to be updated or deleted. Council consequently resolved inter alia on 22 May to:

- 2. Request preparation of an amendment to Local Planning Scheme No. 4 to:**
  - a. Delete the specific reference to clause 6.2.3 of the R-Codes in Clause 4.3.3.2 of the Scheme by deleting the words 'clause 6.2.3 of the' from this Clause.**
  - b. Replace the reference to Parts 5 and 6 of the R-Codes in Clause 4.5.1 with reference to 'Volumes 1 and 2 of the R-Codes'**
  - c. correct discrepancies and anomalies within Schedule 8 relating to the introduction of Volume 2 – Apartment Design Codes, as follows:**
    - Sub Area 1.3.2 – delete references to Table 4 of the R-Codes for R-AC3 density.**

- **Sub Area 2.3.1 – delete reference to Table 4 of the R-Codes for R-AC3 density, and clause referencing the parking requirements for R-AC3 specifically.**
- **Sub Area 2.3.4 – remove ‘Sub Area 4’ clause 1 reference to Category C height requirements of the R-Codes.**
- **Sub Area 4.3.5 – delete Area 1 ‘Additional Development Standards’ reference to lot boundary setback requirements of the R-Codes for R-AC3 which no longer apply under the A-Codes.**
- **Sub Area 4.3.6 – South Street/Hampton Sub Area**
  - **Clause 5 – re-word clause stating that setbacks can be ‘reduced’ to 1 metre however otherwise must be in accordance with the R-Codes**
  - **Clause 11 – re-word statement that ‘open space can be reduced up to 30%...’.**
  - **Clause 13 – re-word solar access provision that makes reference to Parts 5 & 6 of the R-Codes.**
- **Sub Area 5.3.1 –**
  - **Delete ‘Additional Development Standards’ part (c) reference to Table 4 and Part 6.1.2 of the R-Codes, which no longer exist.**
  - **Re-word ‘Criteria to be met’ part (h) stating that ‘open space can be reduced up to 30%...’.**
- **Sub Area 6.3.1 -**
  - **Delete ‘Additional Development Standards’ part (c) reference to Table 4 and Part 6.1.2 of the R-Codes, which no longer exist.**
  - **Remove reference to ‘Sub Area A’ for clarity.**
- **Sub Area 7.3.1**
  - **Remove reference to Part 6.3.1 of the R-Codes in part (i), relating to bonus density of R160.**

These changes (albeit with a minor refinement to retain clause 5 of sub-area 4.3.6) are incorporated in the Amendment to remove references to obsolete sections of the Codes. These changes are included in the Officer’s Recommendation as 1a).

## **2. Administrative fixes to correct typographical errors and reflect current legislation.**

A number of minor errors have been identified that require correction. These changes have minimal or no statutory impact and are primarily administrative; they include:

- typographical errors, missing words, and an incorrectly numbered sub-area;
- replacement of outdated definitions including ‘Family Day Care’ and ‘Land’ which are proposed to be updated using the definition within the Model Scheme Text and to refer to the *Planning and Development Act 2005*, respectively;
- clarification that properties listed on the MHI as ‘Historic Record Only’ do not form part of the Heritage List;

- deletion of the ‘Small Secondary Dwelling’ requirements as the clause has expired and extension was rejected by the WA Planning Commission (WAPC).

The above changes are included in the Officer’s Recommendation as 1b) through 1k).

### **3. Minor changes to amend or add some land use permissibility.**

#### *Land Use Permissibility*

The current zoning table is missing ‘Single bedroom dwellings’ and ‘Ancillary dwellings’, both of which are defined under the Residential Design Codes. The City has previously received advice that these uses should be land uses in and of themselves. These uses are defined in the R-Codes (and so through the scheme) so only require inclusion in the land use table.

Since an Ancillary dwelling can only be associated with a Single house, it is proposed that it be permissible (P or D) in the zones in which a Single House might be approved (all except the Industrial zone).

A ‘Single bedroom dwelling’ is defined in the Codes because these can receive a density bonus in certain circumstances. It has similar requirements in relation to plot ratio, setbacks, etc. to an ‘Aged or dependent person’s dwelling’ which are discretionary (‘D’ or ‘A’) in all zones except the Industrial zone (in which it is not permitted). Extension of this approach through application of a ‘D’ permissibility for Single bedroom dwelling is recommended.

It is also proposed to change the land use permissibility of Fast Food Outlet in the City Centre from a ‘P’ use to a ‘D’ use. This assists in responding to Council and community concern regarding the proliferation of take away food in particular locations by making the approval of this land use discretionary, and therefore more able to take into account the characteristics of its location, the proposal and Council’s land use and other objectives. This change would implement an action endorsed by Council in a resolution in February 2019 (item SPT1902-5) in relation to a report addressing a range of issues and actions concerning land use mix in the city centre.

#### *Additional uses*

The City has previously received correspondence expressing concern that the existing mixed use development at Nos. 42-52 (Lot 4) Paget Street, Hilton is not reflected in or supported by its current zoning. The existing mixed use development comprises two grouped dwellings, one single bedroom dwelling and three small, single storey commercial units containing shops and offices. The approval was issued in 2005 under the previous planning scheme, Town Planning Scheme No. 3, when the land was zoned Local Centre. In 2007, the land was re-zoned to Residential through the gazettal of Local Planning Scheme No. 4, with the result being that the shops and offices became non-conforming uses. The Local Planning Strategy notes the land as vacant and suggests its rezoning to Residential to accommodate more diverse housing close to the services offered by the centre, hence the zoning change. The development of the site occurred after the Strategy’s preparation but before the new scheme was put in place, hence the anomaly.

The units have been purpose built for as commercial units (see figure 1 below). The current uses are either non-conforming uses or, by virtue of being vacant for six months, have had to revert back to Residential. To better reflect their built purpose and the low scale nature of their operation as an adjunct to (but not full extension of) the adjoining Local Centre, inclusion of Shop and Office is proposed as an additional use.

The additional uses are proposed to only be applied to the existing built form development; any substantial redevelopment will revert the land back to the base Residential uses, better providing for the continued operation of the current development but also maintaining the long term objective underpinning its rezoning in the current scheme, in the event of redevelopment.



**Figure 1:** Streetscape of 42-52 Paget Street, Hilton

#### **4. Minor Scheme map changes to correct unzoned land and misaligned boundaries.**

The Metropolitan Region Scheme (MRS) is the overall town planning scheme for land use in the Perth metropolitan area. The MRS divides land into broad zones and reservations.

It requires local government local planning schemes to provide detailed plans for their part of the region. These schemes must be consistent with the MRS. MRS Amendment 1210/41 realigning and modifying the Stirling Highway Primary Regional Road reserve was gazetted in 2017 and made minor changes to Stirling Highway reserve to reflect Main Roads' current (long term) design. In some areas, the reserve width and boundary reduced, leaving a small area of unzoned land. The City is required to update the scheme to incorporate these changes and apply an appropriate zoning to the unzoned land. In reviewing the scheme map, a number of other minor anomalies have been identified which are also proposed to be rectified. The proposed changes are summarised as follows (refer to Attachment 1 for scheme maps) and discussed in further detail below:

<b>Map No.</b>	<b>Proposed Amendments</b>	<b>Reasons</b>
1	a) Zone unzoned portion of No. 140 (Lot 2) Stirling Highway, North Fremantle to Development Zone (DA18)	a) Add zoning to unzoned land resulting from MRS amendment. Zoning to match the existing parent

		property.
2	<p>b) Align the Tyrone and Westmeath Open Space reserves (Lots 8002 and 8003 DP 401245, North Fremantle) to their respective lot boundaries</p> <p>c) Remove Residential zoning from the road reserves</p>	<p>b) Correct lot boundary errors so that the Reserve zoning matches the Reserve boundary.</p> <p>c) Update scheme map to reflect approved subdivision and road reserve locations.</p>
3	<p>d) Zone unzoned portion of No. 130 (Lot 220) Stirling Highway, North Fremantle Development Zone (DA18)</p>	<p>d) Add zoning to unzoned land resulting from MRS amendment. Zoning to match the existing parent property.</p>
4	<p>e) Zone unzoned portions of Nos. 100 and 106 (SP 31685, 14798 &amp; 14797) Stirling Highway, North Fremantle to Mixed Use Zone R25</p> <p>f) Realign R25 boundary along No. 111 (Lot 172) Stirling Highway, North Fremantle</p>	<p>e) Add zoning to unzoned land resulting from MRS amendment. Zoning to match the existing parent properties.</p> <p>f) Align road boundaries to match MRS reserve boundaries</p>
5	<p>g) Zone unzoned land at No. 101 (Lot 511) Stirling Highway, North Fremantle to Mixed Use R25</p> <p>h) Zone unzoned portion of No. 92A (Lot 12) Stirling Highway, North Fremantle to Community (CF) Reserve R25</p> <p>i) Replace Development Zone DA15 (Rose Hotel site)</p> <p>j) Rezone No. 78-80 (Lots 1-27 SP51329) Stirling Highway, No. 2 (Lots 1-3), No. 4 (Lot 3) Siska Lane, No. 1A (Lot 2 SP 60487) White Street and No. 72 (Lot 3) Stirling Highway, North Fremantle to Mixed Use R35</p>	<p>g) Add zoning to unzoned land resulting from MRS amendment. Zoning to match existing use and adjoining pattern of zones.</p> <p>h) Add zoning to unzoned land resulting from MRS amendment. Zoning to match the existing parent property.</p> <p>i) Reflect approved development and remove superseded requirement for a structure plan.</p> <p>j) Reflect approved development and remove superseded requirement for a structure plan.</p>
6	<p>k) Rezone No. 25 (Lot 1001) Amherst Street, Fremantle from Public Utilities Reserve to include as part of Development Zone (DA4)</p>	<p>k) The lot is no longer used for public utilities and is being disposed of. Rezoning to Development Zone will allow its planning and development in conjunction with the structure plan for DA4 (Swanbourne Street).</p>

7	l) Amend R25 and R20 R-Code boundaries to align with the strata lot boundaries of No. 15, 15A, 17 and 17A (Lots 8, 5, 10, and 6 SP 45668) Simper Court, White Gum Valley	l) As a result of subdivision, the current residential density boundaries do not align with current lot boundaries, leaving some lots having multiple density codes applicable.
8	m) Rezone Nos. 11-23 (Lot 221) Moran Court, Beaconsfield (Salentina Ridge Reserve 48211) from Residential Zone R20 to Open Space Reserve	m) Update zoning to reflect approved subdivision and the existing location of the associated open space reserve.

#### *Unzoned land*

Changes a), d), e), f), g) and h) above all arise from MRS Amendment 1210/41. Changes a), d), e) and h) all simply extend the zone and density of the affected lot back into the now unreserved area.

In the case of g) No. 101 Stirling Highway, the whole of the lot is unzoned for the same reasons as stated above with no balance zoning of the site to extend out. The site abuts a Mixed Use R25 zone and is currently occupied by a Child Care Premises. Additionally, the site is occupied by a place that is on the State Heritage Register, meaning that substantial redevelopment is unlikely to be supported. It is recommended that the unzoned land be zoned to match the adjoining Mixed Use R25 zone to be consistent with the existing land use and the immediate locality.

#### *Subdivision normalisation*

Changes b), c) and m) above apply to previously large residential ‘super-lots’ which have been subdivided to incorporate new road reserve areas and public open space. These proposed changes reflect the subdivision which has occurred.

#### *Development Zone (DA15) Rose Hotel site*

In regards to parts i) and j) in the above table, it is proposed to delete the Development Area designation and replace it with a density and zoning that matches the existing approved developments.

Schedule 7 of LPS4 details development areas within the scheme. These areas have generally been identified for redevelopment via a structure plans or specific development controls. In the case of DA15, the scheme provisions state:

1. *A local development plan is to be prepared and adopted in order to provide specific and detailed guidance for future development, including site and development standards and/or specific exemptions from the requirement to obtain development approval.*
2. *Investigations of potential site contamination to the satisfaction of the DEC.*

The site has been zoned as a development area since prior to the adoption of the most recent planning scheme in 2007. Before that, it was part of a larger development area that includes what is now the Local Centre zone directly to the north. A local development plan was never adopted. Nonetheless, the entire site has been fully

developed, with the exception of No. 72 Stirling Highway, which has an approval for development that is still valid.

Given the above, the Development Area designation performs little useful function, and normalisation under the scheme is recommended.

Based on a history of the development approvals granted for all lots within the site since circa 2004 (the date of the major redevelopment of the Rose Hotel, which included the provision of a Mixed use development with Multiple dwellings and Grouped dwellings at the rear), Council has approved development across the site consistent with a Mixed Use R60 zone.

The adjoining sites have residential density of R35, while those across the road have a density of R35/R40. Clause 4.2.5 of the City's Scheme allows development within Mixed use and centres zones to increase density up to R60 subject to meeting certain requirements, including that the development contain a minimum 25% non-residential uses. Establishing a mix of uses along Stirling Highway would be consistent with the pattern of uses currently extant and integrate well with the adjoining Local Centre zone. Application of either a Mixed Use or Local Centre zone would reflect current usage and function with Local Centre marginally preferred, to promote integrated function with the adjoining lots. Application of a base R35 code is recommended, reflective of that applicable to the existing Local Centre site and surrounding area, with the understanding that development may make use of the clause within the City's scheme to increase density to R60.

#### *Lot boundary realignments*

In regards to l), recent subdivisions have resulted in a residential property that partially straddles the boundary of two separate land density zones. This has the effect of making a small part of the lot a higher density than the remainder of the lot. The proposal is to align the density boundaries to the current lot boundaries.

#### *Other changes*

Western Power announced its intention to dispose of surplus land at 25 Amherst Street in 2017. The City has since been approached by several potential purchasers wishing to discuss development potential under the current 'Public Purposes' reserve. Replacement of the reservation is consequently recommended to guide its future redevelopment. The site abuts the Swanbourne Street local structure plan area to the north and faces the Knutsford Street structure plan to the east. Rezoning to Development zone to align it with the adjoining Swanbourne Street redevelopment is recommended (modification k) above). This will require update to the local structure plan which can occur in due course.

### **Amendment Classification**

Under the Regulations, Scheme amendments are to be categorised as basic, standard or complex. Different timeframes and processes apply to each.

The majority of changes correspond with the definition of a 'basic' amendment which is as follows:

*basic amendment* means any of the following amendments to a local planning scheme —

- (a) an amendment to correct an administrative error;
- (b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;
- (c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;
- (d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;
- (e) an amendment to the scheme so that it is consistent with a State planning policy;
- (f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;
- (g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;
- (h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;
- (i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area

if the amendment will have minimal effect on the scheme or landowners in the scheme area;

Some changes don't, however, reflect this description and so, whilst largely innocuous, would be more appropriately classified as a 'standard' scheme amendment which is defined as:

*standard amendment* means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if

the scheme does not currently include zones of all the types that are outlined in the plan;

- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) any other amendment that is not a complex or basic amendment.

A ‘standard’ scheme amendment requires public consultation for a period of not less than 42 days. This commences following EPA confirmation that environmental review is not required.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Amendments to update the scheme as part of a regular review process are required by the *Planning and Development (Local Planning Schemes) Regulations 2015*. The process for amending the scheme is governed by the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## CONSULTATION

42 days public consultation is required for a standard scheme amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City’s Local Planning Policy 1.3.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

Council:

1. Pursuant to s 75 of the *Planning and Development Act 2005* resolve to amend Local Planning Scheme No. 4 by:-

- a) Updating references to superseded Residential Design Codes terminology and provisions, as follows:
- i. Clause 4.3.3.2: Delete the words ‘...clause 6.2.3...’ and replace with “...clause 5.2.3...”.
  - ii. Clause 4.5.1: delete “...the provisions Part 5 and Part 6...” and replace with “...the provisions of Volumes 1 and 2...”.
  - iii. Correct discrepancies and anomalies within Schedule 8 relating to the introduction of Volume 2 – Apartment Design Codes, as follows:
    - Sub Area 1.3.2 (j) – insert “...of Volume 1 and Table 2.1 of Volume 2 of the...” after “Table 4”.
    - Sub Area 2.3.1 –
      - Subclause i) - insert after “Table 4” the following “...of Volume 1 and Table 2.1 of Volume 2 of the...”.
      - Subclause m) – delete “...R-AC code...”.
    - Sub Area 2.3.4 (1.) – insert “...Volume 1 of...” after “...Table 3 of...”
    - Sub Area 4.3.6 – South Street/Hampton Road Sub Area
      - Clause 11 – Insert at beginning: “Where buildings are assessed under Volume 1 of the R-Codes,...”
      - Clause 13 – delete and replace with:
        - In assessing development against design elements 5.4.2 (Solar access for adjoining sites) of Volume 1 or Acceptable Outcomes 3.2.3 (Orientation) of Volume 2 of the Residential Design Codes and irrespective of the dwelling or lot type on adjoining southern boundary, development shall not be assessed against C2.1 and C2.2 of the Deemed-to-comply requirements of Volume 1, or A 3.2.3 and A 3.2.4 of Volume 2, but shall only be assessed against the design principles of clause 5.4.2 or Element Objective O3.2.2, respectively.
    - Sub Area 5.3.1 –

- Additional development standards c) - Delete “...Table 4 and part 6.1.2...” Replace with “...Table 2.1 and Clause 2.2 of Volume 2...”
  - ‘Criteria to be met’ part (h) – insert at start “Where buildings are assessed under Volume 1 of the R-Codes,...”
  - Sub Area 6.3.1 -
    - ‘Additional Development Standards’ part (c) - Delete “...Table 4 and part 6.1.2...” replace with “...Table 2.1 and Clause 2.2 of Volume 2...”
    - Criteria to be met h) - insert at start “Where buildings are assessed under Volume 1 of the R-Codes,...”
  - Sub Area 7.3.1
    - Subclause i) – delete “...the Deemed-to-comply standard of clause 6.3.1...” replace with “part 4.4 of Volume 2...”
- b) Delete all references to Small Secondary Dwellings, specifically:
- i. Delete Small Secondary Dwelling from Table 1 – Zoning, and the note at the bottom of the page
  - ii. Delete clauses 4.3.5.1 through 4.3.5.7
  - iii. Amend clause number 4.3.5.8 to be number 4.3.5.
  - iv. Amend the Note under clause 4.3.5.7 to read:  
As of 6 December 2016 Clause 4.3.5 applies and the Small Secondary Dwelling provisions have been deleted from the Scheme.
  - v. Delete Clause 4.4.1(b)
  - vi. Delete Small Secondary Dwelling from Table 2 – Vehicle Parking
  - vii. Delete clause 5.7.5
  - viii. Delete Schedule A, Clause 61 (m)
  - ix. Delete Schedule A, Clause 78E
- c) Amend the definition of ‘Building Envelope’ to insert the word ‘authority’ after the word ‘responsible’.
- d) Amend the definition of Family Day Care to read: *means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.*
- e) Amend the definition of Land by replacing reference to “Town Planning Regulations 1967” with “Planning and Development Act 2005”.
- f) Renumber Burt Street Sub Area in Schedule 8 to Sub Area 5 (2.3.5)
- g) Delete all references to Area A within sub area 6.3.1 of Schedule 8.
- h) Amend the note under clause 1.7.1 to refer to clause 4.2 instead of 3.2.
- i) Fix the bike racks typo of Table 2 – Tertiary School by changing the second instance of “Class 2” to “Class 3”.
- j) Schedule A, clause 8 – Replace with “The places included in the Fremantle Municipal Heritage Inventory are deemed to be included on the Heritage List, excepting those classified as ‘Heritage Record Only’.

- k) Add the following land uses and permissibility to Table 1:
- i. Ancillary dwelling: P in Residential zone and D in City Centre, Local Centre, Neighbourhood Centre, Mixed Use and Commercial zones.
  - ii. Single bedroom dwelling: D in Residential zone, City Centre, Local Centre, Neighbourhood Centre, Mixed Use and Commercial zones.
- l) Add the following Additional Uses to Schedule 2 clause 6.2:

No.	Description of Land	Additional Use	Conditions
2	Nos 42-52 (Lots 1-4 SP4901) Paget Street, Hilton	Shop, Office	1. The additional uses are 'A' uses. 2. These additional uses only apply to the built form approved as part of DA190/05. The additional uses hereby permitted will not apply to any increase in floor area or substantial redevelopment.

- m) Amend Table 1 to make Fast Food Outlet a 'D' use in the City Centre.
- n) Amend Schedule 7 of the Scheme to delete DA15 and the associated area description and provisions.
- o) Amend the Scheme map as follows:
- i. Nos. 100, 106, and 108 (Lots 50-52) Stirling Highway, North Fremantle: Extend Mixed use zone to street boundary.
  - ii. Nos. 111A (Lot 82), 111F (Lot 701), 111 (Lot 172) Stirling Highway, North Fremantle: Extend Mixed Use zone to street boundary.
  - iii. No. 101 (Lot 511) Stirling Highway, North Fremantle: Zone Mixed Use.
  - iv. Nos. 1-27/78-80 (Lot 700), No. 2 (Lot 4 SSP 60487), and No. 72 (Lot 3) Stirling Highway, and No. 1A (Lot 2 SSP 60487) White Street, North Fremantle: Change from Development zone to Local Centre zone with a density of R35 and remove from Development Area DA15.
  - v. No. 25 (Lot 1001) Amherst Street, Fremantle: Change from Public Utilities Reserve to Development zone and include as part of Development Area DA4.
  - vi. Sallentina Ridge Public Open Space Reserve 48211, No. 11-23 Moran Court, Beaconsfield: Change from Residential zone to Open Space Reserve.

- vii. Minim Cove road reserves: Change all land within road reservations from Residential to unzoned.
- viii. Reserve 2 Tyrone Street (Lot 8002), North Fremantle: Align Parks and Reserve to cadastral boundaries
- ix. No. 4 (Lot 218) Tyrone Street, North Fremantle: Remove Parks and Reserve reservation from lot and make entirety of lot Residential R25.
- x. Align R20 density to follow the lot boundaries of No. 15 (Lot 8 SSP 45668) and No. 15A (Lot 5 SSP 45668) Simper Crescent, White Gum Valley.

(Amendment No. 79)

2. Pursuant to reg 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that Amendment No. 79 is a standard amendment for the following reasons:-
  - a. The amendments include correction of administrative errors (basic).
  - b. The amendments are consistent with the model provisions in Schedule 1 (basic).
  - c. The amendments are consistent with a region planning scheme that applies to the scheme area (basic and standard).
  - d. The amendments include minor changes to zones and reserves that are consistent with the objectives identified in the scheme for that zone or reserve (standard).
  - e. The amendments will have minimal effect on the scheme or landowners within the scheme area (standard).
  - f. The amendments do not result in any significant environmental, social, economic or governance impacts on land in the scheme area (standard).
3. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation.
4. Pursuant to s 81 of the *Planning and Development Act 2005* submit Amendment No. 79 to the Environmental Protection Authority for determination of whether an environmental review is required.
5. Subject to the Environmental Protection Authority determining that an environmental review is not required, pursuant to reg 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* advertise Amendment No. 79 for public comment in accordance with the applicable provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3 Public Notification of Planning Proposals.

**SPT1906-4 BUSHFIRE HAZARD ASSESSMENT (SOUTH OF RIVER) -  
PRELIMINARY CONSIDERATION**

<b>Meeting Date:</b>	19 June 2019
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	1. City of Fremantle Bushfire Prone Areas – Bushfire Risk Hazard Assessment (Strategen, Feb 2019, Rev 0)

**SUMMARY**

State Planning Policy 3.7 specifies the approach to considering bushfire risk in new planning proposals. Whilst it does not apply retrospectively, new proposals (including rezonings and subdivision) require assessment in accordance with it. Single House development of lots less than 1,100m<sup>2</sup> are exempt from planning assessment, though may still require a higher construction standard through the Building Permit process.

The City has 9 areas which have been designated ‘Bushfire Prone’ by the Office of Bushfire Risk Management (OBRM), and within which assessment of bushfire risk is consequently necessary in new planning proposals. To better gauge the implications of this, the level of hazard posed and opportunities to respond, the City commissioned an assessment of those areas not previously assessed. The purpose of this report is to advise Council of the conclusions of the assessment and establish direction on what preliminary response is appropriate.

In summary, this report recommends that Council:

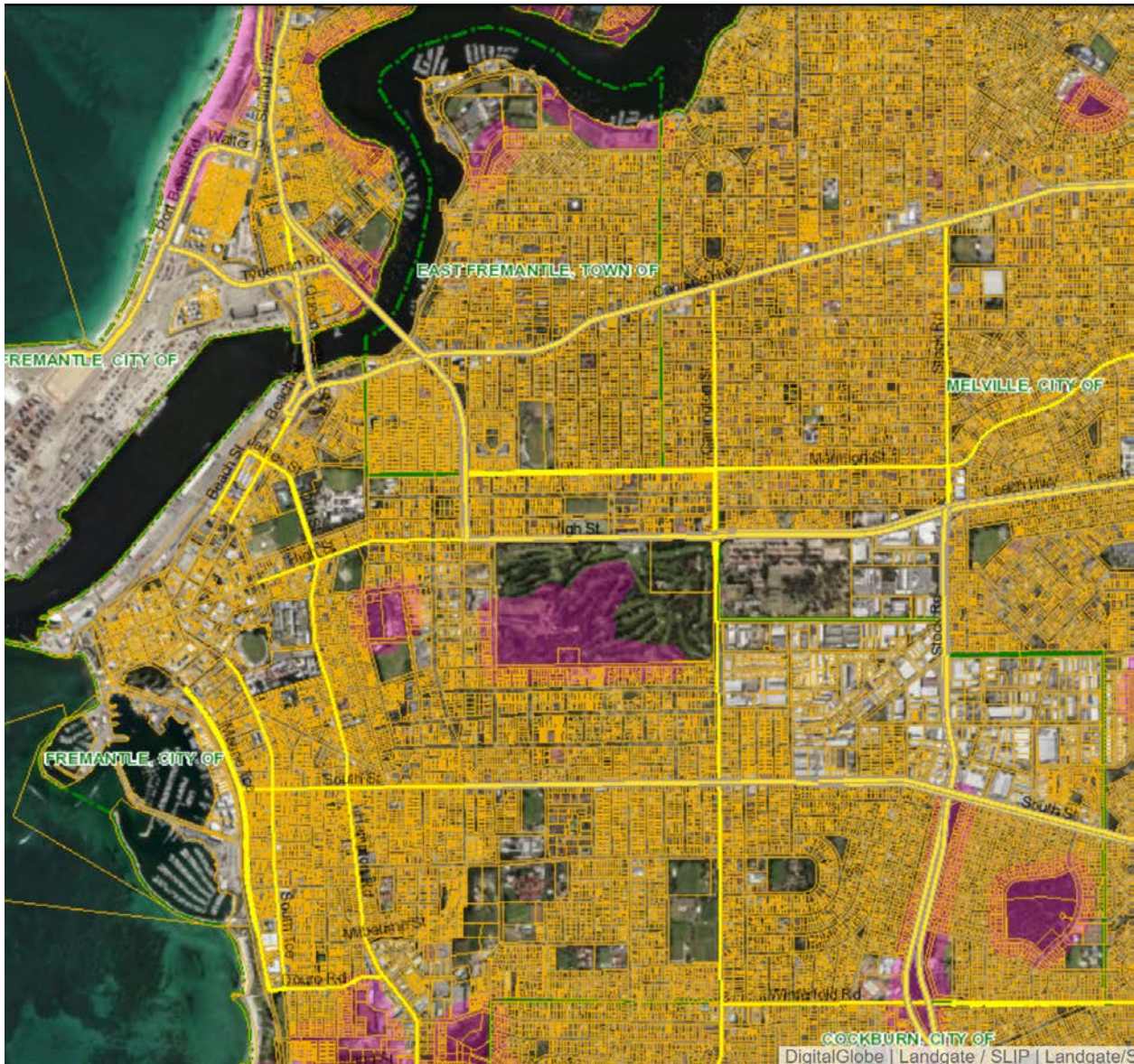
- note the conclusions and Bushfire Attack Levels (BAL) identified in the report,
- liaise with Landcorp in relation to risk mitigation at Swanbourne Street,
- liaise with the MRWA and the Housing Authority in relation to management options at Clontarf Hill,
- continue vegetation slashing around the perimeter of Hollis Park acknowledging the restrictions that its contaminated status place on establishing formal fire breaks,
- liaise with MRWA in relation to management options along Stock Road,
- refer a copy of the assessment to the City of Cockburn and OBRM for information (and feedback should they so wish).

**BACKGROUND**

State Planning Policy 3.7 ‘Planning in Bushfire Prone Areas’ was introduced in 2015 in conjunction with associated changes to the planning and building regulations, and a set of implementation guidelines. The policy seeks to protect life and property against the risk of bushfire, and provides a framework for the assessment and proper management of bushfire through the planning and building approval processes. The framework includes mapping published by the Office of Bushfire Risk Management (OBRM) which identifies areas designated as ‘bushfire prone’ which generally encompass land within

100m of unmanaged or substantial vegetation. It currently includes 9 areas within the City of Fremantle (refer Figure 1 below), namely:

1. Leighton Foreshore
2. North Fremantle River Foreshore
3. Stirling Highway (immediately north of Swan River)
4. Booyeembara Park and Fremantle Golf Course
5. Swanbourne Street/Knutsford Street
6. Clontarf Hill, South Fremantle
7. Hollis Park (west of Cockburn Road/Hampton Road, south of Douro Road).
8. Sir Frederick Samson Park, Hilton
9. Stock Road between Winterfold and South Streets.



**Figure 1 - Designated Bushfire Prone Areas in City of Fremantle**

(Source: <https://maps.slip.wa.gov.au/landgate/bushfireprone/>)

Development within any area designated as bushfire prone (or otherwise identified as potentially bushfire prone) requires assessment under the policy and associated guidelines unless specifically exempt. These outline the steps required to be taken in

assessing and mitigating risk during various phases of the planning process including strategic planning, rezoning, structure planning, subdivision and development. Single House development on lots less than 1,100m<sup>2</sup> are exempt from the planning requirements, though construction standard requirements still apply under parallel changes to the Building Regulations, meaning that single house development can proceed but may be required to incorporate additional features to mitigate risk.

Whilst the policy requirements are varied and sometimes complicated, in essence they require that most applications in bushfire prone areas be assessed against criteria in the policy and only be permitted to proceed if risk can be removed, managed or mitigated to achieve a Bushfire Attack Level (BAL) of 29 or below. Any BAL risk of above 'Low' is required to be mitigated through higher construction standards. (BAL ratings comprise Low, 12.5, 19, 29, 40 and FZ).

In established areas such as Fremantle, the policy has immediate effect on land designated as bushfire prone around reserves and remnant vegetation, which are required to submit BAL assessments with new development applications and employ mitigation measures such as BAL construction standards. However, where a very high (40+) BAL rating applied and could not be reduced, more intensive development and / or subdivision would usually be refused.

The policy is also a factor to be considered in review of the management of the bushfire prone areas themselves, and in the planning for the future of these and surrounding areas. Reserve Management Plans typically now include a bushfire management component and in some areas, separate bushfire risk management plans are developed. The policy specifically states that removal of environmentally valuable vegetation to reduce bushfire risk will not be deemed an acceptable response to achieve planning compliance, but the City can and does consider bushfire risk (as one of multiple considerations) in its management plans and practices.

In 2018, the City commissioned a preliminary bushfire hazard risk assessment of its bushfire prone areas south of the river with a view to scoping the existing risk and determining potential management, mitigation or planning actions which might be appropriate in response. The review did not consider the bushfire prone areas north of the river because the North Fremantle river foreshore has been subject to its own specific assessment and management plan, and the coastal foreshore has relatively little residential development within its vicinity, and that which exists has been subject to recent assessment and approval. This area is also likely to be subject to further planning arising from the coastal risk management plan recommendations.

The purpose of this report is to advise Council of the assessment and to recommend further steps to address this matter.

## **OFFICER COMMENT**

The Bushfire Hazard Risk Assessment (BHRA) which is provided at Attachment 1, was undertaken by Strategen Consulting, and assessed the following 6 areas (refer Figure 2):

1. Booyeembara Park and Fremantle Golf Course, White Gum Valley
2. Swanbourne Street / Knutsford Street, Fremantle

3. Clontarf Hill, South Fremantle
4. Hollis Park, South Fremantle
5. Sir Frederick Samson Park, Hilton
6. Stock Road, between Winterfold Road and South Street, Hilton.

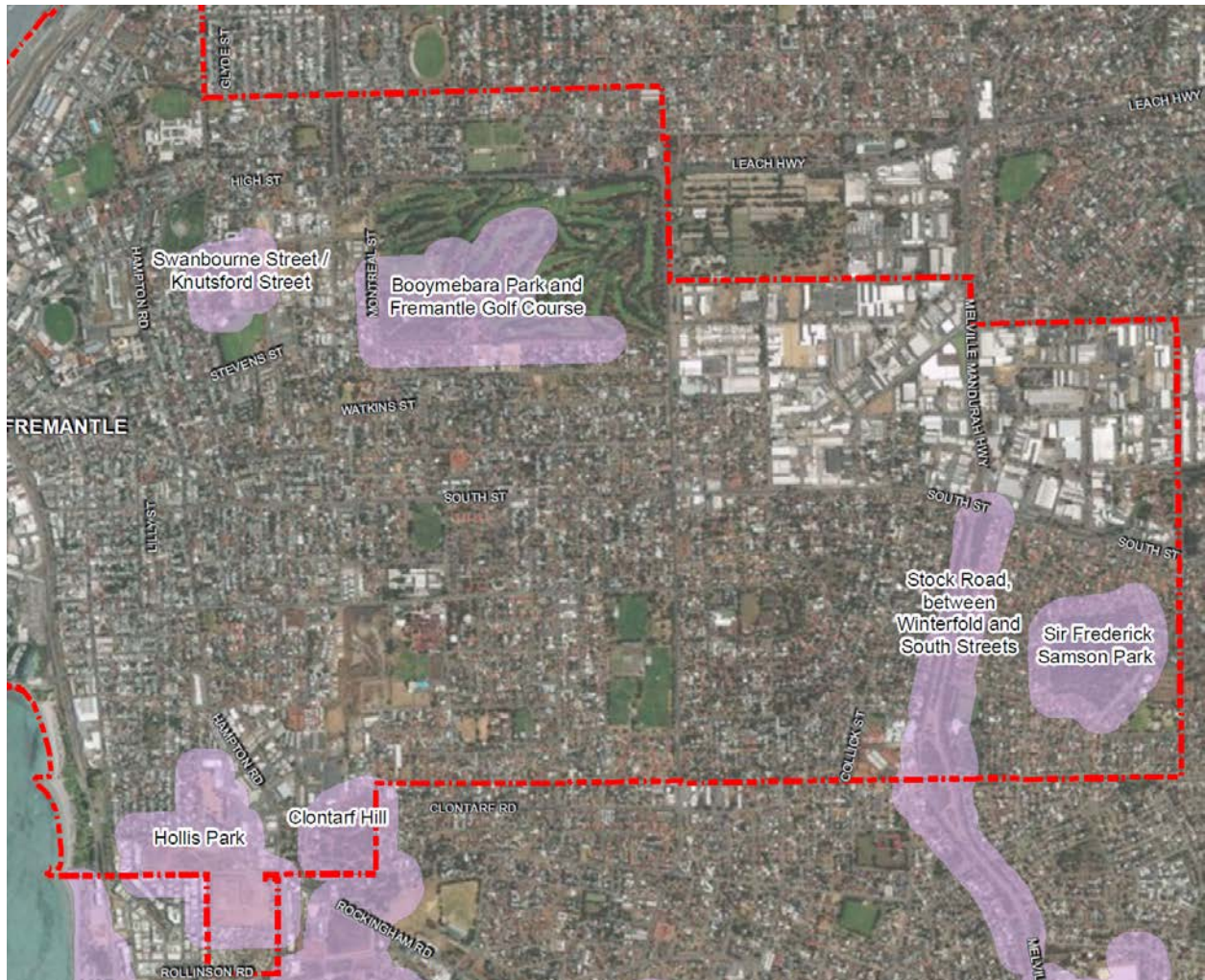


Figure 2: Areas covered in City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment 2018 (Source: Strategen 2018)

The assessment was undertaken in accordance with the Guidelines for the Planning for Bushfire Prone Areas (WAPC 2017). It includes a technical assessment of each bushfire prone area, comment on its context, designation of BAL rating on adjoining lots and commentary on potential responses the City might consider in future planning for the area. It does not provide formal recommendations, but provides a point of reference for the City in its future planning and management of these areas, and its assessment of applications within adjoining lots. It could also form the basis of a city-wide bushfire risk management plan.

A summary of the assessment’s conclusions with proposed interim position recommendations is provided below. Whilst the discussion focusses on mitigating risk, it should be noted that an underpinning principle of the SPP is that removal of vegetation of environmental value is not an acceptable response to remove risk. A more holistic approach, taking into account bushfire risk as one factor, is preferred. Challenges to this can arise, particularly where landowners are restricted from undertaking development, or

experience higher costs as a result. Concerns about safety risks also arise. Misconceptions that the policy applies retrospectively and that the City is required to remove existing risk are common. The City certainly has a duty to thoughtfully and responsibly manage land under its care and control, however this needs to be balanced against other considerations including the allocation of resources. Establishment of a pro-active position is therefore advisable, which considers all options and takes into account the environmental value (or not) of the vegetation, as well as the risk it poses.

### 1. Booyeembara Park and Fremantle Golf Course, White Gum Valley

Bushfire risk in this area stems from the contiguous vegetation in Booyeembara Park and on the Golf Course. In its managed state, the Bushfire Attack Level (BAL) affecting surrounding properties is shown below. Whilst it affects a number of lots along Stevens Street and a couple in Montreal Street, the level is generally BAL 29 or below which can be mitigated through application of higher construction standards on new development. The small sliver of BAL 40 and FZ (Flame Zone) affecting the fronts of a few properties on Stevens Street is likely to be accommodated within front setback areas. Given this, pro-active reduction of fuel zones in the park (or, conversely, reduction in development potential of abutting properties) is not recommended however the risk should be noted, considered in the management of the reserve, and planting regimes seek to avoid changes to the vegetation which might alter its classification and increase risk.

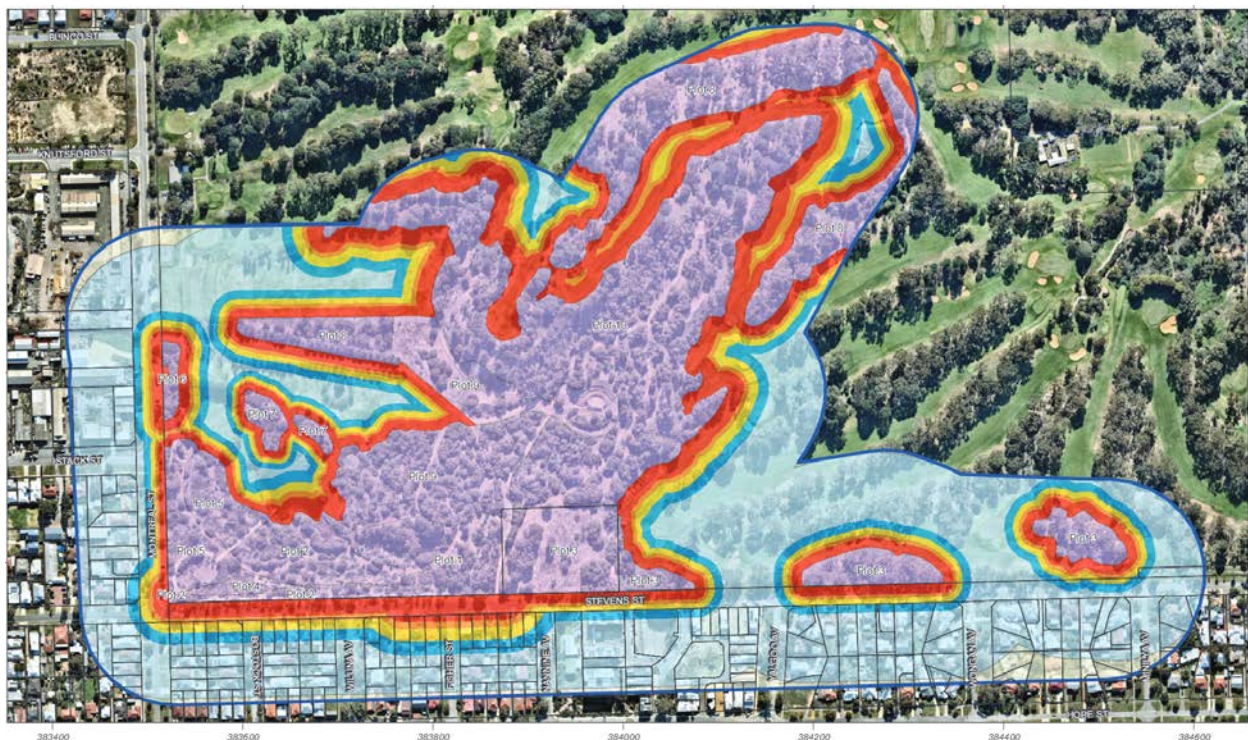


Figure 5: BAL Contour assessment - Booyeembara Park and Fremantle Golf Course

Scale: 1:4,000 @A4

Coordinate System: ODA 1994 MGA Zone 60

Date: 16/02/19

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Data source: Neatmap, Aerial image, from 06/2018; Landgate; Cadastre, 07/2018; LGA boundary, 2017; DFES; Straten Environmental

**Legend**

<span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Cadastre	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> BAL 40	<span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> BAL 19	<span style="background-color: lightgrey; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> BAL Low
<span style="border: 2px solid blue; display: inline-block; width: 15px; height: 10px;"></span> DFES Bushfire Prone Area boundary	<span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> BAL FZ	<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> BAL 29	<span style="background-color: lightcyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> BAL 12.5
<span style="background-color: purple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Classified vegetation			

27 of 102

**2. Swanbourne Street / Knutsford Street, Fremantle**

Bushfire risk on Swanbourne Street stems from the undeveloped Knutsford Street (West) Development Area / Swanbourne Street Local Structure Plan area controlled by Landcorp. In its unmanaged state, the Bushfire Attack Level (BAL) affecting surrounding properties is shown below. Whilst it affects a number of lots along Swanbourne Street, the level is BAL 29 or below which can be mitigated through application of higher construction standards on new development. A higher risk is posed to Lot 2070 on Knutsford Street. Whilst the planned redevelopment of the Swanbourne Street site will address this matter and be required to mitigate risk comprehensively, in the interim, it is recommended that the assessment be communicated to Landcorp with a request that vegetation management be undertaken to reduce the risk to Lot 2070, in particular. Consideration of weed removal to reduce risk along Swanbourne Street is also desirable.

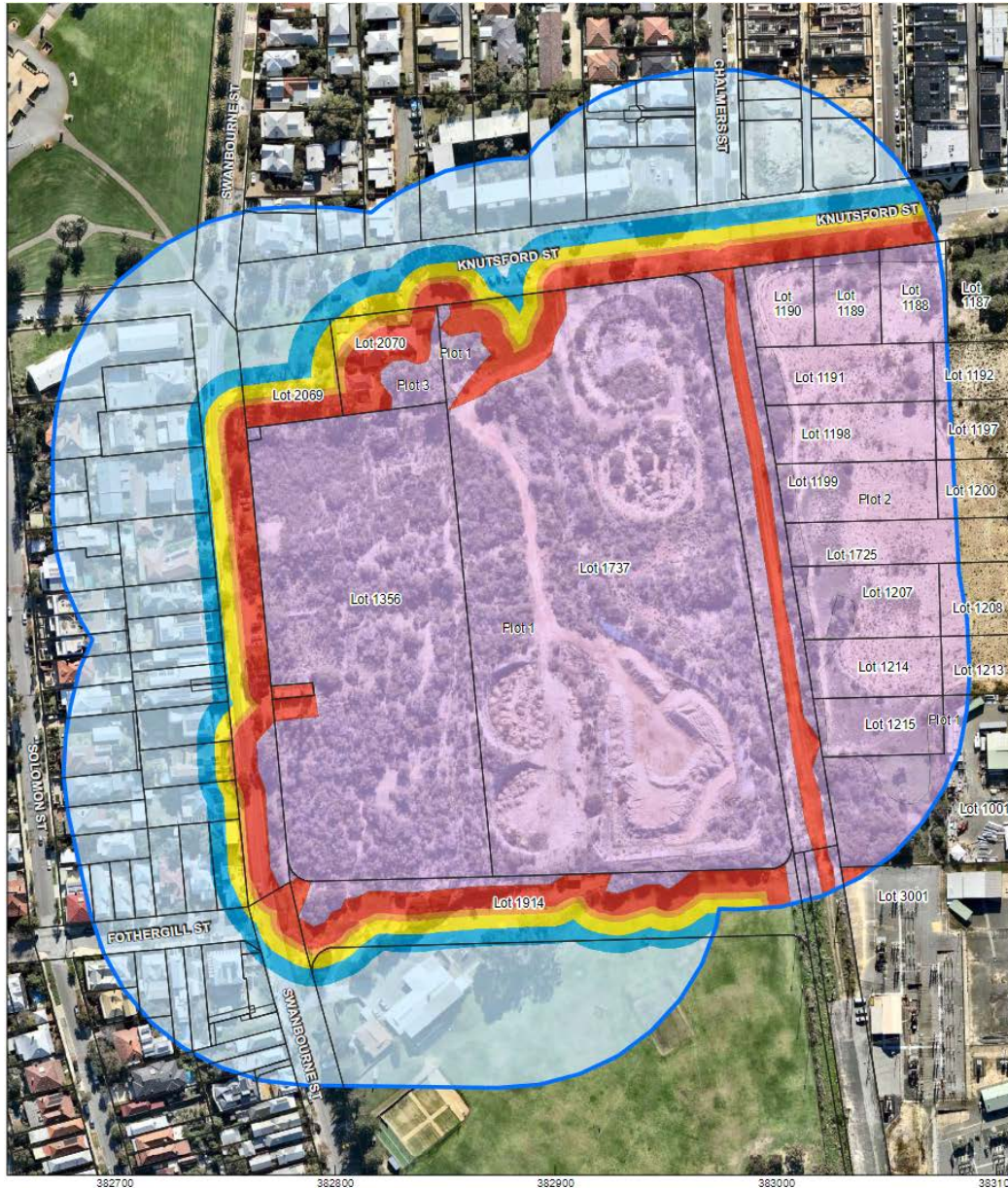


Figure 9: BAL Contour assessment - Swanbourne Street / Knutsford Street



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 Data source: Nearmap; Aerial image; 2016/0016; Landata; Cadastre; 07/2018; LU; DFES; Bushfire prone areas; 2017; Created by: krus

### **3. Clontarf Hill, South Fremantle**

Vegetation on Clontarf Hill is of considerable value environmentally and to the community but creates a bushfire risk for adjoining properties. In its current state, the Bushfire Attack Level (BAL) affecting surrounding properties is shown below and includes a high rating to a number of properties along Newmarket Street which might possibly inhibit their subdivision or further development in accordance with their zoned potential. Options to address this might include reduction in zoning of abutting properties, installation of a firebreak within the reserve along the property boundary and / or establishment of a formal Bushfire Risk Management Plan establishing requirements and implementation responsibilities to mitigate risk and manage fuel load. It is recommended that management options be discussed with the reserve landowners (Main Roads WA and Housing Authority) and the Friends of Clontarf Hill to determine whether risk can be adequately mitigated, or the zoning of the adjoining land should be reviewed.

It is further recommended that the report be referred to the City of Cockburn for its consideration given the location of the reserve on its boundary.

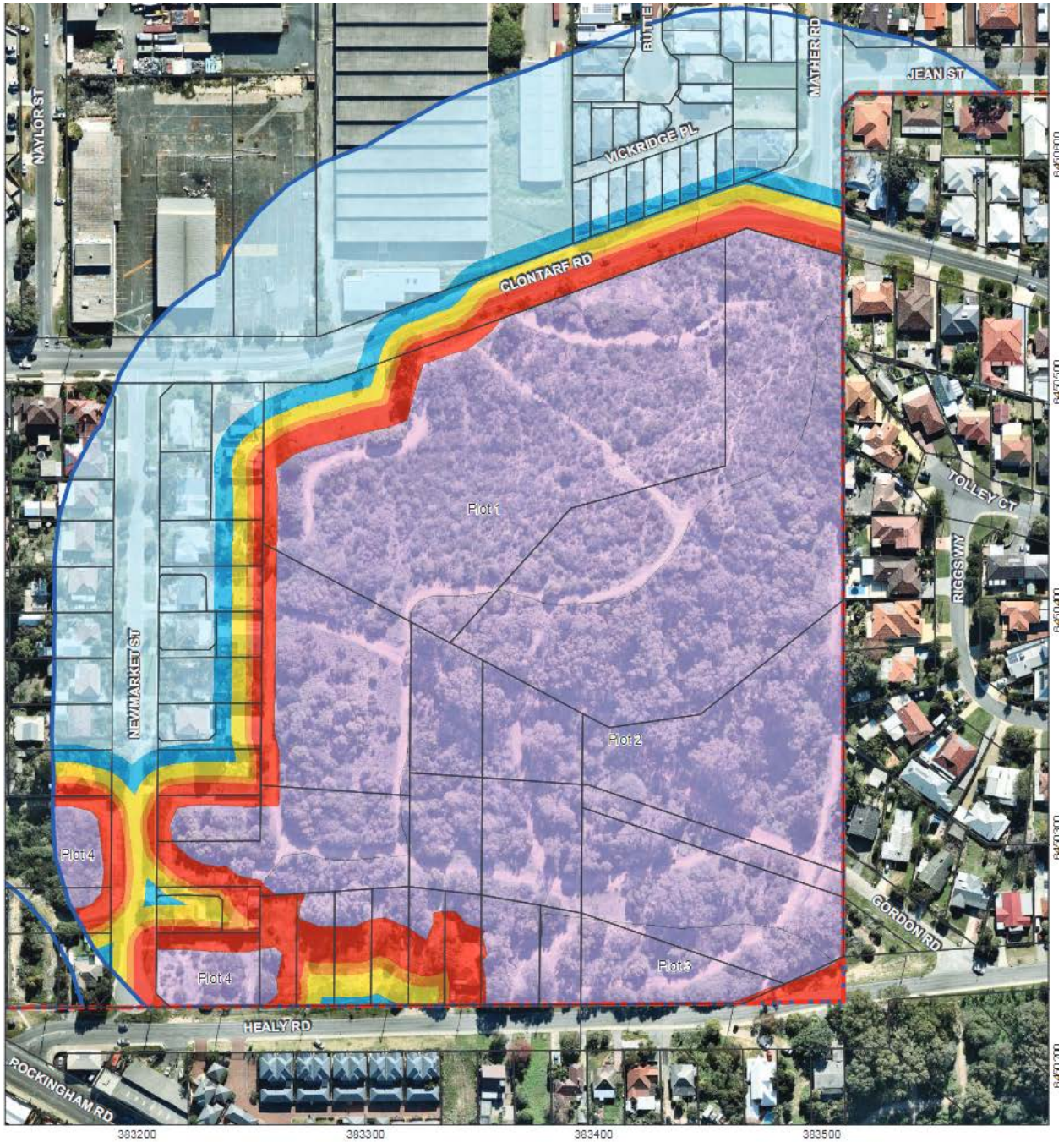
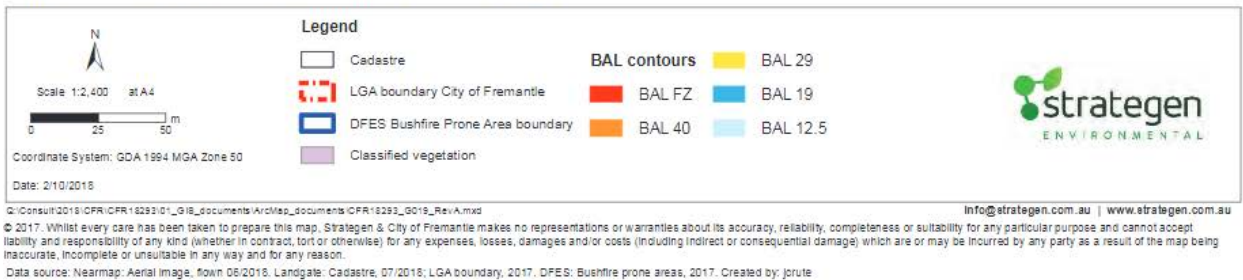


Figure 13: BAL Contour assessment - Clontarf Hill



#### **4. Hollis Park, South Fremantle**

Hollis Park, as a former landfill site subject to natural and periodic volunteer revegetation, poses some particular challenges from a bushfire management perspective. The risks posed to most lots are within the BAL 29 threshold (refer below BAL mapping) however lots at the end of Daly Street, Thomas Street, Walker Street, Hickory Street and along Keeling Way (as well as, no doubt, those at the northern boundary of the South Beach development) experience BAL40 and FZ (Flame Zone) classification. Additionally, the industrial use of lots in Brockman Place may exacerbate risk. Installation of firebreaks would represent the obvious response but the contaminated nature of the site and conditions associated with its management limit opportunities to do this. In locations where this option is unfeasible (most of the site), a regular slashing and / or mowing regime represents the most suitable alternative (and is the current management response). Notification of landowners within the Brockman Place industrial area with a suggestion that they prepare bushfire management plans is also recommended, whilst noting that this cannot be enforced in the absence of any current development proposal.

Communication of the assessment and its findings to the City of Cockburn is again also recommended given the interface of the bushfire risk source with properties within the City of Cockburn.

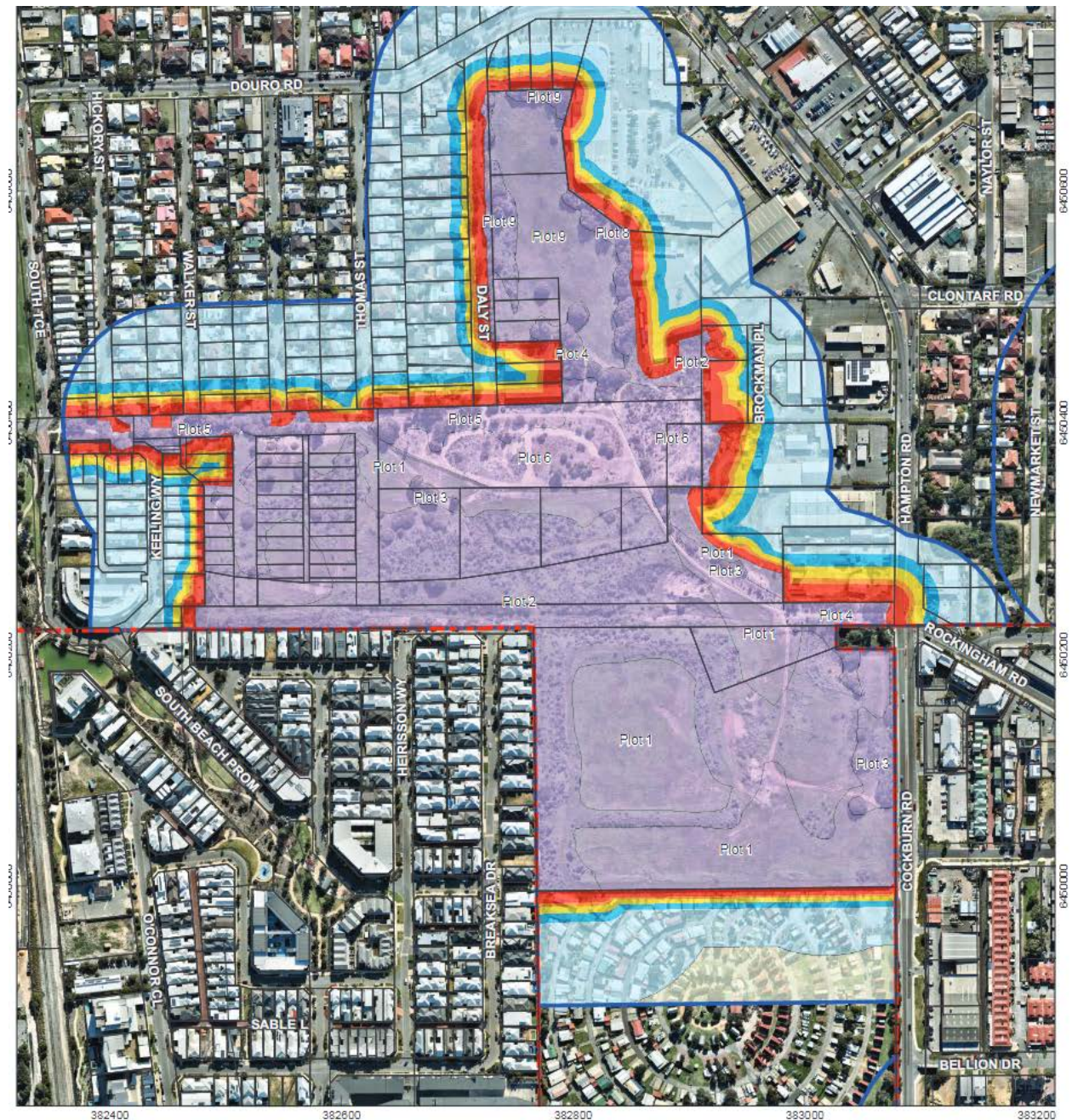


Figure 17: BAL Contour assessment - Hollis Park



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 Data source: Nearmap: Aerial image, flown 06/2016. Lanigade: Cadastre, 07/2016; LGA boundary, 2017; DFES: Bushfire prone areas, 2017. Created by: jprute

**5. Sir Frederick Samson Park, Hilton**

Sir Frederick Samson Park is a designated Bush Forever site. Given the established status of the suburb and the absence of further development potential in adjoining lots, the bushfire risk it presents to adjoining lots is largely capable of being addressed through application of BAL construction standards however it would be preferable to locate dwellings or future additions outside the areas of highest risk. The City may also be subject to pressure to reduce bushfire risk given the additional costs which come with high construction standards. The environmental significance of the reserve precludes clearing of Asset Protection Zones / fire breaks or any significant fuel load reduction however the bushfire risk is taken into account in the management plan for the reserve which is reviewed annually by the City in conjunction with DFES.

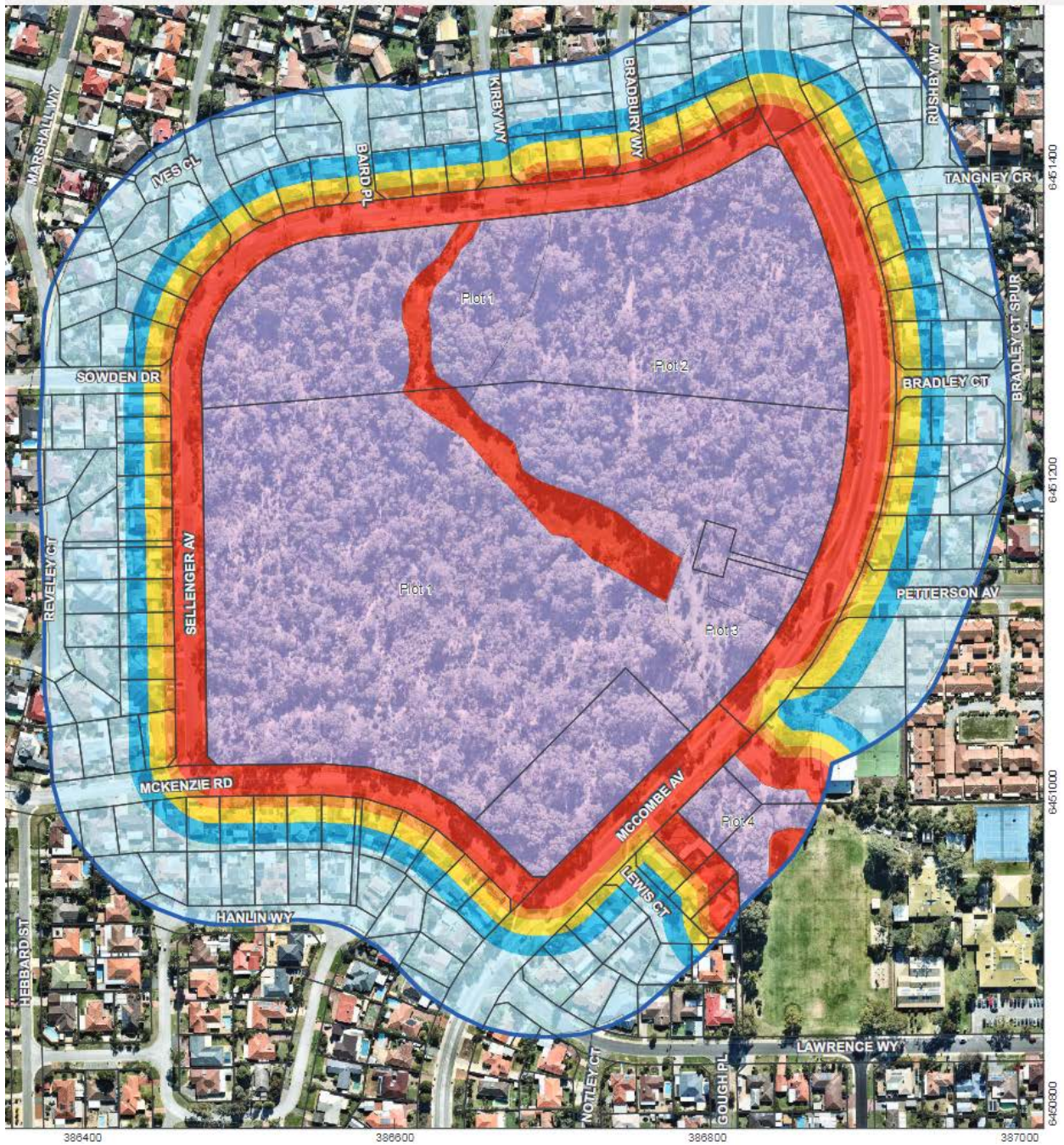
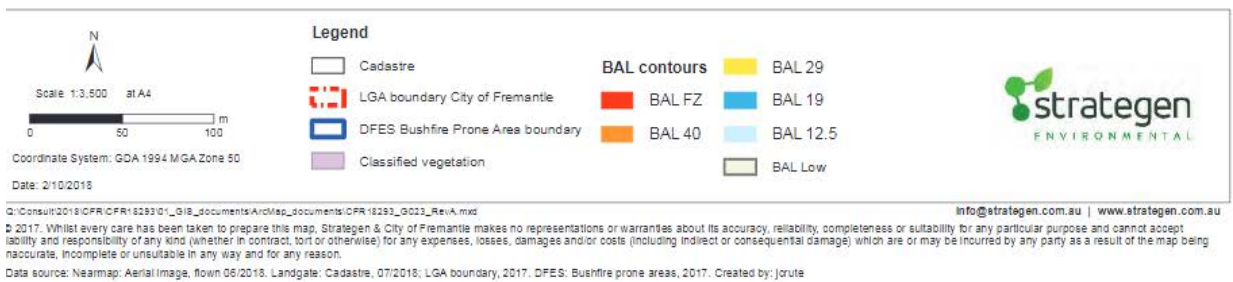


Figure 21: BAL Contour assessment - Sir Frederick Samson Park



**6. Stock Road, between Winterfold Road and South Street, Hilton.**

Vegetation within the Stock Road primary regional road reserve presents a bushfire risk because of its size, density and contiguous nature. The impact on adjoining lots in terms of Bushfire Attack Level (BAL) rating is illustrated below. The high BAL applicable to many lots does not preclude their continued use and habitation but does represent a potential conflict with the development potential available under their density coding, and may preclude subdivision and further development. Any application for further subdivision or more intensive development (including any further development of Aegis and Foley retirement villages and Seton Catholic College) would trigger an assessment under SPP 3.7 at which point the risks and potential mitigation would need to be fully considered as part of the development application process (as has been occurring in relation to Foley Village).

As the City does not have care and control of the Stock Road road reserve, it has no direct role to play in the management of this bush. Referral of the assessment to Main Roads WA for discussion of potential management options to determine whether risk can be adequately mitigated or the zoning of the adjoining land should be reviewed is recommended, noting that the City would not support removal of significant trees and vegetation along Stock Road.

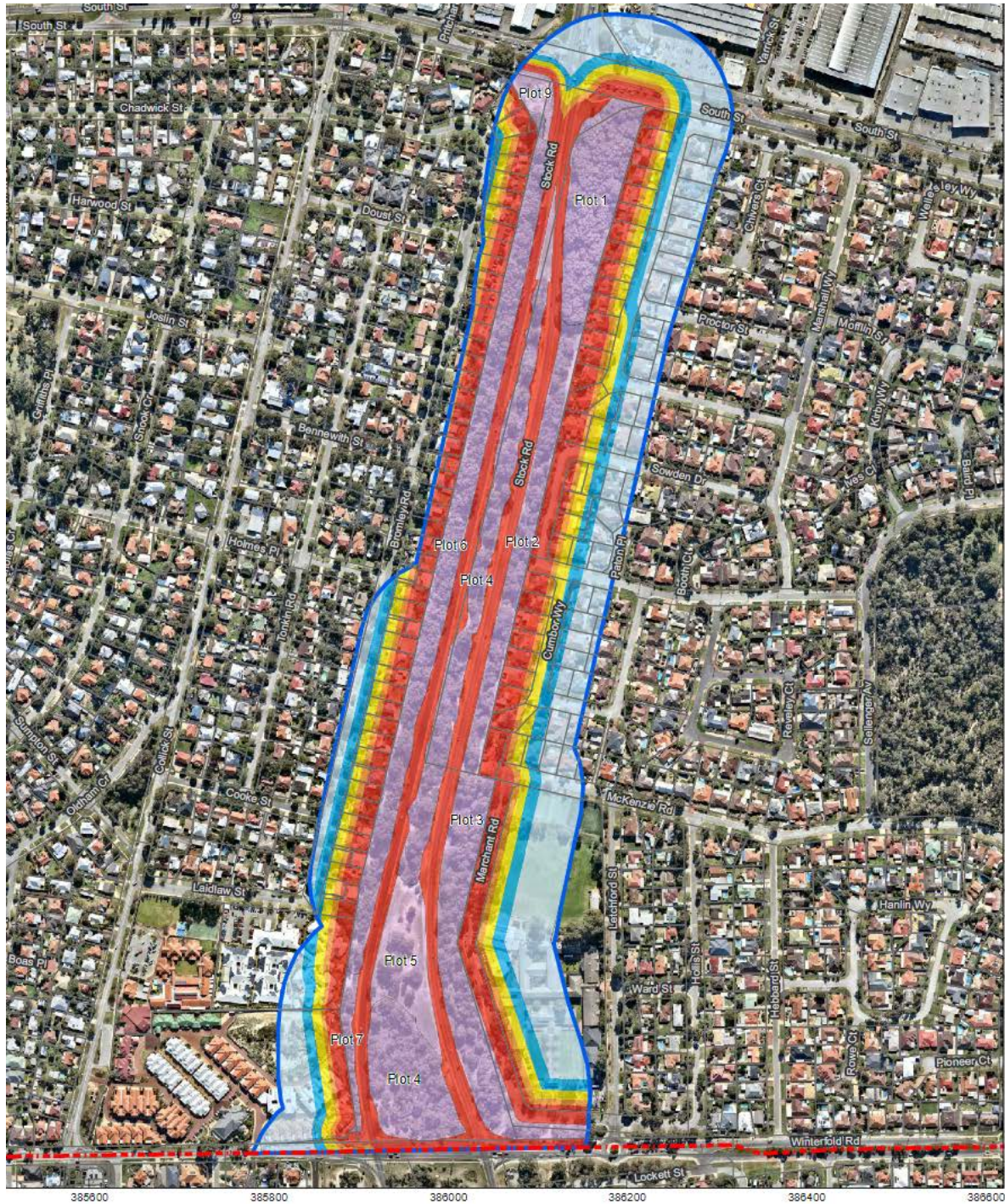


Figure 25: BAL Contour assessment - Stock Road, between Winterfold and South Streets

Scale 1:6,000 at A4

Coordinate System: GDA 1994 MGA Zone 50

14/12/2018

**Legend**

	Cadastrate		BAL FZ		BAL 29
	LGA boundary City of Fremantle		BAL 40		BAL 19
	DFES Bushfire Prone Area boundary		BAL 12.5		BAL Low
	Classified vegetation				

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Overall, the report demonstrates the need to factor in bushfire management in future planning, and in the management of the reserves, and two potential conflict areas, but also the relatively restricted areas affected by this factor (at least as defined by the policy) within the City.

The interim positions recommended are proposed to guide the City in pro-actively addressing the matter, and allow it to develop a more complete response in consultation with managing bodies. This consultation will also aid the City in assessing the merit of preparing either individual site management plans or a whole of City bushfire risk management plan to more fully guide its management of bushfire prone areas subject to its care and control.

### **FINANCIAL IMPLICATIONS**

Management of bushfire risk within the City's reserves is an operational cost but could increase if formal fuel load limits were introduced for any sites. Preparation of formal Bushfire Risk Management Plan(s) for the City's reserves will require future budget consideration if this action is pursued.

### **LEGAL IMPLICATIONS**

State Planning Policy 3.7 outlines the criteria against which the City should consider any planning proposals relating to bushfire prone areas.

The City has previously received advice in relation to its bushfire risk mitigation responsibilities.

### **CONSULTATION**

Consultation on the assessment findings with management bodies of bushfire risk sources and the City of Cockburn is recommended to occur prior to confirming a firm position on each risk area and notifying affected residents and landowners.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Note the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Strategen Environmental dated February 2019 (Rev 0) provided as attachment 1 of this item to the Strategic Planning and Transport Committee.**
- 2. Endorse the following preliminary positions in response to the findings of the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Strategen Environmental dated February 2019 (Rev 0):**
  - a. Booyeembara Park / Golf Course: Note report conclusions and continue to manage reserves in accordance with the current Management Plan (pending any future review). Ensure that planting regimes seek to avoid changes to the vegetation classification which exacerbate assessed risk.**
  - b. Swanbourne Street / Knutsford Street: Note the report conclusions and refer it to Landcorp for its information and consideration, with a request that Landcorp consider options to reduce the risk to Lot 2070 and liaise with the owners of that site accordingly. Refer a copy of the report to the owners of Lot 2070 also.**
  - c. Clontarf Hill: Note the potential conflict which currently exists between the attributes and management of the reserve and the zoning of adjoining properties and the need to address this either through rezoning or the pro-active management of the reserve to mitigate the risk. Refer a copy of the assessment to the management bodies in charge of the reserve (Main Roads WA and the Housing Authority) and consult with them and the Friends of Clontarf Hill regarding management options.**
  - d. Hollis Plan: Continue to maintain slashed / mown fire breaks along site boundaries. Notify the landowners of industrial lots within the bushfire prone area along Brockman Place and suggest that the preparation of bushfire management plans for these properties (as well as for the bushfire source itself) would be desirable.**
  - e. Sir Frederick Samson Park: Note report conclusions and continue to manage the reserve in accordance with the current Management Plan (pending any future review). Ensure that planting regimes seek to avoid changes to the vegetation classification which exacerbate assessed risk.**
  - f. Stock Road: Note the conflict which currently exists between the attributes and management of the reserve and the zoning of adjoining properties and the need to address this either through rezoning or the pro-active management of the reserve to mitigate the risk. Refer a copy of the assessment to Main Roads WA for its information and consideration, noting that the City would not support removal of significant trees and vegetation along Stock Road.**
- 3. Refer the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Strategen Environmental dated February 2019 (Rev 0) to the City of Cockburn for its consideration in relation to reserves (and associated bushfire risk) located on or straddling its boundaries.**

- 4. Utilise the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Straten Environmental dated February 2019 (Rev 0) as a reference point in the assessment of applications affected by the Bushfire Prone Areas the subject of the assessment for a period of 5 years or until otherwise replaced or superseded by a change in condition or subsequent assessment. Use of the report will not, however, be deemed to automatically meet the assessment requirements of individual landowners and site specific assessments may continue to be required.**
  
- 5. Refer the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Straten Environmental dated February 2019 (Rev 0) to the Office of Bushfire Risk Management for information.**

#### **11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

Nil

#### **12. URGENT BUSINESS**

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Nil

#### **13. LATE ITEMS**

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

Nil

#### **14. CONFIDENTIAL BUSINESS**

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

Nil

#### **15. CLOSURE**

