



# Agenda

## Strategic Planning and Transport Committee

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Wednesday, 20 February 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, 20 February 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**

15 February 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 the previous meeting.

**5. PUBLIC QUESTION TIME**

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

**6. PETITIONS**

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

**7. DEPUTATIONS**

**7.1 Special deputations**

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

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 21 November 2018 be confirmed as a true and accurate record.**

## **9. ELECTED MEMBER COMMUNICATION**

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

## **11 REPORTS AND RECOMMENDATIONS**

## Council decision

### SPD1902-1      **QUEEN VICTORIA STREET AND PARRY STREET INTERSECTION UPGRADE - CONCEPT DESIGN**

**Meeting Date:** 20 February 2019  
**Responsible Officer:** Manager City Design and Projects  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1. Design Scenarios Testing  
2. Concept Design

## SUMMARY

**Queen Victoria Street / Parry Street intersection is one of the important gateways to the low speed shared use core of the City. In its current state, the intersection lacks:**

- **Legibility for all road users;**
- **Perception of safety, especially for people cycling and walking;**
- **A sense of arrival to the city centre and a transition to a slower, shared-use environment with a pedestrian focus.**

**The purpose of this report is to present a design for a welcoming, safe and legible entry to the city centre, for all modes. It also provides an urban design template that can potentially be applied consistently to other key gateways over time – to further reinforce the pedestrian focus within the city centre.**

**This report recommends that council approves the concept plan for the purpose of further developing the design, including:**

- **Traffic modelling and gaining support from Main Roads WA;**
- **Detailed site investigations (e.g., service locations);**
- **Consultation with local stakeholders.**

## BACKGROUND

The Queen Victoria Street / Parry Street intersection has long been identified as a gateway to the pedestrian core of the city that lacks appropriate clarity and sense of arrival/exit. In addition, the vehicle movements are overly complex leading to a notable lack of legibility especially for cyclists. This leads to a perceived lack of safety. In response to this, the Council commenced an application through the Perth Bicycle Network (PBN) for funding in 2016/17. However, the project was later deferred in order to seek a more comprehensive design for this important piece of public realm.

Over the past few months, an urban design approach has been used to investigate the issues, establish design objectives, test scenarios and arrive at a preferred concept plan.

## OFFICER COMMENT

### Strategic Context

The proposed design is aligned with the City's key strategic documents:

**Integrated Transport Strategy (ITS):** The ITS promotes Fremantle as a pedestrian and cycle-friendly city, including:

- Low speed, Shared City Centre: A focus on promoting active and public transport by limiting car parking and speed limits.
- Intersections: Improve the pedestrian path network at intersections to achieve clearer, safer crossings.
- Way-finding: Improve the way-finding for cyclists and pedestrians within the city centre and also the approaches to the city centre.
- Active Transport: Make walking and cycling more attractive especially within city centre.
- Amenity: Improve the amenity of footpaths and open spaces such as furniture, shade, shelter and tree planting.
- Adelaide Street: Recognised as an emerging pedestrian Movement Corridor.
- Congestion: Discourage through traffic from using the central Fremantle street network in order to enhance walking, cycling and public transport.

**Freo 2029 Transformational Moves - Northern Gateway:** Freo 2029 identifies key strategic projects in Fremantle that have the ability to transform the city. One of the key areas identified in Freo 2029 is the Northern Gateway as a great place to live on the edge of the pedestrian core. Freo 2029 identifies the increased pedestrian demand within the area and the important links to the city centre.



### **Potential 'Template' for City Gateways**

The Queen Victoria Street / Parry Street intersection is one of six key gateways into the low speed shared use core of the City (see diagram). The proposed design has been prepared with the view to applying the same design principles, or 'template', to upgrade other city gateways over time. Applying a consistent approach and treatment to all gateways will enhance the legibility of the city centre being a pedestrian focused area with a clear character and sense of place. Although there is no urgency for this work, taking a strategic approach to city design and being consistent in its application is recommended.

### **Site Analysis**

In developing the concept design for Queen Victoria Street / Parry Street intersection, the following site analysis was undertaken:

- Pedestrian and cyclist circulation
- Public Transport, high frequency bus routes and bus stops
- Road hierarchy
- Heritage elements/ sites
- Arboricultural Condition of Proclamation Tree (Tree Protection Zone and Tree structural Zone) – as per Arboricultural Survey December 2016
- Visual analysis – sense of arrival

The assessment of current conditions outlines the following opportunities and constraints:

Constraints:

- **Cycle lanes:** Cycle lanes approaching the intersection stop before reaching the intersection. This leaves a substantial area – at a critical point within the intersection - undefined and without any line marking or priority for cyclists.
- **Pedestrian circulation:** Pedestrian crossings are fragmented within the intersection as a result of undefined shape of the intersection and the addition of slip lanes.
- **Lack of legibility:** There is a general lack of legibility and way-finding especially for pedestrian and cyclists, partly as a result of complex vehicle movements.
- **Proclamation Tree:** The current road layout encroaches into the Proclamation Tree's Tree Protection Zone (TPZ). However, the close proximity of the road does not appear to have a negative impact on tree stability or health (reference: Arboricultural Survey – Rev 1, 2016).

Opportunities:

In addition to addressing the Constraints discussed above, this project has an opportunity to improve the understanding, legibility or connection with the following significant heritage attributes in and around the site:

- **Historic city layout:** The historic pattern of Fremantle is based on the walkable and human scale of its public realm network – urban grids that evolved before the impact of the motor car that do not necessarily align with each other. This creates identifiable areas within city and landmarks to assist pedestrians in finding their way around the city. The subject intersection is a great example of original city layout with unaligned streets that used to cater for pedestrian movement - with the Proclamation tree as a focal point.
- **Proclamation Tree:** The Proclamation tree was planted on 21<sup>st</sup> October 1890, Trafalgar Day, commemorate the granting of a responsible government to the colony of Western Australia.
- **Marmion Memorial:** William Edward Marmion (1845-96) was a member of the first Fremantle Town Council and a member of the state Legislative Council in 1880.
- **Princess May Reserve:** Incorporates the Fremantle Boys School (1854-1915) and the Girls School (1901) from the Convict period of Western Australia's development. Currently the reserve functions as a park and with its historic buildings, mature trees (Sugar Gum and Ficus Trees) and limestone boundary walls - the place has a landmark quality.

## Urban Design Principles

The following principles have been developed for upgrading the intersection:

- **Entry Statement/ Gateway:** Create a clear and welcoming arrival experience to the City Centre.
- **Legibility/ Transition:** Simplify and calm movements whilst increasing awareness of cyclist and pedestrian priority at this transition point into the low-speed City Centre environment.
- **Safety:** Improve safety for all road users, especially pedestrians and cyclists.
- **TPZ of Proclamation Tree:** Reducing the pressure/ movement within the TPZ area for future stability and health of the tree.

## Design Scenarios – Safe Connectivity for Cyclists

Before arriving at a preferred concept, five design scenarios were investigated and tested against the urban design principles. In all instances, the key challenge came down to how this intersection could be significantly improved for cyclists. Noting that it represents an important transition into a low-speed environment, and given the physical constraints of the road geometry, it became apparent that the best solution for cyclists was to create a high quality shared environment around the entire intersection. (See Attachment 1 for full set of scenario testing.)

## Concept Design

Please refer to Attachment 2 for the full Concept Design proposal. In summary, the key components are:

Entry Statement: The section of Adelaide Street from Parry Street up to St Patrick's Basilica Church is narrowed down to two lanes in order to provide additional space for pedestrians and cyclists on both sides of the road. The same section of the road is also raised to create a levelled platform. These changes will provide significant visual cues to vehicle drivers entering Adelaide Street to encourage a reduction in speed - noting that priority is shifting towards pedestrians & cyclists. This sense of priority could be further reinforced by applying materials with rough surfaces on the road to help calm the traffic.

Legibility: Removing two left-turn slip lanes off Parry Street simplifies the intersection design; provides an improvement for pedestrian and cycle movements; and creates an opportunity for new landscaping and public amenity.

Safety: To create a safe and legible crossing network for pedestrians and cyclists, cycle lanes are directed up onto footpath level at the intersection to create a continuous shared use area. In addition to simplifying the movements into something far more legible, this approach also removes some of the risks and conflict points that currently exist between cars and bicycles. To reinforce these new shared crossings, different material to the

road surface could be applied. The design retains the signalised controls for all users; however, the phasing will need to be modified.

Proclamation Tree TPZ: Reducing the width of some of the road carriageways in proximity of the tree will reduce the pressure from vehicle traffic on the root zone.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications to this report.

It is anticipated that the total project will cost up to \$700,000, depending upon the extent of new hard and soft landscaping. The City is currently seeking funding of \$175,000 through the Perth Bicycle Network program for 2020/21 as a significant funding contribution to the project.

Following more detailed design work on the project, sequencing of construction and staged funding will be investigated –looking at what needs be done in the first instance, and what enhancement works could possibly be delayed, pending funding.

## **LEGAL IMPLICATIONS**

Nil

## **CONSULTATION**

Once traffic modelling has been undertaken and design development completed to ensure the concept design is a buildable and cost-effective solution, the City will consult with the community over the proposal – with specific engagement with local stakeholders in proximity to the intersection.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION**

**Council approves the Concept Design for improvements to Queen Victoria Street / Parry Street intersection, as shown in Attachment 2 to the agenda of the Strategic Planning and Transport Committee meeting dated 20 February 2019, for the purpose of further design development and community consultation, noting that the current target year for implementation is 2020/21.**

**SPD1902-2 POTENTIAL SCHEME AMENDMENT AND ROAD DEDICATION -  
NOS. 2 - 8 HARVEST ROAD & NO. 4 THOMPSON ROAD, NORTH  
FREMANTLE - PRELIMINARY ENGAGEMENT & INITIATION**

**Meeting Date:** 20 February 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1. Schedule of Submissions with Officer Response  
2. Site Photos

**SUMMARY**

The City has undertaken preliminary community engagement on a potential amendment to Local Planning Scheme No. 4 relating to Nos. 2 – 8 Harvest Road, North Fremantle. The amendment proposal involves the creation of a new local planning sub-area which would see the subject lots re-zoned from Residential to Mixed Use, with a base residential density of R25 and potential bonus density of R60 subject to satisfying certain additional development criteria.

In addition, the City has also sought community feedback on the potential dedication of the existing vehicle access way to the rear of the site, No. 4 Thompson Road, North Fremantle. This would allow for formalised vehicle and pedestrian access via a public laneway to the sub-area.

Preliminary community consultation on this proposal was undertaken in October/November 2018. 13 submissions were received during this time, expressing a mixture of views including concern over traffic, parking, potential land uses, residential density and dedication of the laneway.

Notwithstanding some of the concerns expressed during preliminary community consultation, it is considered that there is merit in the amendment and road dedication proposal for the reasons outlined in previous reports on this project (PC1710-8 & SPT1803-3). Concerns over traffic do, however, reinforce the need to adequately resolve access provision to the site as a critical element of any redevelopment.

With this in mind, officers recommend that, subject to payment of the application fee and formal resolution of upgrading options for the rear laneway, Council initiate a complex scheme amendment for the subject lots. This would involve formal community consultation on the proposal in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.3. In addition, it is recommended that Council resolve to progress with the laneway/road dedication process, subject to the outcome of formal consultation with external service authorities as part of the City's referral process for the scheme amendment. This would involve the City submitting a written request to the Minister for Lands. The dedication of the laneway will assist with managing potential traffic concerns and consolidating vehicle access to the sub-area.

## **BACKGROUND**

### Location and Site Characteristics

A total of five (5) lots comprise the amendment area ('the site'), with a combined area of 2610m<sup>2</sup>. They currently contain three single houses and are located to the east of the North Fremantle Local Centre and Mixed Use zones, bounded by Stirling Highway (west), Harvest Road (south), Thompson Road (east) as well as the North Fremantle Community Hall and associated facilities to the north. The existing vehicle access way (Lot 434 Thompson Road), which is proposed to be converted to a public laneway as part of this proposal, abuts the northern boundary of the subject lots (refer Figure 1).

Topographically, the land is mostly flat with a fall of less than 2.0 metres as measured from west to east, and the lots also fall from south to north (refer site photos attached). The exact difference in levels will be confirmed once a formal feature survey is obtained, which will most likely be submitted with a development application.

The lots are currently serviced by existing vehicle and pedestrian infrastructure (i.e. local roads and footpaths). As detailed in previous reports, a Western Power high-voltage transmission tower is located at the entrance to the vehicle access way off Thompson Road, on the north-eastern corner of the amendment area. Figure 3 in the officer report from October 2017 illustrates this in further detail.

### Amendment Progress

The City's Administration has been investigating options for a potential re-zoning of the subject lots since mid-2017, in response to an initial request from the owners of the lots expressing a desire to explore mixed-use development opportunities. Reports on the progress of preliminary discussions were submitted to Council in October 2017 (PC1710-8), and most recently in March 2018 (SPT1803-3). In summary, it was identified by officers that both a re-zoning of the subject lots to 'Mixed Use' and dedication of a formal public laneway (vehicle access way) to the north of the site would be required to facilitate the desired redevelopment outcomes. The rezoning and road dedication are two separate processes, operating under different sets of legislation, however can occur simultaneously.

At the March 2018 meeting, Council resolved to request confirmation from the landowners of their agreement to fund the full cost of the necessary upgrades to the adjoining vehicle access way to the north of the site, and endorsed a set of principles which would form the basis of preliminary community consultation and development requirements for a new sub-area under Local Planning Scheme No. 4 (LPS4).

In August 2018, the City received written in-principle support from the land owners providing a commitment to covering the full cost of the necessary vehicle access way upgrades. The letter states that the upgrade works will encompass lighting, drainage, resurfacing and provision of relevant turning areas to fulfil Australian Standards, to the satisfaction of the City.

Subsequent to receipt of the abovementioned letter, the City commenced preliminary consultation on a potential amendment to LPS4, as well as dedication of a formal vehicle access way at the rear of the site. At the same time, officers have drafted a set of

development provisions which could apply to the subject lots based on the March 2018 Council resolution. The outcomes of consultation, and potential development provisions, are detailed in later sections of this report.



**Figure 1: Context map indicating the lots subject to this amendment proposal, and relevant surrounding points of interest.**

### FINANCIAL IMPLICATIONS

A fee applies to proponent-initiated scheme amendments under the *Planning and Development Regulations 2009*. This should be paid on application (prior to formal initiation of the amendment).

The proponent has also agreed in-principle to fund the full cost of the necessary upgrades to the vehicle access way, as detailed above. Formalisation of this agreement is recommended before the road dedication proceeds.

### LEGAL IMPLICATIONS

The process for a complex scheme amendment is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*. The WA Planning Commission’s approval is required prior to advertising.

As noted in previous reports, upgrading the vehicle access way to a public laneway increases the City’s liability under relevant legislation. Upgrading commitments to the laneway are consequently recommended to be formally secured before dedication proceeds.

### STRATEGIC ALIGNMENT

The proposal has the potential to make a small contribution to the objectives of the Strategic Community Plan 2015 – 2025, given its potential to increase the number and diversity of residential dwellings within the City as well as improve the number and range of local employment opportunities in Fremantle.

The earlier Local Planning Strategy does not contain any specific recommendations in relation to new mixed use development within the North Fremantle Local Planning Area, however does broadly indicate that controls should be considered for non-residential development in North Fremantle to ensure that their design and function is suitable for a particular locality.

The proposal is considered to generally align with the broad urban consolidation outcomes advocated for under relevant State Government strategic documents including *Perth & Peel @ 3.5 Million* and the *Central Sub-Regional Planning Framework*.

## **CONSULTATION**

The City undertook preliminary consultation on the potential for a rezoning of the subject lots, as well as the formal dedication of the northern vehicle access way as a public road, in accordance with Local Planning Policy 1.3. This consultation ran from 15 October to 12 November 2018 and resulted in 13 submissions being received. Six (6) of these submissions indicated support or conditional support for the proposal, with the remaining seven (7) submissions expressing objection to all, or components of, the proposal. A number of submissions provided commentary on existing traffic and parking issues in the local area, and expressed concern regarding how future development on the subject lots may impact congestion and safety for road users (i.e. vehicles, cyclists and pedestrians). A schedule of submissions is attached to this report with an officer response provided to each, however a summary of the comments made for and against the proposal is provided as follows.

### **Comments in support:**

- The proposal provides the opportunity for redevelopment and infill within an established area, however should be subject to a local development plan to control built form and traffic management outcomes.
- Mixed use development is supported, as accessible shopping facilities within easy walking distance to the east of Stirling Highway would be of great benefit to the community. A small corner shop would be ideal for the area.
- Redevelopment of this area is generally encouraged and will improve amenity.
- Redevelopment will enhance the entrance to the North Fremantle Centre, especially given that the existing housing stock has no particular value.
- Support for improved access to the North Fremantle Community Centre and associated facilities via an upgraded vehicle access way.

### **Comments against:**

- Introduction of commercial uses will change the predominantly residential character of the area. Residential uses should be retained on the site.
- Opposition to the increased density proposed due to the existing impact of heavy vehicle traffic along Harvest Road, traffic calming measures have had little impact on traffic speed.

- Provision of a laneway at the rear of the lots would result in further anti-social activity. The laneway design should not impact upon the existing community facilities.
- Concern regarding traffic safety at the intersection of Harvest Road and Thompson Road. Buildings should be set back to account for vehicle sightlines.
- Concern expressed regarding existing traffic congestion and safety issues at the Harvest Road and Stirling Highway intersection particularly during peak times; any additional development could exacerbate the current traffic problems. Consideration of safety for pedestrians and cyclists should also be considered.
- This development could result in more people using Thompson Road as a 'rat run' to by-pass Stirling Highway, causing further traffic and safety concerns than at present.
- There are many vacant premises within North Fremantle and development on these sites could worsen the issue without providing a solution to the existing problem.
- This area needs more green space to improve the amenity of the locality.
- Low-cost housing will result in social issues in the immediate area; compounded by existing social housing immediately opposite the subject sites.
- Upgrading the laneway at the rear of the site is not supported as it will be for the commercial benefit of developers and not the wider community. All capital costs associated with any private development must be met by the developer.

## OFFICER COMMENT

In summary, this amendment proposal involves the creation of a new local planning sub-area under Schedule 8 of LPS4. The sub-area would introduce a new zoning of Mixed Use to the subject lots, with a corresponding base residential density of R25 and potential bonus density of R60 subject to satisfying additional development criteria. This represents a similar approach to that used in other sub-areas under Schedule 8. The following provides an assessment of the proposal, based partly on themes and issues raised in submissions received during preliminary consultation. Also discussed are the draft scheme provisions which form part of the recommendation that concludes this report.

### Land Use, Zoning and Residential Density

#### *Base Zoning and Density*

In the previous officer report on this proposal, it was concluded that a Mixed Use zone would be the most suitable zoning change, to achieve a style of redevelopment appropriate for the site and its immediate context. This zone would allow for a number of discretionary non-residential land uses under LPS4 (e.g. shop, office, consulting rooms, restaurant). It is important to note that development within this zone could potentially be commercial *and/or* residential in nature; the Mixed Use zoning does not explicitly guarantee a development of that type.

In addition to a commercial component, the lots could be redeveloped with up to 7 single houses, grouped or multiple dwellings based on the size of the entire development site and proposed base density code of R25 (refer *Table 1*). This reflects the current density applicable to the site.

Provisions relating to land use have been included in the draft scheme provisions, which would apply to all development in the sub-area regardless of whether or not the bonus

density is sought. Notably, tenancy size is proposed to be restricted to be no greater than 1000sqm. This seeks to ensure that commercial scale is commensurate to the adjacent local centre and mixed use zones. This would allow for mid-sized consulting rooms, offices and shops (e.g. a deli or corner store; a land use indicated in submissions as being desirable in this location) but would preclude a supermarket.

### *Bonus Density*

In addition, Council resolved in March 2018 to include a bonus density provision of R60 to the sub-area. This gives a potential yield of 21 multiple dwellings, or alternatively 17 single houses or grouped dwellings based on the plot ratio and site area requirements of the R-Codes. Additional development requirements are proposed to achieve this bonus density.

In addition to the minimum tenancy size, further land use provisions are included as additional development criteria to achieve the density bonus. These include the requirement for development to comply with the Scheme definition for 'Mixed Use Development'. This provision has been included to ensure that a land use mix appropriate for this location (and the Mixed Use zone) is achieved on the site, to ensure that development at higher density isn't purely residential in nature. Whilst concern was expressed in some submissions regarding the potential for non-residential development to change the predominantly residential amenity of the area, other submissions also expressed positive remarks on the potential for convenient local services and uses to occupy the site. In this regard, the location of the site adjacent to non-residential land uses to the north and a major road and existing centre to the west is acknowledged, and thus could lend itself to additional uses aside from residential.

Given the above, officers still consider a Mixed Use zoning to be the most appropriate zoning change, given the wider variety of land uses possible, and potential for the City to afford specific land use and built form controls through Schedule 8. Furthermore, a bonus density of R60 is considered appropriate as it mirrors a provision that is already available within Mixed Use areas throughout the City. In this case, more site-specific controls are considered to be relevant in this case, which is why the generic LPS4 provisions of Clause 4.2.5 have not been recommended. Though, in saying this, the local planning policy relating to the R60 density bonus (LPP 2.21) could still be applied to a future development assessment, and might assist with assessing amenity impacts of a proposal in particular.

### Building Design

The following table provides a summary of the notable building design requirements which would apply to the sub-area under the base zoning and density, as well as under the bonus density provisions. These reflect Council's resolution of March 2018 which outlined basic principles which would apply to the sub-area.

| <b>Table 1: Comparison of built form outcomes</b> |  |   |  |
|---|--|---|--|
| <b>Element</b>                                    | <b>Residential R25<br/>(current zoning)</b>                    | <b>Mixed Use R25<br/>(proposed base<br/>zoning density)</b>   | <b>Mixed Use R60<br/>(proposed bonus<br/>zoning and density)</b>   |
| Plot Ratio<br>(Residential)                       | n/a  | n/a   | 0.7 (floor area of 1827m <sup>2</sup> )  |
| Max. Dwelling<br>Yield                            | 7 single houses,<br>grouped dwellings or<br>multiple dwellings | 7 single houses,<br>grouped dwellings or<br>multiple dwellings  | 21 multiple dwellings<br>(assuming 85m <sup>2</sup> ea) or 17<br>single houses/grouped<br>dwellings  |
| Street<br>Setbacks                                | Min. 5m (ground floor)<br>Min. 7m (upper floor)                | <u>Residential</u><br>Min. 5m (ground floor)<br>Min. 7m (upper floor)<br>(as per LPP 2.9)<br><br><u>Non-residential</u><br>No street setback<br>provision under LPS4<br>or applicable LPP | Min. 2m (Levels 1 – 2)<br>Min. 7m (Level 3)  |
| Building<br>Height                                | <u>2 storeys</u><br>5.5m external wall                         | <u>2 storeys</u><br>7.5m external wall  | <u>3 storeys</u><br>9.0m external wall, 10.0m<br>concealed roof, 12.0m roof<br>ridge   |
| Landscaping                                       | n/a  | n/a   | Min. 12% of development<br>site to be deep planting<br>zone (Min. 8% if mature<br>trees retained).   |
| Local<br>Development<br>Plan                      | n/a  | n/a   | Required prior to<br>submission of a<br>development application.<br>To include information on<br>land use mix, vehicle<br>access, landscaping, open<br>space, interface with<br>Harvest Road among<br>other matters. |

The proposed built form controls generally align with the comments and suggestions made in submissions during preliminary consultation, with no strong objections raised in relation to the key provisions. One submission did reiterate the importance of the local development plan in determining a quality built form outcome on the site, and some submissions raised concern that not enough design detail is currently available on the proposed amendment to make specific comment.

As outlined in the previous Council report from March 2018, the built form controls applicable to the bonus density are intended to offset the additional development potential proposed. They most notably include additional street setbacks for the third storey, landscaping (deep planting) requirements as well as the requirement for a local development plan to be submitted to the satisfaction of the City prior to a development application. These provisions are essentially unchanged from the set of principles outlined in the previous Council report, and have been included within the draft amendment provisions in the recommendation. In particular, the additional street setback

of 7.0 metres for the third/upper-most level is an important inclusion to reduce the potential bulk and scale impact of the additional storey, noting that building height is usually restricted to 7.5 metres (2 storeys) within the Mixed Use Zone under LPS4.

One change recommended to the principles previously consulted on is to remove the prevention of residential land uses from being located on the ground floor where they are visible from Harvest Road. This would allow greater flexibility in design and the option to concentrate commercial floorspace abutting Stirling Highway, transitioning to residential uses abutting Thompson Road. Given the linear shape and context of the site, this is considered a suitable approach as an alternative to the traditional 'shop top' housing promoted by the original commercial-ground floor only principle.

### Traffic, Access and Parking

A prominent theme raised in submissions was the potential for redevelopment of the site to have a significant impact upon traffic volumes, as well as vehicle and pedestrian safety in the local area. Submitters raised concern in particular regarding current safety concerns at the intersection of Stirling Highway and Harvest Road, as well as Harvest Road and Thompson Road.

The current traffic situation in this locality is summarised as follows:

- There have been no reported crashes at the intersection of Harvest Road and Thompson Road over the past 5 years, however there have been some recorded incidents further down Harvest and Thompson (i.e. to the north and east); these crashes were not associated with the intersection.
- By contrast, there have been 10 reported crashes over the past 5 years at the intersection of Harvest Road and Stirling Highway.
- The most recent traffic counts between Thompson Road and Stirling Highway, along Harvest Road, were recorded as being in the vicinity of 3400 movements per day; these are considered to be high for a local access road.
- Traffic counts just north of the Harvest Road/Thompson Road intersection have been most recently recorded at 1750 movements per day.
- The City is aware that Harvest Road and Thompson Road are important local access roads within North Fremantle, and that the intersection of Harvest and Stirling Highway has been of concern in recent years in terms of the number of reported incidents.
- The City has been working with Main Roads on an ongoing basis to identify potential solutions to assist with traffic movement and congestion concerns along Stirling Highway.
- There are no further upgrades currently planned for these intersections. The most recent improvements were undertaken in 2014/15 which introduced a new median treatment and speed calming measures to Harvest Road.

As stated previously, the Mixed Use zoning of the proposal gives the potential for a number of different land uses, many of which are subject to a discretionary planning assessment under LPS4. As such, it is difficult to provide specific comment on future traffic volumes until more finite detail is provided in the form of a local development plan or development application, however the potential increase in density might generate in the order of 84 additional vehicle movements a day. It is also noted that Stirling Highway

is controlled by Main Roads and not the City as it is categorised as a road of regional significance under the Metropolitan Region Scheme.

Because of the current traffic situation, any redevelopment proposals on the site will be closely scrutinised for their potential to influence and/or change local traffic conditions. However, the current situation is not such that it should preclude the rezoning of the site. It is instead recommended that future development of an intensity greater than the current Residential R25 density be supported by a Transport Impact Assessment (TIA), undertaken by a qualified traffic engineer or other professional. This assessment should be in accordance with WAPC assessment guidelines and provide analysis and calculations on anticipated trip numbers and vehicle movements from a development proposal, and may also provide recommendations on mitigation measures if appropriate. This advice may form conditions of development approval with the cost of any necessary upgrades and improvements to be borne by the proponent/developer.

The high traffic counts along Harvest Road also reiterate the importance of restricting vehicle access to the site from that road, hence is why the City is seeking dedication of the access way as a public laneway accessed via Thompson Road.

Redevelopment of the site will also provide an opportunity to secure improved sightline truncations which may assist in mitigating some of the current safety concerns.

Given the site's location adjacent to the Stirling Highway road reserve, a referral to Main Roads will be required as part of the formal scheme amendment process should Council initiate the rezoning, as well as any future development applications for the site. Any feedback and recommendations provided will be incorporated into the administration's final recommendation to Council following the consultation period.

### Laneway Dedication

The City also sought community feedback on the proposed conversion of the existing access way to a public laneway. Comments were received during consultation expressing support for this idea given that it would also improve access to the existing community facilities (refer *Consultation* section).

One submission raised a concern that a laneway at the rear of the site would increase instances of anti-social activity. Officers consider that dedication and upgrade (including lighting) of the existing vehicle access way is more likely to improve surveillance and safety. Redevelopment of the site could further assist with active and passive surveillance of the laneway. To reinforce this, a requirement for the bonus residential density has been included in the draft scheme provisions (Additional Development Criteria) requiring major openings to be provided for all dwellings facing the new laneway. This provision goes above and beyond the requirements of the R-Codes and LPS4.

A further comment was made stating that the laneway should not be created as it would benefit the commercial interests of developers. Officers consider that upgrading the laneway will be of benefit to all parties involved given that access to the existing City-owned community facilities will be improved. As already stated the proponent has provided an in-principle agreement to the City to fund all costs associated with the design and upgrade of the laneway.

The key technical issues surrounding the dedication and upgrade of the vehicle access way have already been outlined in previous Council reports on this project. The City's Infrastructure Engineering officers have indicated that their previous advice still stands however further feedback can be provided once a detailed technical plan of the upgrades is presented by the proponent for review. This will occur once formal approval for the dedication is given from the Minister for Lands.

Two outstanding matters remain in relation to the official dedication of this access way as a public laneway:

1. Leading on from the agreement-in-principle previously acquired, a formal legal agreement needs to be provided by the property owners/proponents securing the funding arrangements for the dedication and associated upgrades of the new laneway: Because intensification of the site is not supported unless it is provided rear access, and the City's liability would increase from the date of laneway dedication, this is recommended to occur concurrent with formal initiation of the rezoning.
2. Formal consultation with Western Power is required in relation to the transmission tower, located at the entrance to the existing vehicle access way, No. 4 Thompson Road, North Fremantle. Western Power was contacted for informal comment during preliminary consultation, and verbally advised that the transmission tower is a high-voltage facility, still in use, with a number of connecting underground cables. As part of the City's formal scheme amendment referral process, Western Power will be contacted seeking a formal response on the scheme amendment itself, as well as the transmission tower.

## CONCLUSION

Whilst it has been recognised previously that this project does not have a high strategic priority, it is recommended that the proposed amendment be formally initiated given the potential of the site to contribute to the development of the North Fremantle activity centre by providing a link between Queen Victoria Street and the community facilities east of Stirling Highway. On balance, it is considered that matters relating to traffic volumes and safety in the immediate area, whilst being of importance, can be adequately managed and resolved through the formal scheme amendment and subsequent development application processes. Dedication of a formal laneway at the rear of the sites, restricting access from Harvest Road, will further assist in controlling vehicle movements and coordinating access to the proposed sub-area. A legal agreement will need to be drafted and executed by the proponent in respect to formalising of funding arrangements for any upgrades required. It is reiterated that the City is well aware of current vehicle traffic issues within North Fremantle and will continue to monitor the situation and implement solutions as the need arises, in consultation with Main Roads where appropriate.

The recommendation includes a draft set of scheme provisions for the purposes of formal initiation, which have been based on the principles agreed to by Council in March 2018. Given the change in zoning and potential increase in residential density, officers consider that the proposal should be initiated as a 'complex' amendment in accordance with the *Planning & Development (Local Planning Schemes) Regulations*. In addition, it is recommended that Council authorise the City to formally write to the Minister for Lands

seeking dedication of the vehicle access way as a public laneway once appropriate consultation with service authorities is undertaken and the upgrading agreement finalised. This will still ensure that the two separate statutory processes can be coordinated as closely as possible, as outlined in previous officer reports.

## VOTING AND OTHER SPECIAL REQUIREMENTS

City of Fremantle

## OFFICER'S RECOMMENDATION

Council:

1. Note the submissions received during the preliminary community engagement on the potential scheme amendment to rezone Nos. 2 – 8 Harvest Road, North Fremantle and the associated public laneway dedication.
2. Note the following outstanding matters associated with the potential scheme amendment to rezone Nos. 2 – 8 Harvest Road, North Fremantle and the associated public laneway dedication:
  - a. Payment of the rezoning fee by the proponent;
  - b. Requirement for binding legal agreement in relation to the upgrades necessary for the rear laneway prior to the City formally supporting its dedication;
  - c. Confirmation of no 'in principle' objection to the laneway dedication and upgrade from Western Power given the location of their asset within the access way.
3. Upon resolution of the outstanding matters listed in (2.) above, pursuant to Section 75 of the *Planning and Development Act 2005* resolves to prepare Amendment No. 74 to the City of Fremantle Local Planning Scheme No. 4 to:-

Insert the following in Schedule 8 – Local Planning Areas (Development Requirements) after Sub Area 3.3.5 Eucla Court.

| 3.3 SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS |  |
|---|--|
| Sub Area 3.3.6 Harvest Road                     | <p>[Insert map of Nos. 2 – 8 Harvest Road and applicable sub-area]<br/> <b>Map shall indicate sub-area as well as provide an indicative vehicle access way (laneway) location to give a visual guide to a future DA assessment.</b></p> <p><b>Land Use</b><br/>                     a) Each non-residential tenancy shall have a maximum net lettable area of 1000m<sup>2</sup>.</p> <p><b>Vehicle access</b><br/>                     a) Vehicle access to the sub-area is not permitted from Stirling Highway.</p> |

- b) Vehicle access to residential land uses is not permitted from Harvest Road and shall be achieved via the adjoining vehicle access way (laneway) to the north of the development site as detailed in (a) and the sub-area map above.
- c) Limited vehicle access for visitor and/or customer parking purposes may be permitted from Harvest Road for non-residential land uses only.
- d) Development applications comprising a non-residential land use, or proposing mixed-use development, shall be supported by a Transport Impact Assessment.

**Additional development standards**

In applying Additional Development Standards within sub area 3.3.6, clause 3.2 ‘Matters to be considered in applying general and specific height requirements’ of Local Planning Area 3 does not apply.

In addition to the land use and vehicle access standards listed above and the provisions of 4.2.5, additional development standards shall be in accordance with the criteria and standards set out in the table below.

| Requirements (criteria) to be met in order for additional development standards to apply   | Additional development standards  |
|--|---|
| <p><b>Land Use</b></p> <p>a) Development shall comply with the ‘Mixed use development’ definition of this Scheme.</p> <p><b>Street Setbacks</b></p> <p>a) Minimum street setback of 2.0 metres for buildings with an external wall height up to 6.0 metres or 2 storeys.</p> <p>b) Minimum street setback of 7.0 metres for buildings with an external wall height exceeding 6.0 metres and up to 3 storeys.</p> | <p><b>Density</b></p> <p>a) Residential density code of R60.</p> <p><b>Building Height</b></p> <p>b) Maximum building height of 3 storeys as per the Category C height requirements the Residential Design Codes.</p> |

|  |  |
|--|--|
| <p>c) Upper floor balconies on the third level may project forward of the 7.0 metre minimum stipulated above.</p> <p><b>Other Design Requirements</b></p> <p>a) The ground floor finished floor level of all development fronting Harvest Road shall be no greater than 600 millimetres higher than the adjacent footpath level.</p> <p>b) Major openings to habitable rooms shall be provided to all dwellings fronting Harvest Road and facing onto the rear vehicle access way, to facilitate active and passive surveillance.</p> <p><b>Trees and Landscaping</b></p> <p>a) A minimum 12 percent of the development site shall be provided as a deep planting zone; or</p> <p>b) A minimum 8 percent of the development site shall be provided as a deep planting zone, where existing mature trees with demonstrated ongoing viability are retained on site within areas of open space.</p> <p>c) A minimum of 1 mature tree (retained or provided on site) shall be provided per 500m<sup>2</sup> of the development site area.</p> <p><b>Local Development Plan</b></p> <p>a) A local development plan is required to be prepared prior to the approval of any proposed development. The plan is to</p> |  |
|--|--|

|  |  |  |
|--|--|--|
|  | <p>demonstrate a comprehensive development outcome for the entire sub-area, addressing the following specific considerations:</p> <ul style="list-style-type: none"> <li>i. Land use mix.</li> <li>ii. Vehicle and pedestrian access and egress (including sightline truncations).</li> <li>iii. Building setbacks.</li> <li>iv. On-site car parking locations.</li> <li>v. Landscaping provision and retained areas of vegetation (if applicable).</li> <li>vi. Fencing, retaining walls and site levels.</li> <li>vii. Private open space location and treatments.</li> <li>viii. Interface with Harvest Road (south) and vehicle access way (north), with a particular focus on CPTED principles.</li> <li>ix. Transport noise mitigation.</li> </ul> <p>b) The local development plan shall be supported by a Transport Impact Assessment and Acoustic Assessment.</p> |  |
|--|--|--|

**Note: Where the above criteria are not met:  
The residential density code as shown on the Scheme Map applies.  
The height requirements in 3.1 of Local Planning Area 3 above apply.**

**4. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves that Amendment No. 74 is a complex amendment for the following reason:-**

***It is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.***

- 5. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation.**
- 6. Authorise the amendment be submitted to the Environmental Protection Authority for determination of whether an environmental review is required in accordance with the provisions of the *Planning and Development Act 2005*.**
- 7. Subject to the Environmental Protection Authority determining that an environmental review is not required, pursuant to regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the scheme amendment be referred to the Western Australian Planning Commission, and the Commission be informed that the City of Fremantle has resolved to proceed to advertise the amendment.**
- 8. Upon resolution of the outstanding matters listed (2.) above, authorise a formal written request to the Minister for Lands seeking dedication of Lot 434 (No. 4) Thompson Road, North Fremantle as a public laneway to facilitate access to the proposed sub-area and the existing community facilities.**

**SPD1902-3 DRAFT LOCAL PLANNING POLICY 2.23 - REGISTER OF SIGNIFICANT TREES AND VEGETATION AREAS - OUTCOMES OF ADVERTISING AND FINAL ADOPTION**

**Meeting Date:** 20 February 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1. Schedule of Submissions with Officer Response  
2. Revised Procedure for Administering the Register of Significant Trees and Vegetation Areas

**SUMMARY**

The City has drafted and undertaken community consultation on a proposed local planning policy relating to the Significant Trees and Vegetation Areas Register. This policy is intended to complement and expand upon existing provisions under Local Planning Scheme No. 4 (LPS4), which give the ability for Council to establish a register and outline procedures for considering potential nominations.

As part of the formulation of this policy it is also proposed that all trees or vegetation areas located on private land, and currently included on the City's Heritage List, be transferred to the new Register. It is also proposed to remove Heritage-listed trees which are located on public land from the Heritage List, with the exception of the Proclamation Tree which is included on the State Heritage Register. Trees which have been physically removed, but are still currently heritage listed as a historical record, are also proposed to be deleted from the Heritage List.

At its meeting on 26 September 2018, Council adopted a draft Local Planning Policy for public consultation, and authorised consultation to be undertaken with relevant land owners and the Heritage Council on the proposed changes to the City's Heritage List. The City subsequently undertook this consultation between 6 November and 4 December 2018, and received 5 responses, generally in support of the proposal. The State Heritage Office also provided a formal response stating no objections to the proposed Heritage List changes.

This report considers submissions received and recommends that Council proceed with and adopt LPP2.23, subject to some minor modifications to the policy as well as the supplementary procedures and appendices. These modifications do not alter the fundamental provisions of the policy as-advertised.

**BACKGROUND**

As outlined in the previous officer report on this policy (SPT1809 – 2), the City's Local Planning Scheme contains provisions which allow for a Register of Significant Trees and Vegetation Areas to be established, and also outline the consultation procedures to follow in considering a potential new entry on such a Register. LPS4 includes an exemption under Schedule A which permits, without requiring development approval, the

removal of trees and vegetation areas on a site which are not included in a relevant register.

Creation of a significant tree register and development of planning policy around tree protection are recommendations of the City's *Greening Fremantle Strategy* and *Urban Forest Plan*.

At its meeting on 26 September 2018, Council resolved to adopt a draft local planning policy for advertising, which provides the basic framework for establishment and administration of a significant tree and vegetation area register. It outlined criteria for inclusion or removal of trees from the register, as well as providing guidance on the assessment of development applications for registered sites. The report also authorised consultation to be undertaken on proposed changes to the Heritage List to transfer Heritage Listed trees on private property to the new significant tree register, to create a consolidated list of privately located trees considered to be worthy of protection, as well as removing trees on City-controlled (public) land from the Heritage List given their existing protection status under the City's care and control. Trees which have been physically removed in the past, but remain heritage listed, were also proposed to be deleted from the Heritage List (but remain on the MHI for historical record purposes only).

The City has undertaken consultation on both the draft policy and proposed changes to the Heritage List. The outcomes of this consultation as well as further adjustments to the policy are outlined in this report.

## CONSULTATION

As per Council's resolution from September 2018, the City undertook community consultation in accordance with *Local Planning Policy 1.3* and the *Planning and Development Regulations 2015* on the draft local planning policy and proposed heritage list changes. This involved writing to all individual property owners who have a tree included on the heritage list, either informing of the proposed deletion of the listing (for removed trees) or transferral of the listing to the new Register. In addition, notice of the local planning policy and heritage list changes were placed on the City's My Say website as well as in the local newspaper. Two community information sessions on the proposal were also held, attended by City officers. An online survey was included on the My Say web page containing specific questions relating to the local planning policy. Responses to these survey questions are included in Attachment 1 (Part 2).

Consultation ran from 6 November to 4 December 2018, at the conclusion of which a total of five (5) submissions were received. Submissions generally indicated a positive response to the proposed policy, however a summary of some of the key comments is provided below:

- The policy is well intentioned, however it ignores practical issues such as overhanging branches and damage that may be caused by trees protected by the register (such as during a storm event).
- Suggestion made that all trees should be included on the register unless 'opted out' by the property owner i.e. removal of any tree would require development approval.

- The assessment criteria for listed trees need to be broad and inclusive.
- Protection of listed trees should be paramount when considering new development on a site. The built environment should consider tree canopy as a priority for new development.
- All respondents agreed that tree retention on private land was highly important in ensuring urban forest preservation and expansion.
- The City should offer subsidies for the caring and upkeep of significant trees as an incentive for nominations, should provide tips on how to care for old native trees, and provide access to arborists for discussion on enhancing existing gardens and native vegetation.
- The City should allow people to plant mature trees on verges to offset the lack of mature trees on private property.

The State Heritage Office also provided a submission on the proposal, which indicated no objections to the proposed changes to the Heritage List.

The City has not received any objections from relevant property owners in relation to the proposed changes to the Heritage List, or in regard to the proposed deletion of trees from the list which have been removed from a site.

For a full summary of the submissions, and additional officer comments in respect to the points raised, please refer to Attachment 1.

## **OFFICER COMMENT**

Given that no comments were received expressing significant concern with the proposed policy or Heritage List changes, including from the State Heritage Office, officers do not propose any significant modification to the draft local planning policy as-advertised. The relatively small number of submissions received on the proposal could indicate that the City has achieved a reasonable balance between the public interest in tree preservation against the private interests of relative autonomy over private property.

Some comment was made on the idea of the removal of all trees on private property requiring development approval, or an 'opt out' approach to the register. This approach is outside the scope of the City's existing scheme provisions. Designation of all trees as 'significant' unless otherwise nominated, via a policy, under the current scheme provisions could not be sustained in a statutory planning context. Amendment to the scheme to enable this type of approach has previously been considered but not pursued in large part because of the resourcing implications.

One submission raised a concern that the registering of large trees on private property could result in an increased risk to personal safety and property damage, such as during a destructive storm event, if their removal was prohibited by the policy. Whilst pertinent, this policy does not intend to override existing legal/civil protections for property owners which deal with these matters, and it is reiterated that the policy provisions have been drafted with flexibility to consider relevant ongoing safety factors during the assessment of nominations and applications for removal. A case in point are the exemptions contained within the last section of the draft policy and Schedule A of Local Planning Scheme No. 4, which allow for 'works' urgently necessary for public safety to be undertaken without a development approval. This clause would address the concern

regarding trees causing damage during damaging weather events. The policy also clarifies that pruning of registered trees or vegetation areas is permitted where it does not constitute removal. Finally, the assessment criteria in the draft policy include consideration of a tree's proximity existing buildings, neighbouring properties and established infrastructure as an assessment factor to take neighbour interface and impacts into account.

Some submissions suggested that the City consider introducing subsidies and providing access to professional advice for property owners of trees on the Register, as an incentive for new nominations and to ensure preservation and upkeep of existing nominated trees. Budget provision is not currently available to support this however this suggestion could be further considered in the future taking into account the ongoing performance of the Register and uptake of nominations. Some information on tree health and management is likely to be made available through the assessment process associated with listing and the City could explore the potential to expand this.

Whilst final adoption of the policy without significant modification is recommended, some minor formatting and wording improvements are proposed to

- Clause 1.1 – Re-word to recognise the need for landowners (*plural*) to make (or formally approve) application for inclusion on the list, to cover situations where multiple owners exist.
- Clause 1.3 – Re-word to clarify that the dot point list of considerations relates specifically to nominated trees or vegetation areas (i.e. not those proposed to be removed).
- Clause 1.6 – Include an additional wording to link to any relevant procedures.

More significantly, deletion of the Botanical/Horticultural criteria stating that nominated trees or vegetation areas may be considered if they have the '*potential*' to become significant is, after careful consideration, recommended. This criterion was added by Council in September 2018. Whilst the intent to extend protection to significant trees of the future is understood, there is little capacity to make an objective judgement on whether many trees will indeed grow to be significant early on in their lifespan, and this criteria is likely to fail very quickly at any legal challenge. Where landowners wish to protect trees on their own property, they are obviously able (and encouraged) to do so without registration. Where landowners are selling property and wish to protect trees on their property, private mechanisms exist to allow this. Inclusion of trees on a register of significant trees when they are clearly not significant, but may simply become so, does not align with the approach established by the scheme or one of the primary drivers of the clause, being to protect existing tree canopy. If Council wish to retain this provision, clearer definition as to how potential significance is determined would be recommended. This might include listing preferred species where suitably located.

Whilst not forming a part of the policy, Council may wish to note that some minor refinements to the wording and formatting of the associated procedure and application form are also proposed. These include creation of sub-headings and inclusion of some additional detail within the procedure and adding additional detail on the nomination form to clarify the method of measuring tree circumference. The revised documents are provided at Attachment 2 for Council's information.

With the above comments in mind, and considering the submissions received during the advertising process, it is recommended that Council adopt the local planning policy with minor modifications as outlined in the recommendation, authorise officers to formally establish the new Register and update the modifications recommended to the Heritage List.

## **FINANCIAL IMPLICATIONS**

As noted in the previous report, arborist reports relating to nominations or modifications to the register are estimated to cost in the order of \$500 each. There is no annual operating budget for this work and budget may have to be allocated in the future. It is noted that the commissioning of an arborist report by the City may not be required in every instance of a new nomination or request for physical removal.

## **LEGAL IMPLICATIONS**

The Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed provisions for local schemes allow for the City to prepare and adopt local planning policies: *“In respect of any matter related to the planning and development of the Scheme area.”*

It is reiterated that this local planning policy is not intended to conflict or interact with any existing protections under civil legislation which might apply to property owners in relation to property safety and damage considerations.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required.

## **OFFICER'S RECOMMENDATION**

**Council:**

- 1. Note the submissions received as detailed in the Officer's report and Attachment 1.**
- 2. Adopt Local Planning Policy 2.23 – ‘Register of Significant Trees and Vegetation Areas’, with modification, in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 part 2 clause 4, as shown below:**

## **CITY OF FREMANTLE**

### **LOCAL PLANNING POLICY 2.23**

#### **REGISTER OF SIGNIFICANT TREES AND VEGETATION AREAS**

**ADOPTION DATE: ??/??/20??**

**AUTHORITY: LOCAL PLANNING SCHEME NO.4 and PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015**

#### **STATUTORY BACKGROUND**

*The Schedule 2 Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 are to be read as though part of City's Local Planning Scheme (LPS4).*

*Clause 67 of the Deemed Provisions defines matters to be considered by local government in determining a development application and includes, amongst other things:*

- *whether any trees or vegetation should be preserved; and*
- *any local planning policy for the Scheme area.*

*Clause 3 of the Deemed Provisions allows local government to prepare a local planning policy in respect of any matter relating to the planning and development of the Scheme area.*

*LSP4 permits tree and vegetation removal on private land without approval unless the tree or vegetation is identified on a significant tree or vegetation register:*

*6.12 Schedule A – Supplementary provisions to the deemed provisions.....*

*Clause 61 Note: Development that does not require the approval the Council....*

- (k) *Removal of trees or vegetation areas except where trees and vegetation areas are identified in the register of significant trees or vegetation areas.*

*Schedule A of LPS4 makes provision for Council to create and maintain a register:*

*Clause 13A Conservation of Significant Trees or Vegetation Areas*

- (1) *The Council may establish and maintain a register of significant trees to identify those trees or vegetation areas within the Scheme area considered worthy of conservation under the provisions of the Scheme, together with a description of each tree or vegetation area and the reasons for its entry.*
- (2) *In considering a proposal to include a place on the register of significant trees, the Council shall -*
  - (a) *notify in writing the owner and occupier of the place where the tree is located and provide them with a copy of the description referred to in clause 4.1 and the reasons for the proposed entry,*
  - (b) *invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice,*
  - (c) *carry out such other consultations as it thinks fit, and*

- (d) *consider any submissions made and resolve to enter the place on the register of significant trees with or without modification or reject the proposal after consideration of the submissions.*

*This policy applies as a Local Planning Policy prepared under Clause 3 of the Deemed Provisions.*

## **PURPOSE**

*The purpose of this policy is to:*

- *Define criteria for the inclusion or removal of trees and vegetation areas on the Significant Trees and Vegetation Areas Register ('the Register').*
- *Provide guidance for the assessment of development applications for sites including trees and vegetation areas listed on the Register.*

## **APPLICATION**

*This policy applies to land subject to the provisions of LPS4. Land and development outside the control of LPS4 (including works on reserved land by a public authority) are not bound by the provisions of LPS 4 or this policy and so there is a presumption against inclusion of trees and vegetation areas on the Register which are not on zoned land.*

## **POLICY**

### **1. Criteria for Inclusion on Significant Trees and Vegetation Areas Register**

**1.1** *Nominations for trees or vegetation areas must be authorised by the owner(s) of the land on which the tree is located at the time of nomination.*

**1.2** *Nominations will be assessed against the following criteria:*

- a) *Healthy specimen with ongoing viability.*
- b) *Species not a weed of national interest.*
- c) *Particular significance based on at least one of the following:*
  - i. *Botanic/Horticultural value*  
*Tree(s) or vegetation may:*
    - *be a rare or endangered species;*
    - *be of a significant size or specimen for its species; or*
    - *have special scientific value.*
  - ii. *Visual/Aesthetic/Landmark value*  
*Tree(s) or vegetation may:*
    - *have significant visual and aesthetic qualities e.g. size/form/shape/ colour/texture; or*
    - *create a significant landmark.*

**iii. Heritage value**

**Tree(s) or vegetation may:**

- **be of high cultural heritage significance defined against historic, social, spiritual, rarity and representativeness values.**

**iv Ecological value not otherwise protected through environmental legislation**

**Tree(s) or vegetation may:**

- **provide significant habitat and/or seed source;**
- **represent remnant pre-European tree or vegetation;**
- **have special ecological significance; or**
- **provide substantial canopy cover.**

**1.3 In assessing the ongoing viability of the nominated tree / vegetation, consideration may be given to the following:**

- **The development potential of the site and prospects for retaining the tree or vegetation in future development.**
- **Proximity to and impact on buildings and / or infrastructure.**
- **Proximity to boundary and impact on neighbouring property.**
- **The root structure and attributes of the plant and its propensity to be affected by changes to the environment outside the lot boundaries (e.g. development on neighbouring land).**

**Trees with a limited prospect of long term retention or lifespan will not be included.**

**1.5 In assessing the ecological value of trees and vegetation areas, consideration will be given to proximity to recognised ecological linkages or biodiversity corridors.**

**1.6 Nominations for inclusion, and requests for removal of trees and vegetation areas from the Register made independent of a development application will be assessed annually, in accordance with any applicable procedure.**

**2. Development Application for Sites including a Tree / Vegetation Area on the Register**

**2.1 Development shall avoid detrimental impact on the registered tree / vegetation where feasible.**

**2.2 Applications to remove a tree or vegetation area on the Register not associated with other development will be assessed against the criteria and considerations listed in 1 above. Withdrawal of the support of the owner of the land (or subsequent owner of the land) will not be considered sufficient reason for removal.**

**2.3 Applications for other forms of development involving or likely to result in removal of a tree or vegetation areas on the Register will be considered under the following circumstances:**

- (i) Where retention is likely to cause damage or injury to infrastructure, services, buildings or health and safety**

**Tree/vegetation removal is permissible where it has been clearly demonstrated that the tree/vegetation roots and/or branches are likely to cause damage or injury to –**

- a. water, stormwater, power, gas, telecommunications or sewer lines, or**
- b. the structural integrity of a building or structure of value, or**
- c. the safe and efficient operation of an existing public road, private road, right-of-way, or formed accessway, or the integrity of a base course of an existing public road, private road, right-of-way, or formed vehicle accessway; or**
- d. health and safety of a person/s; and**
- e. all other reasonable remedial treatments have been determined to be ineffective.**

- (ii) Where the tree or vegetation is structurally unsound or in poor health**

**Tree/vegetation removal is permissible where it has been clearly demonstrated that the tree / vegetation is:**

- a. imminently dangerous (refer Exempted Development below); or**
- b. in poor health with a low chance of survival; and**
- c. all other reasonable remedial treatments have been determined to be ineffective.**

- (iii) Where the retention of tree/vegetation on a development site would preclude permissible development**

**Tree/vegetation removal is permissible where it has been clearly demonstrated that the location of the tree / vegetation:**

- a. renders development of the site in accordance with its zoned purpose unfeasible.**

**2.3 In assessing proposals, applicants may be requested to provide professional evidence such as an aboricultural report or a structural engineers report demonstrating compliance with the above criteria.**

**2.4 Where removal is supported, replacement of the tree or vegetation in a suitable location may be sought as a condition of approval.**

**2.5 Development on lots containing registered tree or vegetation shall comply with AS 4970 – 2009 Protection of trees on development sites.**

**ADVISORY NOTES:**

**Exempt Development: Works urgently necessary for public safety, safety or sectary of plant or equipment, maintenance of essential services, or protection of**

***the environment is exempt from the requirement to obtain development approval under LPS4. Demonstration of compliance with this definition may be sought where works are undertaken without approval.***

***Pruning: Pruning of a tree or vegetation on the Register is permitted where it does not constitute removal. Pruning is encouraged to comply with Australian Standards (AS 4373- 2007 Pruning of amenity trees) and may:***

- (i) Involve removal of dead wood, treatment of disease, or is in the general interests of the health of the tree; or***
- (ii) Address risk to public or private safety where other alternatives are not viable; or***
- (iii) Address damage to buildings or structures of value where other alternatives are not viable; or***
- (iv) Maintain the aesthetic appearance and structural integrity of the tree or vegetation.***

**3. Authorise for the following revisions to be undertaken to the City’s Heritage List and Municipal Heritage Inventory:**

- a) delete the following established trees and vegetation areas from the Heritage List and place them on the Register of Significant Trees and Vegetation Areas:**
  - Tree, 11 Harvest Road, North Fremantle
  - Trees, 15 Harvest Road, North Fremantle
  - Tree Grove, 21 Harvest Road, North Fremantle
  - Trees, 45 Henderson Street, Fremantle
  - Moreton Bay Fig, 195 High Street, Fremantle
- b) delete the following removed trees and vegetation areas from the Heritage List and reclassify each as a historical record on the Municipal Heritage Inventory:**
  - 1 Bannister Street, Fremantle
  - 8 John Street, North Fremantle
- c) delete all trees and vegetation areas on public land from the Heritage List, with the exception of the Proclamation Tree which is included on the State Register of Heritage Places, and transfer their record to the City’s internal tree asset register or reserve master plans, as applicable.**

**4. Formally call for nominations for trees and vegetation areas for inclusion on the Significant Trees and Vegetation Areas Register, and undertake formal assessment of those nominations previously submitted.**

**SPD1902-4 'CONTAINER DEPOSIT SCHEME INFRASTRUCTURE' POSITION STATEMENT - SUBMISSION**

**Meeting Date:** 20 February 2018  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1 –.Draft 'Container Deposit Scheme Infrastructure' Position Statement

**SUMMARY**

The purpose of this report is to consider a draft Position Statement released by the Western Australian Planning Commission on Container Deposit Scheme Infrastructure and how it should be managed within the statutory planning regime. The report recommends that Council make a submission on the Statement commending the Commission on its pro-active approach on this issue but suggesting that the Statement and model Local Planning Policy would benefit from being broadened slightly to define how proposals will be assessed as well as when they will be exempt from planning approval.

**BACKGROUND**

The state government is introducing a Container Deposit Scheme (CDS) to commence early in 2020. The scheme is intended to reduce litter (and increase recycling) by providing a 10c refund for eligible containers. These target drinks commonly consumed away from home (being a high source of litter and less likely to be recycled) including:

- Soft drink cans and bottles;
- Bottled water (both plastic and glass);
- Small flavoured milk containers;
- Beer and cider cans and bottles;
- Sports drinks; and
- Spirit-based mixed drinks.

The initiative complements the *Litter Prevention Strategy for Western Australia 2015-20*. Further information on the scheme is available at <https://www.der.wa.gov.au/our-work/programs/111-wa-container-deposit-scheme>.

In preparation for the introduction of the Scheme, the Western Australian Planning Commission (WAPC) has prepared and released for public comment a draft Position Statement on CDS infrastructure. This is intended to provide guidance on when and how applications for CDS infrastructure will be assessed under the statutory planning regime.

The purpose of this report is to consider the draft Position Statement and to formulate a submission. Because of the timeframe for submissions (closing 19 February), the recommendations of this report have been used as the basis for an 'officer level' submission noting that Council's position will be confirmed and can be communicated following the Council meeting on 27 February.

WALGA is also formulating a submission and is conducting workshops to inform this and the development of common views however the key workshop will be conducted following completion of this report.

### **Position Statement Summary**

The draft Position Statement is available online on the WAPC website and is provided at Attachment 1 to this report.

The Position Statement defines CDS container return points as CDS infrastructure. It indicates that four main types are common, including:

- Container cages (where a refund is unlikely to be payable, but where containers can be deposited);
- In-shop / over-the-counter return points (which are likely to be primarily within existing shops and facilities);
- Reverse vending machines (similar to that trialled in Fremantle's Esplanade, though potentially significantly larger); and
- Large scale facilities: for example, large scale collection points at existing depots, and at processing plants.

The Statement indicates that in many instances, the CDS infrastructure will be ancillary to an existing use (e.g. ancillary to an existing shop or sports facility) and so could be deemed exempt from requiring planning approval except where it is outside of an existing building and / or conflicts with existing conditions of planning approval.

The Statement goes on to outline some common considerations for each of the return point types, and notes the following:

- Container cages (donation points): these return points are largely likely to be on school, sporting or other club land and so many will be exempt from approval under local planning schemes. Management of the return point should be included in lease and management arrangements between the vested authority and management authority / leasee. Applications not automatically exempt from planning approval are covered by the draft Local Planning Policy appended to the Statement (and further discussed further below).
- In-shop / over-the-counter facilities: these return points are considered ancillary to the approved use and, where all infrastructure is contained within the approved building and does not conflict with existing conditions of approval, the Statement indicates should be exempt from planning approval. Interestingly, the Statement goes so far as to suggest that the definition of 'shop' included in the Model Scheme Text within the *Planning and Development (Local Planning Schemes) Regulations* should be read to include this type of operation on the basis that the uses are very similar and that an update to the definition will be included in future amendments to the Regulations.
- Reverse vending machines: the Statement indicates that assessment of these will be variable, depending on context, and should consider:
  - Impact on amenity;
  - Parking;
  - Accessibility;

- Provision for other waste (to avoid dumping); and
- Signage.
- Large scale facilities: These will generally form components of existing waste and recycling facilities which would be assessed in accordance with normal scheme requirements.

The Statement recommends that local governments adopt a policy outlining where they will be exempt from planning approval, and provides a Model Local Planning Policy to assist with this and the standardisation of approach.

## OFFICER COMMENT

The City strongly supports the implementation of a best practice Container Deposit Scheme (CDS) in Western Australia. The City has held a number of Cash for Containers events/pilots as part of the Recycling Education Roll Out, and hosted a Reverse Vending Machine in Esplanade Park from September 2015 to September 2018. The City also encouraged schools to participate in a pilot CDS in 2012, where cages were provided for the collection of containers to several schools in the Fremantle area.

The City appreciates the pro-active approach of the Commission in releasing the draft Statement, as planning aspects have been a significant issue in the implementation of the CDS in both NSW and Queensland.

The Department of Water and Environmental Regulation released a Draft Customer Service Standard for the CDS in late 2018. This indicated an approximate number of facilities for the metropolitan area at a rate of approximately 1 per 10,000-20,000 people within major regional centres. This would mean that Fremantle is likely to have 1 – 2 refund points. The Draft Customer Service Standard does not address donation points (container cages) or how many will be required.

The following points are made on draft Position Statement:

1. Container cages (donation points): these points are generally located on reserved land and can provide a revenue stream for clubs (which collect and return donated containers). These facilities require pro-active management (to ensure regular collection, management of dumping of ineligible rubbish etc.) which need to be negotiated with the proposed operator. How this is undertaken depends on the ownership, vesting and leasing arrangements, but has generally proven manageable, with most organisations operating responsibly. Location, amenity and signage considerations are similar to those applicable to reverse vending machines and can be negotiated where the land is vested with the City. In other situations, the City may or may not be provided with the opportunity to comment on proposals. Where placement and management is well planned and negotiated, these can provide an important return point, with flow on community benefits.
2. In-shop / over-the-counter: exemption of these facilities where fully contained within approved shops and not in conflict with existing conditions of approval is supported. This approach has apparently proven successful in ACT where such facilities have proven to be low impact. Uptake is unlikely to be very high as the on-site storage requirements and logistical challenges associated with the scheme

often prove problematic, for smaller shops in particular. Communicating these requirements will be a key role of the CDS Coordinator expected to be appointed within the next few months.

3. Reverse vending machines (RVMs): The Model LPP provides a useful framework for assessing (and potentially exempting) proposals which meet defined location requirements and provide necessary supporting infrastructure, based on the experience of scheme implementation in the eastern states. The Model LPP, for example, draws from the NSW CDS experience relating to bin placement next to the machines to ensure tidy disposal of any containers rejected and of bags and boxes people brought their containers in. Some refinement to these standards is being proposed by WALGA, which the City supports. Further consideration of the draft LPP will occur following finalisation of WALGA's position on it, more detailed assessment, and its finalisation. Poor placement and management of RVMs have presented challenges in the eastern states, and so provision of clear policy direction on these is desirable.
4. Major facilities: The proposed approach of considering these facilities on their merits is supported as the location and operational considerations will be highly variable. As a general rule, it is expected that they will be located in industrial areas, as is the case with other waste facilities.

Overall, it is recommended that the City note the release of the Position Statement and commend the Planning Commission on its pro-active approach to addressing the matter and promoting a consistent approach. The model Local Planning Policy provides a useful initial reference point for assessing proposals but its primary focus on exemption from approval (as opposed to more broadly outlining the considerations and standards then applying exemptions from there) limits its application unnecessarily. Expansion to define assessment criteria for non-exempt applications would be relatively simple to achieve and would increase the utility of the policy. This would also address some more minor issues with the draft about the inclusion of subjective criteria for exemptions (e.g. located to be 'visually unobtrusive' which essentially requires assessment and so is not a sound criterion for exemption from assessment). It could also address potential legal issues around variations to parking standards and existing approvals, by clearly addressing these through a new approval (rather than an exemption).

Inclusion of model conditions around the operation, management and maintenance of infrastructure could also assist in promoting responsible management and consistent regulation.

Additional detailed comments may arise following the City's participation in a workshop being arranged by WALGA however these can be communicated as officer-level as they are likely to be minor in nature.

The City is currently considering preferred locations for CDS points (including the Montreal Street Recycling Centre) and will provide a further update to Council on its conclusions in due course.

Further consideration of the model Local Planning Policy and potential exemption of applications will also occur following finalisation of the Position Statement.

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **CONSULTATION**

The draft Position Statement this report discusses is available for public comment. Any development application involving container deposit scheme infrastructure received by the City would be assessed in accordance with Local Planning Scheme No. 4 (or the applicable legislation) and may or may not require public consultation.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority

## **OFFICER'S RECOMMENDATION**

- 1. Council supports a submission on the '*Container Deposit Scheme Infrastructure*' Position Statement paper which indicates that:**
  - a) The City strongly supports the implementation of a best practice Container Deposit Scheme in Western Australia.**
  - b) The City commends the Western Australian Planning Commission in taking a pro-active approach to addressing planning for Container Deposit Scheme infrastructure and promoting a consistent approach between local governments.**
  - c) The City suggests that the draft Position Statement would benefit from a section which generally outlines the factors likely to require consideration in planning for Container Deposit Scheme infrastructure (which are currently outlined in the section on Reverse Vending Machines but which really relate to all types).**
  - d) The City recommends that the draft model Local Planning Policy appended to the Position Statement be expanded to outline the considerations and default development standards applicable to Container Deposit Scheme infrastructure which is not exempt from approval.**
  - e) The City recommends that the draft model Local Planning Policy appended to the Position Statement be expanded to outline the considerations and default development standards applicable include model conditions of approval relating to operation, management and maintenance.**
  - f) The City suggests that the criteria for exemption of Container Deposit Scheme infrastructure from a requirement for planning approval listed in the draft model Local Planning Policy appended to the Position Statement should be clear cut and definitive: inclusion of subjective criteria (such as location of collection bays to be visually unobtrusive) requires**

**assessment and a subjective judgement which are only appropriate in the assessment of applications, not in the assessment of whether an application is required.**

- g) The draft model Local Planning Policy should be subject to legal review to ensure the validity of all components.**

- 2. That a copy of the City’s submission on the draft ‘*Container Deposit Scheme Infrastructure*’ Position Statement be forwarded to WALGA.**

**SPD1902-5 CITY CENTRE LAND USE MIX**

**Meeting Date:** 20 February 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**SUMMARY**

**In December 2017, Council resolved to request that officers prepare a draft local planning policy to provide guidance in the assessment of planning applications involving premises proposed to be licensed as a Tavern or Hotel within the City Centre zone. Various options were considered but no policy finalised. More recent discussions with elected members have identified a broader concern with the maintenance of an appropriate land use mix in the City Centre. The purpose of this report is to consider this issue and propose a framework through which the concern might be addressed. The report recommends that Council authorise officers to prepare a new local planning policy broadly outlining its land use objectives for the City Centre, and prepare a parallel amendment to the planning scheme to transfer the current ‘Fremantle-specific’ development exemptions framework in the scheme into a local planning policy, to allow land use exemptions within the City Centre to be refined to reflect Council’s objectives.**

**BACKGROUND**

On 13 December 2017, Council resolved:

*Council request that the administration prepare a draft Local Planning Policy to provide guidance in the assessment of planning applications involving premises proposed to be licensed as Tavern or Hotel within the City Centre zone. This policy shall not address issues ordinarily dealt with through the Liquor Licensing process but shall consider relevant planning issues and specifically include consideration of the proportion of the licenses area to the site area occupied by other proposed uses, with a view to ensuring new proposals include an appropriate mix of complementary land uses. (N1712-1, see attachment 1)*

The reason for the request was to provide greater guidance in the exercise of discretion in the determination of planning applications for new Tavern or Hotel uses within the City Centre zone. The resolution was passed following receipt and consideration of a number of applications involving reasonably substantial licensed areas and a public concern expressed through submissions on them that Fremantle might become dominated by alcohol-based uses to the detriment of its function and character.

Options for a policy were discussed with elected members at an informal forum in February 2018 and draft policies considered by Council in May, June and July but were deferred. Subsequent discussion on this matter has indicated a broader concern with the maintenance of an appropriate land use mix within the City Centre. The purpose of this report is therefore to consider that issue and propose a framework through which it

might be addressed (to the extent that is feasible and appropriate within the land use planning legislative system currently operating in WA).

### Existing Planning Framework

The Strategic Community Plan identifies a clear vision for Fremantle as a ‘destination city’, with more people living in, working in and visiting the city.

The Local Planning Strategy (2001) recommends that the City Centre be developed as a major regional centre and town centre for local residents with a ‘diversified, balanced and compatible mix of land uses ...that provides for the cultural, social and economic needs of the local population, workers and visitors’. It recommends the development of functional land use precincts and provides direction on preferred uses within these. The Strategy informed the preparation of the current local planning scheme but is in need of review.

The City’s Local Planning Scheme indicates that development within the City Centre zone should “*provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role for the centre and including residential uses...*”

State Planning Policy 4.2 (Activity Centres for Perth and Peel) (SPP4.2) identifies Fremantle as a Strategic Metropolitan Centre (1 of 10) which are intended to be “*the main regional activity centres. They are multi-purpose centres that provide a diversity of uses. These centres provide the full range of economic and community services necessary for the communities in their catchment*”. They are intended to include a range of retail (including department stores, discount department stores, supermarket and a full range of speciality shops), office development (including major offices, state government agencies) and service a population of between 150,000 and 300,000.

The SPP includes a land use diversity performance target which suggest that, for a centre of above 20,000m<sup>2</sup> of shop retail floorspace (such as Fremantle), retail floorspace should be a maximum of 40% of the centre’s total floorspace. Given that Fremantle’s office floorspace is nearly double its retail floorspace, this target is easily met. (It also demonstrates the superficiality of the measure which was formulated, it is understood, with newer, more retail based shopping centres in mind as a tool to promote more mixed use development of these as they expand).

The SPP also promotes inclusion of community, civic and cultural facilities in larger (district and above) centres, and incorporation of residential densities meeting defined density targets of a minimum of 30 dwellings per hectare and a target of 45 dwellings per hectare.

The City’s planning scheme defines a range of land uses and designates these as either P (permitted), D (discretionary), A (discretionary, requiring public consultation) or X (not permitted). Uses can also sometimes be deemed incidental to the predominant use. Most land uses other than industrial uses are discretionary or permitted in the City Centre zone.

Council can adopt a policy to guide it in the determination of discretionary planning applications (e.g. those involving D or A land uses). Currently in the City Centre zone D and A uses include:

Convention Centre, Health studio, Nursery, Trade Display, Veterinary Hospital, Liquor Store, Restricted Premises, Motor Vehicle, Boat or Caravan Sales, Petrol Filling Station, Amusement Parlour, Hotel, Licenced Premises – Other, Night Club, Public Amusement, Restaurant, Short Stay Dwelling, Small Bar, Tavern, Tourist Accommodation, Child Care Premises, Educational Establishment, Family Day Care, Funeral Parlour and Hospital.

However, under an initiative to reduce ‘red tape’, in 2013 the City amended the planning scheme to make a change in use to Shop, Office, Restaurant, Small Bar and Consulting Rooms uses exempt from requiring approval in the City Centre zone.

Permitted uses include:

Bank, Exhibition Centre, Hardware Store, Market, Office, Showroom, Veterinary Consulting Rooms, Convenience Store, Lunch Bar, Shop, Consulting Rooms, Medical Centre, Betting Agency, Cinema Theatre, Club Premises, Fast Food Outlet, Motel, Private Recreation, Reception Centre, Civic Use, Community Purpose and Place of Worship.

## **OFFICER COMMENT**

### **Issue of Concern**

In an active urban centre, land use mix will constantly evolve as individual businesses come and go, and economic, demographic and other trends influence commercial activity. Fremantle established as an active port and town centre providing a range of commercial, retail, administrative, entertainment and community uses from the 19<sup>th</sup> century. It has also traditionally incorporated residential uses. The changing economic context has seen a decline in many traditional uses as the functions of the port changed, corporate centralisation occurred and office and residential populations consequently reduced. The rise of suburban shopping centres and chain retail, and more recent global shopping trends including on-line shopping have seen a reduction in retail tenancies. Changing community spending patterns, evolution of the socio-economic character of Fremantle’s catchment and the increasing appeal and promotion of Fremantle as a ‘lifestyle’ and tourist destination have seen a rise in hospitality uses, notably food and beverage outlets such as cafes, restaurants, breweries, distilleries and small bars.

The City’s economic development strategy recognises the multiple roles the city centre plays, providing a retail and service centre to local residents, higher order shopping and services to a larger regional catchment, a strong tourism focus (all population-driven industries), a focus for knowledge-based, arts and creative industries, and retention of port related uses and businesses. It takes a pro-active approach to promoting investment and visitation to Fremantle, in contrast to the regulatory nature of the statutory planning regime.

Recent concern expressed relates to the potential for predominance of certain land uses over others to create an imbalance or monoculture to the detriment of the overall health of the city centre, and/or the character of particular streets. The growth in food and

beverage outlets, for example, has in some locations become quite dominant, replacing many of the other uses which used to make up a more diverse street fabric. Whilst such uses are a vital component of the City's character and economy, concern has been expressed this should be managed to avoid undermining the diverse and fine grain fabric of the traditional city centre.

Particular concern has been expressed in relation to Market Street and High Street, which have seen a reduction in traditional retail uses at ground floor and an increase in hospitality uses, potentially representing an extension of the character of the South Terrace 'Cappuccino Strip' to these more traditionally retail and mixed commercial based streets.

### **Proposed Approach**

A number of approaches are available to 'manage' land use mix, from the pro-active promotion of economic development strategies and business support initiatives, city-design initiatives which influence placement, to strategic and statutory planning approaches. A combination is generally most successful, with recognition of the statutory and practical limitations of the City's role necessary as well. (A traditional centre such as Fremantle with complex patterns of urban form and property ownership is very different form a 'big box' retail centre where a single owner/managing body can exercise a high degree of detailed control over tenancy mix).

As previously outlined, Council ultimately has the option of refusing discretionary land uses where it is of the view that these are inconsistent with the objectives of the scheme and zone, and/or have other demonstrably adverse impacts in planning terms (e.g. impact on local amenity). A policy can assist in guiding such decisions. There are, however, limitations to this approach as the planning system was not designed to exercise very fine grained control over land use and tenancy mix. Refusal of applications (rather than encouragement of the 'right' applications) should also be viewed as the last resort in promoting land use mix, particularly in a challenging economic climate.

Stipulation of any kind of formula for land use mix can be challenging, particularly in a changing and competitive economy. This approach also needs to respond to the variations in character and land use focus (or 'precincts') across the centre, adding further complexity. A simpler and less resource-intensive (though also less nuanced) alternative might be to elaborate on Council's land use objectives for the City Centre in a more generic policy and to give increasing consideration to land use mix and patterns in the assessment of discretionary applications. This could be built on over time, as other priority policy initiatives are completed.

To enable this approach, it would be necessary to ensure that land uses at risk of undue predominance or very localised over-concentration are subject to determination by Council and are not automatically permitted.

If Council wishes to pursue this approach, the following specific actions would be required:

1. Adoption of a local planning policy setting out land use objectives for the city centre and considerations for assessing applications for discretionary land uses in the

City Centre zone, focusing on maintaining and promoting a balanced mix of land use diversity in the centre.

2. Amendment of the local planning scheme to delete current ‘Fremantle-specific’ exempt development provisions from the scheme and transfer those provisions into a local planning policy (separate from the policy referred to in 1 above). Inclusion within a policy would enable simpler, quicker adjustments to be made to the categories of development/uses exempted from requiring planning approval.
3. Adoption of a local planning policy as referred to in 2 above, defining Fremantle-specific categories of development/uses exempted from requiring planning approval under the local planning scheme.
4. Amendment of the local planning scheme (separate from the scheme amendment referred to in 2 above) to change the land use permissibility of certain uses which are currently Permitted (‘P’) uses in the City Centre zone (and therefore exempt from requiring planning approval) to Discretionary (‘D’ or ‘A’). This would make such uses subject to approval through an application which could be assessed against the policy referred to in 1 above.

These actions are explained in more detail below.

#### City centre uses planning policy (action1)

Should Council agree that it wishes to further define its position in relation to land use mix in the City Centre in a broad statutory planning policy, it is suggested that the policy be based on the following key elements:

- Fremantle is recognised as Perth’s second city, and the city performs multiple important roles including:
  - Port support centre
  - Regional service, education and employment centre
  - Regional retail and entertainment centre
  - Local shopping, service and town centre
  - Major tourism destination
  - Mixed use residential neighbourhood
  - Focus for boutique industries including the arts, creative and knowledge industries.
- Fremantle City Centre is based on a traditional model of town centre development and is characterised by a diverse mix of retail, commercial, port, residential, civic, cultural and tourism related uses, and quality natural and built heritage features. The City Centre’s character, diversity and heritage represent intrinsic values which the council wishes to maintain.
- Council wishes to accommodate sustainable new development that meets the needs of a major activity centre in the 21<sup>st</sup> century and assist the centre’s continued ability to perform its many functions within a contemporary economic context while balancing the protection of those special features that make Fremantle quintessentially ‘Freo’.

- In considering new discretionary land use proposals, Council will consider how these proposals contribute to the above objectives for the City Centre and its continued performance and diversity.
- Council will not support the concentration of multiple similar discretionary land uses in any specific street or area where this undermines the City Centre's ability to function in line with the above objectives, or the ability for other traditional land uses to continue or re-establish as part of a functional mixed use environment.

If Council supports the overall approach recommended in this report, officers will draft a local planning policy based on the above principles for further consideration by Council.

#### Transfer of exempt development/uses provisions from scheme to policy (actions 2 and 3)

This could be relatively simply achieved by modification to the Scheme to remove the exemptions currently contained in clause 61 within 6.12 Schedule A of the Scheme, and relocation of its content to a policy. Dealing with exempt development through a local planning policy has, since 2015, been provided for under the 'Deemed Provisions' in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations* (the Regulations). Because of its administrative nature and alignment with the Regulations, a scheme amendment to transfer exempt development provisions from the scheme into a local planning policy would be classified as a 'Basic' amendment under the Regulations, meaning that public advertising of the amendment prior to its referral to the WAPC is not automatically required.

Refinement of the exemptions for particular uses within the policy is then a relatively straightforward process, as it only involves amendments to a policy which is a process entirely within the Council's jurisdiction (unlike a scheme amendment which is a longer, more complex process requiring a final decision by the Minister for Planning on advice from the WAPC). An advantage of this approach is that it enables more nimble modification of the policy from time to time to exempt (or remove from exemption) other uses/development as the need arises (e.g. Container Deposit Scheme Infrastructure, as discussed in a separate report on this agenda).

If this approach was adopted, it would include the transfer into a local planning policy of the current scheme provision exempting a change in use to Shop, Office, Restaurant, Small Bar and Consulting Room uses from requiring approval in the City Centre zone. Any subsequent modifications to these exemptions as part of the suggested new policy could be limited to particular areas/streets of concern. For example, the current exemption for a change of use to a Restaurant might be modified so that it no longer applies to properties in Market Street or High Street, but continues to apply elsewhere in the City Centre zone. This might help to strike a balance between greater control over certain uses with the City's broader efforts to streamline approvals processes and encourage investment. If Council supports this approach in principle, officers recommend that the detail of any changes to current exemptions for particular uses and/or locations should be dealt with in a further report to Council setting out the draft content of the proposed policy.

Scheme amendment to change some Permitted uses to Discretionary (action 4)

To fully implement the recommended approach, Council would also need to ensure that any uses of concern (in terms of the impacts of their over-concentration) are not already classified as 'Permitted' under the local planning scheme (and thus exempt from planning control). Because the overall classification of land use permissibility in different zones is contained in a standardised part of the scheme prescribed by the Regulations, any change to this classification would require a scheme amendment that would not be accepted by the WAPC as a 'Basic' amendment. This would consequently be better advanced separately to actions 1 to 3 above, and could be undertaken at a later date. Uses which Council may potentially wish to make Discretionary (rather than Permitted) previously identified by the City's officers include Fast Food Outlet (to give this use the same level of discretionary permissibility as Restaurant land uses, for consistency reasons).

However, before proceeding with this action officers consider it would be prudent to informally discuss with the Department of Planning, Lands and Heritage the WAPC's likely view on the classification on such an amendment, as this could have implications for how the amendment might be progressed and the scope of matters dealt with in the amendment. The outcome of these discussions could be included in a further report on a review of the current levels of land use permissibility, so that the implications of making any changes can be fully considered before Council decides whether to proceed to initiate a scheme amendment for this purpose.

**FINANCIAL IMPLICATIONS**

The preparation of a basic scheme amendment and policy could be undertaken in house.

**LEGAL IMPLICATIONS**

Nil

**CONSULTATION**

Consultation is required in the formulation of local planning policies 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 endorse the following actions being taken to address the issue of maintaining an appropriate land use mix in Fremantle city centre, and request officers to prepare further reports on each action for consideration by the Strategic Planning and Transport Committee:**

- 1. Preparation of a draft Local Planning Policy recognising the multiple complimentary functions of the City Centre, encouraging their maintenance and promoting continued land use diversity within the city centre.**
- 2. Preparation of a basic category amendment to the local planning scheme to transfer the provisions of clause 61, Schedule A (Supplementary provisions to the deemed provisions) of the scheme which identifies types of development and changes of use not requiring development approval into a local planning policy (as provided for in the Deemed Provisions of the Planning and Development (Local Planning Schemes Regulations 2015)).**
- 3. Preparation of a draft Local Planning Policy defining Fremantle-specific exemptions from the requirement to obtain development approval, based on the current scheme provisions referred to in (2) above, but also including further additions or alterations to categories of exempt development. The draft policy may include restrictions on locations within the City Centre zone where provisions exempting certain changes of use from requiring approval shall apply.**
- 4. Review of the current levels of permissibility of land uses in the City Centre zone as contained in Table 1 – Zoning of Local Planning Scheme No. 4, for the purpose of considering whether to initiate a scheme amendment to change some current 'P' (Permitted) uses to discretionary ('D' or 'A') uses.**

**SPD1902-6 LOCAL PLANNING POLICY 3.20 - FREO ALTERNATIVE - FINALISATION**

**Meeting Date:** 20 February 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**SUMMARY**

The ‘Freo Alternative’ diverse housing Local Planning Scheme Amendment No. 63 has recently been gazetted incorporating a series of minor modifications required by the Minister for Planning. Updates to the associated Local Planning Policy 3.20 are consequently required to reflect the changes to the Scheme Amendment (including some reduction in the areas to which the provisions apply).

This report recommends that Council adopt the revised Local Planning Policy 3.20 reflecting the gazetted amendment provisions and minor grammatical corrections.

**BACKGROUND**

On 28 March 2018, Council considered the comments received on Local Planning Scheme Amendment No. 63 (Freo Alternative) and the associated local planning policy and resolved to adopt the Amendment in a modified form and request the Minister for Planning to grant it final consent (SPT1803-1). Council also resolved to adopt the associated Local Planning Policy 3.20 – Special Control Area Provisions for Infill Development to complement the Amendment (subject to its finalisation).

The Amendment was considered by the Minister for Planning late last year, who specified a series of minor modifications she required to it, including to:

1. Modify (slightly reduce) the areas to which it applies;
2. Designate the Special Control Area on the Scheme Map;
3. Incorporate a 5 year ‘sunset’ clause;
4. Make a series of minor rewording and administrative changes.

The Amendment (incorporating the modifications required by the Minister) was gazetted on 12 February 2019.

**OFFICER COMMENT**

Whilst the modifications to the scheme amendment required by the Minister are largely minor in nature, they do require related updating of the associated Local Planning Policy to ensure alignment and consistent terminology between the two documents. Updates to the policy have consequently been drafted and are submitted to Council for final approval. This has been done at the earliest possible date following gazettal of the scheme amendment, to ensure that the scheme and policy provisions can come into

operation concurrently to enable development applications reliant upon these provisions to be assessed efficiently and effectively.

Several very minor grammatical corrections have also been incorporated.

As the modifications do not alter the policy direction originally adopted and are essentially administrative in nature, consultation is not required under Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions for Local Planning Schemes.

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

The procedure for the development and adoption of local planning policies is stipulated in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Local Planning Policies may not conflict with the associated Local Planning Scheme.

## **CONSULTATION**

As the modifications do not alter the policy direction originally adopted and are essentially administrative in nature, consultation is not required under Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions for Local Planning Schemes.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council adopt Local Planning Policy 3.20 incorporating minor modifications to reflect the gazetted version of Amendment 63 to Local Planning Scheme No. 4 and minor grammatical corrections as follows:**



# **CITY OF FREMANTLE**

## **LOCAL PLANNING POLICY 3.20**

### **SPECIAL CONTROL AREA PROVISIONS FOR SMALL INFILL DEVELOPMENT**

**ADOPTION DATE: 28 MARCH 2018**

**AMENDED DATE:** X FEBRUARY 2019  
**AUTHORITY:** PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 & LOCAL PLANNING SCHEME NO. 4

## PURPOSE

The purpose of this policy is to complement the planning controls set out in Local Planning Scheme No. 4 (LPS4) Clause 5.7 - *Special control area provisions for small infill development*. The purpose of these controls is to allow for an alternative development type, in select areas, that provides for smaller dwelling options to what would normally be available under the conventional zoning and density (R-Code).

## APPLICATION

This policy applies to areas designated on the scheme map of LPS4 as Special Control Area 5.7 (SCA 5.7). These areas are also indicated in Part 1 (Location) of this policy.

The policy is set out in the themes derived from the community engagement on the 'Freo Alternative' (refer to Figure 1). The Freo Alternative was a community engagement process that ran in late 2016, exploring the idea of smaller housing in Fremantle with the community. Each theme derived from the Freo Alternative has an objective which needs to be met. The deemed-to-comply criteria are one way to achieve the objective. The design principles are an alternative way of meeting the theme's objective. For some themes additional guidance is provided. Note: not all themes have deemed-to-comply, design principles or design guidance.

### Policy Key

**DEEMED-TO-COMPLY – The requirement to meet the objective**

**DESIGN PRINCIPLES – An alternative way to meet the objective**

**DESIGN GUIDANCE – Guidance on how to meet the deemed-to-comply requirement**

## STATUTORY BACKGROUND

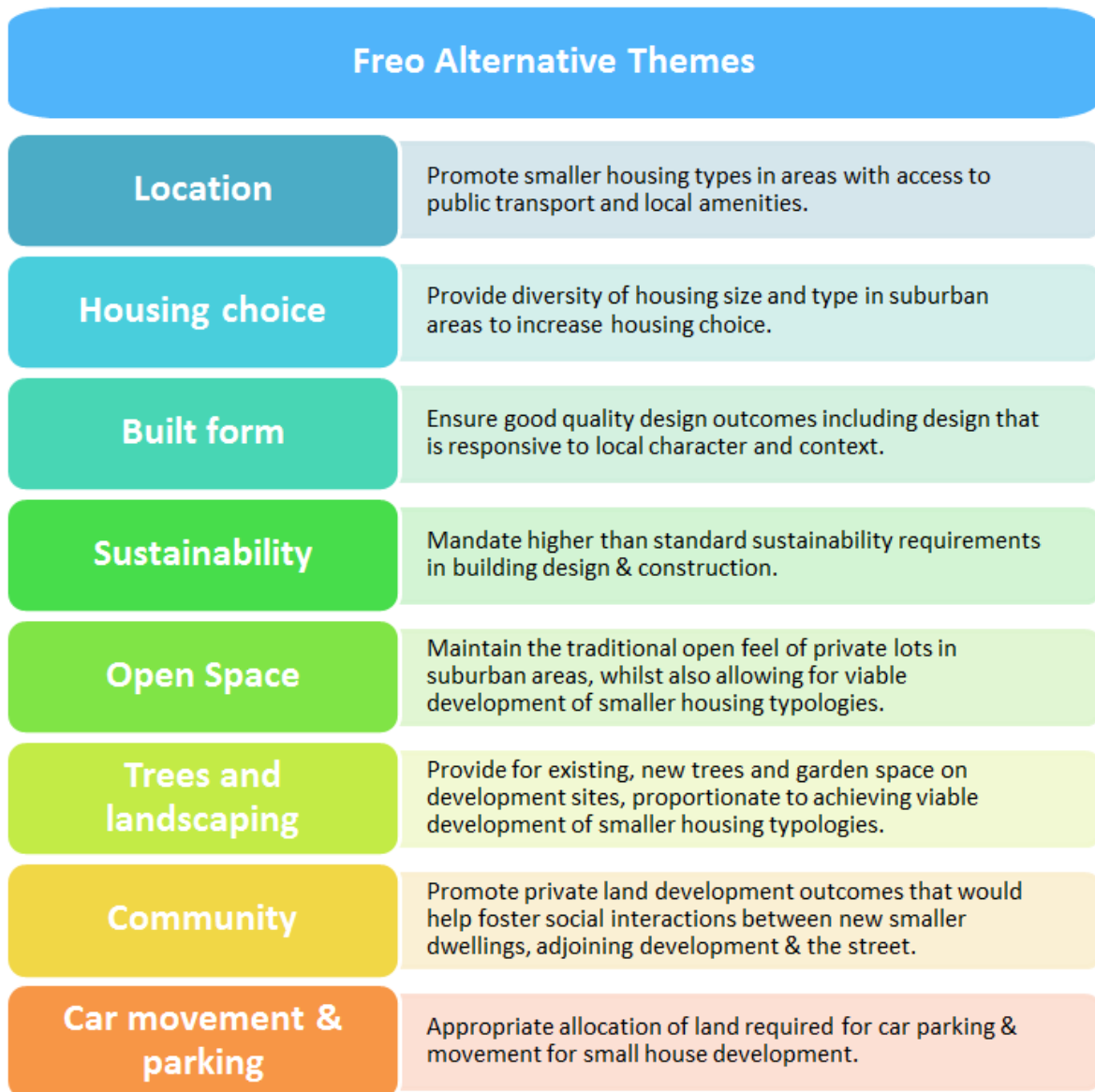
Clause 5.7 in LPS4 sets out the requirements for development under this policy.

Where not provided for in this policy all definitions are as per LPS4 or the Residential Design Codes of WA (R-Codes).

There are other planning provisions that apply to development within Special Control Area 5.7, which should be recognised and understood as part of the application process. Other applicable planning documents will include:

- Part 5 of the R-Codes, with the exception of the following:
  - Part 5.1.1 – Site area;
  - Part 5.1.3 – Lot boundary setback (rear setback calculation only);
  - Part 5.1.4 – Open space;
  - Part 5.1.5 – Communal open space;
  - Part 5.2.1 – Setback of garages and carports (specific provisions only);

- Part 5.3.1 – Outdoor living areas;
  - Part 5.3.3 – Parking (specific provisions only); and
  - Part 5.3.5 – Vehicular access (specific provisions only).
- Local Planning Scheme No.4.
- Other local Planning policies relating to development control; such as *LPP 2.4: Boundary Walls in Residential Development*, *LPP 2.8: Fences Policy* and *LPP 2.9: Residential Streetscape Policy*.

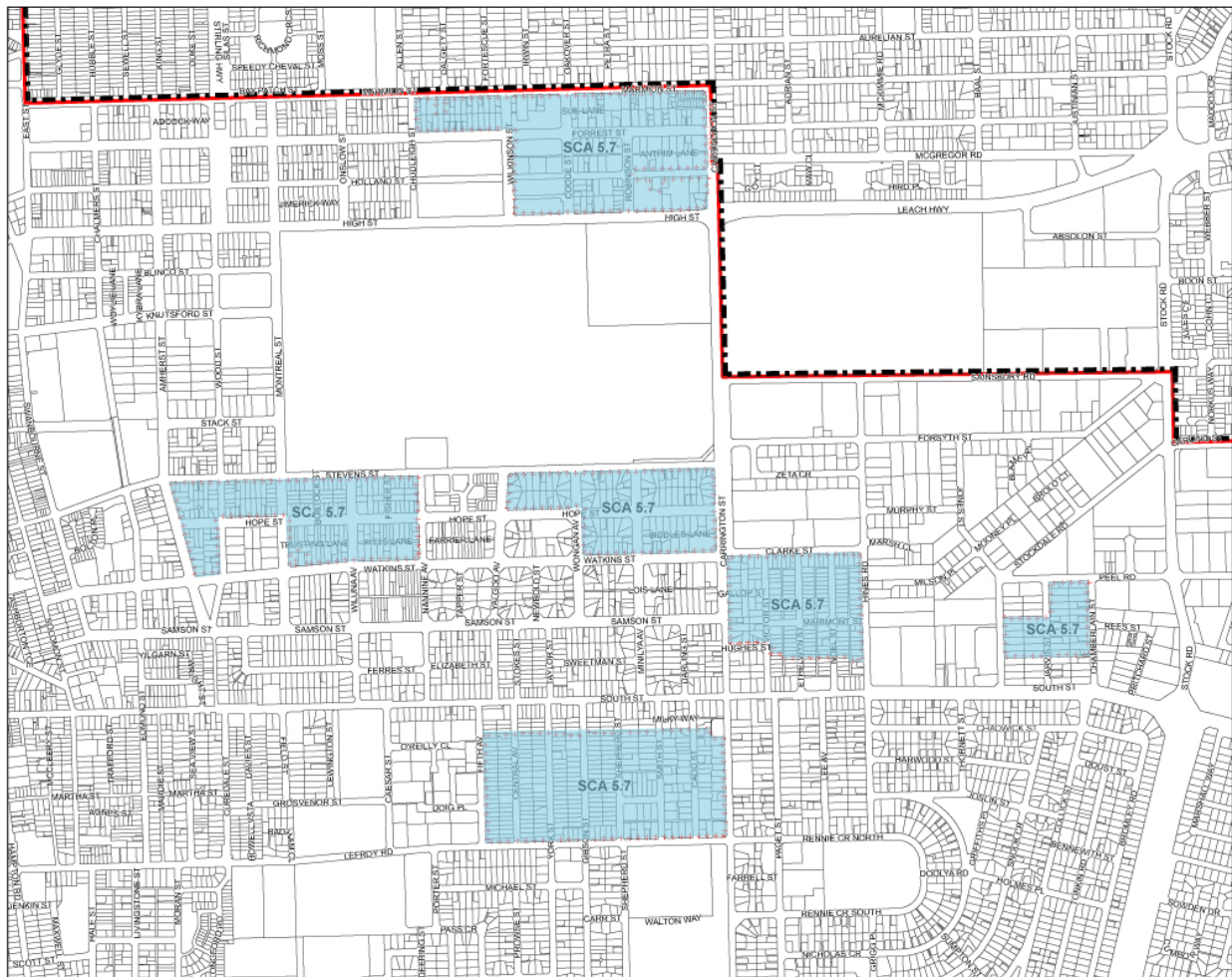


**Figure 1: Eight themes as derived from the community during the engagement on the Freo Alternative.**

## 1. LOCATION

**Objective: Promote smaller housing types in areas with access to public transport and local amenities.**

A key objective of the policy is to provide for a diversity of smaller housing sizes in Fremantle’s suburban areas located near public transport, commercial areas, public parks and amenities.



**Figure 2: Areas designated on the LPS4 map as ‘SCA 5.7’, where this policy applies.**

As per the requirements of clause 5.7 of LPS4, development of housing under this policy can be considered on properties in areas identified on the scheme map as SCA 5.7, and where the site is 600m<sup>2</sup> or over.

The development would additionally need to meet all the requirements of the Local Planning Scheme No. 4 and this local planning policy.

## 2. HOUSING CHOICE

**Objective: Provide diversity of housing size and type in suburban areas to increase housing choice.**

Household sizes have reduced in the City of Fremantle in recent times, while new housing being built is the largest yet. The purpose of this policy is to give smaller households an alternative option in areas losing diversity of housing size.

As per the requirements of the clause 5.7 of LPS4 the following applies to development under this policy:

- Any new dwelling shall have a maximum floor area of 120m<sup>2</sup>.
- A maximum of three dwellings, including existing dwellings, on lots 750m<sup>2</sup> or less. On lots over 750m<sup>2</sup> an additional dwelling for every 150m<sup>2</sup> in excess of 750m<sup>2</sup>.

These requirements are provided in the City’s Local Planning Scheme No. 4 provisions. There are no variation criteria applicable to these requirements.

### 3. BUILT FORM

*Objective: Ensure good quality design outcomes including design that is responsive to local character and context.*

#### 3.1 Visual appearance

The design of a development contributes greatly to the visual interest of the building and the character of a local area. A building’s aesthetics and articulation not only adds to the composition and detailing of a building’s facade but also the appearance of the building and perceived bulk and scale.

To satisfy the visual appearance requirement of this policy guidance will be taken from the City of Fremantle’s Design Advisory Committee (DAC) on the visual appearance of the place. Proponents are highly encouraged to seek preliminary feedback from the DAC prior to submission of a formal development application.

#### 3.2 Rear setback

Setbacks are the spaces between buildings and lot boundaries. Setbacks are important to the amenity of new development and buildings on adjacent sites.

In established suburbs the rear setback, compared to a side setback, is more important as traditionally large backyards adjoin each other and the setback between the rear adjoining boundaries has, in the past, been substantial. The rear setback area is also generally where the mature vegetation on a site is located. The purpose of the rear setback requirement is therefore to maintain this separation, retain the existing pattern and mature trees.

### DEEMED-TO-COMPLY

All buildings shall be set back a minimum 5.0m from the rear boundary of the development site.

### DESIGN PRINCIPLES

Council may consider a reduction to the 5.0m rear setback requirement where:

- The adjoining property to the rear has:
  - A building with a wall 5.0m or more in length located within 2m of the common boundary; or

- An existing ground level 1.0m or more higher than the subject site at the rear boundary.
- Greater protection of existing mature trees could be attained than would otherwise be achieved with the 5.0m setback requirement.
- Outdoor living areas and/or some of the Deep Planting Zone would be more suitably located centrally on the site so as to gain better use of the northern aspect for development.
- The property's rear boundary does not adjoin a privately owned residential lot e.g. the rear boundary abuts a laneway, right of way or other pedestrian or vehicular access way.

### 3.3 Private outdoor living

Private outdoor living spaces are outdoor living areas, including balconies, courtyards and terraces for private use. These spaces enhance the amenity and indoor/outdoor lifestyle of residents and support indoor-outdoor living.

#### **DEEMED-TO-COMPLY**

- A minimum 30m<sup>2</sup> of outdoor living area shall be provided per dwelling, with minimum length and width dimension of 4.0m, directly accessible from a habitable room. 20m<sup>2</sup> of this area is to be without a permanent roof cover.
- The outdoor living area (balcony) may be reduced to a minimum 15m<sup>2</sup> where the outdoor living area is to an upper floor dwelling only.
- Outdoor living areas and balconies shall predominantly face north, east or west.

## 4. SUSTAINABILITY

*Objective: Mandate higher than standard sustainability requirement in building design & construction.*

Buildings designed and constructed to sustainably deliver greater environmental, social and economic outcomes.

### 4.1 Sustainable design

Sustainable buildings utilise passive environmental design that responds to local climate and site conditions to provide optimal orientation, shading, thermal performance and natural ventilation. Sustainable design additionally reduces reliance on heating and cooling technology and minimises energy use, resource consumption and operating costs over the life of the building. Other sustainable design measures include the use of sustainable construction materials, recycling, material re-use, energy & water efficient features, harnessing of renewable energy sources and appropriate water management.

- A sustainability report is to accompany the development assessment application. The report is to outline the sustainability commitments of the development proposal and demonstrate:

## DEEMED-TO-COMPLY

1. The development achieves a star rating of one star in excess of the current energy efficiency requirement of the National Construction Code. The star rating shall be certified by an accredited energy assessor.
2. The development includes at least two of the following:
  - The provision of a minimum 1.5kw photovoltaic solar panel system per dwelling.
  - The provision of holding at least 1000 litres of rainwater per dwelling. The rainwater is to be connected to water use in a dwelling(s), e.g. toilet or washing machine, and/or used for irrigation on private or communal outdoor areas, preferably the deep planting zone(s) on the development site.
  - Approved grey water system for all dwellings.
  - At least one dwelling is fully accessible suitable for independent living (Platinum standard – Livable Housing Australia).

## DESIGN PRINCIPLES

In cases where the deemed-to-comply requirements of Part 2 cannot reasonably be met, Council may consider the achievement of an additional half (0.5) star as an alternative means of complying with this policy.

Alternative options to those provided in Part 2 proposed as an option to meet the Part 2 requirements will be considered by Council on a case-by-case basis and against the objective of the theme.

Alternative building methods that cannot meet the requirements above will be considered on their own merits and deemed acceptable where they demonstrate significantly higher sustainability outcomes through the submitted sustainability report.

## 5. OPEN SPACE

*Objective: Maintain the traditional open feel of private lots in suburban areas, whilst also allowing for viable development of smaller housing typologies.*

Open space is generally the area of the lot not occupied by building(s). This includes areas under eaves, usable flat roof areas, uncovered driveways and car parking and also patios and verandahs where open on at least two sides. Traditionally, suburban lots had a high open space percentage (approximately 70%).

### 5.1 Open space

Designing new development with a larger open space requirement (as defined by the R-Codes) maintains the traditional feel of suburban areas and increases the amenity for residents of the development.

## DEEMED-TO-COMPLY

- A minimum 70% of the entire development site shall be open space.

## DESIGN PRINCIPLES

Council may consider a reduction in open space to a minimum of 60% open space where -

- an existing dwelling is retained or adapted with no significant enlargement or other alteration to the existing building footprint; or
- a building assessed as having ‘some’ or more cultural heritage significance is retained; or
- a building with a high degree of embedded energy is retained; or
- a minimum of 50% of the available open space includes areas that are developed as water permeable uncovered:
  - outdoor living areas,
  - communal areas and/or
  - deep planting zones.

## 6. TREES AND LANDSCAPING

*Objective: Provide for existing and new trees on development sites, proportionate to achieving viable development of smaller housing typologies.*

Established tree and garden areas (landscaping) play an important role in integrating new buildings into their surrounding streetscape and the existing neighbourhood context. There are also many positive environmental benefits of trees and gardens including urban cooling through shade, clean air from ecological processes, habitat for wildlife, aesthetic appeal to the urban landscape and rain and storm water benefits.

### 6.1 Canopy cover

Trees contribute to the local environment, while creating a varied, interesting and attractive landscape that builds on sense and character of place. Existing trees on private land represent a significant proportion of tree canopy within our urban areas. Significant loss of urban tree canopy, due to private development, is an increasing focus of community concern. Retaining existing trees or planting new trees is critical for urban ecology and maintaining a liveable environment.

## DEEMED-TO-COMPLY

Retain or plant at least one tree on site that meets the following requirements -

- Healthy specimen with ongoing viability as identified by a suitably qualified arborist.
- At least 3m in height and/or have a trunk with a diameter of at least 100mm, one metre from the ground and/or has a canopy of 3.0m or more or the potential to reach these measurements.

- Specimen from the list of preferred tree/plant species in Appendix 1 of this policy.

## DESIGN GUIDANCE

- Prior to lodging a development application, obtain an arboricultural report on health and structural condition of existing trees. Healthy existing trees should be retained where possible. If trees are identified for retention seek specialist arboricultural advice on ‘rootable soil area’, management during construction and post construction monitoring to ensure the health of trees.
- A condition of planning approval for the retained or planted tree to be maintained and not removed will be included on all developments assessed under this planning policy.

### 6.2 Deep planting zone

Deep planting zones support healthy plant and tree growth and green spaces. Mandating a deep planting zone ensures the loss of vegetation to make way for new development is reduced and a sufficient uncovered and unpaved open space area is set aside and protected from further development.

The mandatory requirement for a deep planting zone from LPS4 is as follows:

- A minimum 25% of the development site area shall be provided as deep planting zone.
- The deep planting zone can be included as part of the open space percentage for the development, and 50% of the deep planting zone must be provided on the rear proportion of the site.
- A minimum of 1 tree, to Council specification, is required to be retained or planted in the deep planting zone on site.

*Deep planting zone means an area of the lot for the exclusive use of supporting plant life. The deep planting zone shall:*

- *Be landscaped, water permeable, unpaved and uncovered*
- *Be a minimum length and width dimension of 3.0 metres*
- *Not be used for vehicle parking or access*
- *Contain no buildings, patios, pergolas, swimming pools or external fixtures.*

## DEEMED-TO-COMPLY

- The deep planting zone shall be reticulated and landscaped with waterwise plants.
- A waterwise landscaping plan shall be included with the development application.
- 50% of the deep planting zone must be provided on the rear portion of the site.

## DESIGN PRINCIPLES

Council may consider a reduction to the requirement for 50% of the deep planting zone to be provided on the rear portion of the site where:

- The development site has an irregular lot shape which restricts placement of the deep planting zone to the rear; or
- An alternative location of the deep planting zone would ensure areas of established trees and shrubs are retained.

## DESIGN GUIDANCE

- A waterwise landscaping plan shall be included with the development application.
- Deep planting zones are to be considered early in site planning, especially where existing trees are identified for retention.
- The deep planting zone can be included as part of the open space for the development.
- A condition of planning approval for the deep planting zone to be retained as a deep planting zone (as per the definition) will be applied to all approved development applications.

## 7. COMMUNITY

*Objective: Promote private land development outcomes that would help foster social interactions between new smaller dwellings, adjoining development & the street.*

The interaction of a private development internally and externally between residents and the existing neighbourhood and street is important to improve safety and enhances social interactions of residents and the wider community.

### 7.1 Communal space

Communal spaces provide opportunities for casual social interaction among residents and can assist with social integration. Communal space also contributes to the appeal of a development and the wellbeing of residents.

The size, location and design of communal space will vary depending on the site context and the scale of development. In designing these spaces, an emphasis should be placed on their quality and potential to deliver benefit to residents and visitors.

### DEEMED-TO-COMPLY

Where three or more dwellings are proposed, usable and effective communal space shall be provided that is accessible to all residents of a development site, with a minimum dimension of 3.0m.

## DESIGN GUIDANCE

- Design solutions for communal space that is usable and effective may include seating at building entries, near letter boxes and adjacent to streets or shared gardens, outbuildings, laundries etc.

- Communal space should be consolidated into a well-designed, easily identified and usable area.
- Communal space can be internal or external space and may be co-located with deep soil areas or can be provided as a landscaped roof top terrace or a common room.
- Communal space in larger developments should consider greater dimensions.

## 7.2 Development fronting the street

The street interface is the transition area between the dwelling, its private or communal space at the street edge and public domain. The interface of the development contributes to the quality and character of the street and improves safety and enhances social interactions.

### DEEMED-TO-COMPLY

- Direct access from the street to front of at least one dwelling, and may include an existing retained dwelling.
- Major openings to habitable room windows and porches overlooking the street in at least one dwelling within a development, this may be provided for within an existing retained dwelling.
- The development should positively address adjoining public parks, open space or bushland where applicable.

### DESIGN PRINCIPLES

Council may consider a variation to the deemed-to-comply requirement where-

The interface of the development contributes to the quality and character of the street and improves safety and enhances social interactions.

## 8. VEHICLE MOVEMENT AND PARKING

*Objective: Appropriate allocation of land required for car parking & movement for smaller house development.*

Design, location and integration of parking garages/carports and driveways are essential for:

- The efficient use of land on a development site;
- Tree retention;
- The amenity of the streetscape;
- Limiting the impact on ecological factors such as water permeability; and
- Safety of residents and pedestrians.

### 8.1 Vehicle access and movement

Vehicle access points are important connections between the street and the site, however can have negative impacts on the streetscape and pedestrians. Additionally, the land required for driveways and movement circles on a development site increases the impermeable surface of the site. Vehicle access should be designed to maximise safety and reduce impermeable surfaces.

### DEEMED-TO-COMPLY

The deemed-to-comply criteria of the R-Codes [5.3.5 Vehicle access] is amended as follows:

- Driveways shall be water permeable in construction; no hardstand or impermeable paved driveways will be approved on site.
- The minimum width of a driveway shall be 2.75m.
- The maximum width of a driveway shall be 3.0m.
- If the existing driveway/crossover doesn't allow access to the rear of the site, then an additional crossover is permitted subject to a 3.0m maximum width and in aggregate width of crossovers on a development site to not be over 6.0m.
- Reduced or no turning circles can be considered where it is demonstrated clear sight lines are provided at pedestrian and vehicle access points for pedestrian and cycle safety, and vehicles can safely enter and exit the site and street. This does not apply where the site abuts a primary distributor road or distributor A road.

### DESIGN PRINCIPLES

Council may consider a variation to the deemed-to-comply requirement for a water permeable driveway and the 2.75m minimum and 3.0m maximum driveway width where the driveway is existing and has been proven to be existing on the site for at least two years.

### 8.2 Vehicle parking

In order to provide a diverse and attractive streetscape the space required for cars needs to be carefully considered.

The mandatory requirement for a vehicle parking from LPS4 is as follows:

- A maximum of 1 vehicle parking bay shall be provided for each new dwelling and a maximum of two car bays for any existing dwelling on the development site.
- The vehicle parking bay requirement above, can be waived where one small dwelling within a development achieves a floor area of 60m<sup>2</sup> or less.
- Visitor parking shall not be provided for development less than 5 dwellings.

### DEEMED-TO-COMPLY

- A maximum of two car bays shall be provided to the front of the development.
- The existing dwelling parking space can be used for rear development(s).
- Parking surfaces shall be water permeable in construction; no hardstand or impermeable paved vehicle parking will be approved on site.
- No double garages will be permitted fronting the street (unless existing).
- Carport requirements as per Local Planning Policy 2.9 – Residential Streetscape Policy

### DESIGN GUIDANCE

- Car share facilities are strongly encouraged.

- **Council will not provide on street resident parking permits for development under this policy.**

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

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

## **13. URGENT BUSINESS**

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

## **14. LATE ITEMS**

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

## **15. CONFIDENTIAL BUSINESS**

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

## **16. CLOSURE OF MEETING**

**The Presiding Member declared the meeting closed at <TIME> pm.**



