

**13.1.2 Complex Amendment No. 17 to Local Planning Scheme No. 3 – No. 7 – 27 (Lots 14 – 19) Canning Highway - Modify Additional Use - A9 Provisions – Outcomes of Advertising (Submissions) and Support for Amendment with Modifications**

<b>Owner</b>	Commissioner of Main Roads, State Planning Commission, The Metropolitan Region Planning Authority and Janipet Holdings P/L (deregistered company administered by ASIC)
<b>Applicant</b>	Dynamic Planning & Developments on behalf of Main Roads WA
<b>File ref</b>	TPS3A17; P/CAN7; 9; 15; 17; 19; 27
<b>Prepared by</b>	Christine Catchpole, Senior Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting Date:</b>	20 July 2021
<b>Voting requirements:</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Proposed Scheme Amendment No. 17 Report – prepared by Dynamic Planning and Developments on behalf of Main Roads WA (modified for advertising Feb 2021 as required by WAPC)</li><li>2. Schedule of Submissions</li><li>3. Community Engagement Checklist</li></ol>

**Purpose**

To consider the outcomes of advertising Amendment No. 17 to the Town of East Fremantle's Local Planning Scheme No. 3 (LPS3) and for Council to consider supporting the Scheme Amendment with minor modifications.

**Executive Summary**

The complex Scheme Amendment which comprises six lots on the south side of Canning Highway between East and Glyde Street has been prepared by planning consultants (Dynamic Planning and Development) on behalf of Main Roads WA (MRWA). MRWA acts for the two major land holders being MRWA and the WA Planning Commission (WAPC). Amendment No. 17 proposes to modify the Scheme Text (Schedule 2: Additional Use Sites and Requirements) for Additional Use Area A9 and change the development density and land uses possible.

The Amendment intent is to allow for more intensive residential development in the form of apartments, as supported by the draft Local Planning Strategy (LPS). The redevelopment would be guided by a local development plan and associated design guidelines. It is recommended a density of Residential R80 should be applied which could facilitate the development of approximately 29 apartments and/or town houses in buildings ranging from two to four storeys. No commercial development would be permitted. The underlying Residential R20 zone will remain with the potential to develop at a density of R80 *only if* compliance with the special development controls specified in an amended Schedule 2 are achieved.

On 8 December 2020, the Council resolved to advertise Amendment No. 17 and refer the Amendment to the Heritage Council of WA and the Environmental Protection Authority. Consent to advertise the Amendment was granted by the WAPC in February 2021 and the 67 day statutory advertising period concluded on 19 May 2021. Advertising has been undertaken in all media formats, including a newspaper notice, signs on each street frontage, the Town's website and several articles in eNewsletters. Thirteen (13) community submissions have been received. Two expressed support with the remaining 11 submissions, whilst not all solely objecting, have mostly expressed significant concerns relating to scale, built form and building height, traffic, parking and

access, dwelling density, heritage, pedestrian safety, overshadowing and loss of views. The other submissions received were from government departments and servicing agencies.

The concerns raised in the community submissions are considered to be adequately addressed at this stage of the Amendment process. Whilst the Town acknowledges the issues raised are valid planning considerations, most of the issues are matters that will be addressed at the next stage in the planning process, when a more detailed layer of planning controls in the form of a local development plan and associated design guidelines will be formulated. The local development plan and the design guidelines are subject to community consultation which will provide the submitters with an additional opportunity to comment on detailed provisions aimed at controlling the building massing and envelopes, vehicle access points and design outcomes for the site, including the location of parking and driveways. Modification of the Amendment in response to the community submissions is therefore considered unwarranted. However, modifications to the Amendment to include comments from MRWA is considered necessary.

The Amendment site is an identified 'urban corridor planning area' under the Town's draft LPS. Planning areas identified within the LPS with possible consolidation and planning potential include developable land along Canning Highway. The Amendment site has been identified as having potential for developing additional dwellings. In light of the above, and the Town's view that the current approach is the key to addressing the concerns of the submitters and introducing stronger development controls, it is recommended the Council resolve to support Amendment No. 17 with modifications as suggested by MRWA and as outlined in the Officer's Recommendation. The Amendment will then be forwarded to the WAPC for its consideration.

## Background

### Amendment Site and Land Use

Lots 14 – 18 Canning Highway, between East and Glyde Street on the southern side of Canning Highway (see aerial photo below), are owned by MRWA and the WAPC except for the corner lot on Glyde Street which is privately owned. All six lots comprise the existing Additional Use – A9 area under LPS 3. MRWA and the WAPC intend to dispose of the land and have engaged a planning consultant to progress a Scheme Amendment to reclassify the lots with the aim of increasing the residential development potential prior to disposal.

### **Lots 14 – 19 Canning Highway between East and Glyde Street**



**Note:** Lot 19 (cnr Glyde St) is owned by a deregistered company administered by ASIC.

The lots have a combined land area of 3,665m<sup>2</sup>, however after removing the road widening requirement of 663m<sup>2</sup> an overall developable area of ~3,002m<sup>2</sup> remains. The current Additional Use – A9 area allows for multiple dwellings (i.e., apartments) to be developed to R40 (i.e., ~18 apartments), with ground floor use for consulting rooms and/or a home business. The same six lots have been identified as a 'Planning Area' for investigation under the draft LPS which was endorsed by Council in 2019 and has now been forwarded to the Department of Planning, Land and Heritage (DPLH) seeking approval to advertise. As outlined in the draft LPS, this area is considered to have strategic significance that required further investigation, therefore the Town along with the consultants for MRWA undertook more detailed investigative work to understand the potential for development at a higher density.

MRWA has liaised with the Town to progress the Amendment. Discussions have concentrated on an appropriate set of development controls, to enable development at a higher density, balanced against protecting residential amenity and heritage in the Plympton Precinct. The Town has discussed the proposed Amendment with a senior Officer of the DPLH. The Officer indicated informal agreement with the dwelling density and building height proposal. However, preliminary comments by the DPLH Officer on the preferred option for the introduction of the R80 density and a local development plan with associated design guidelines were not provided prior to approval to advertise and subsequent comments from the DPLH have indicated that full support of the Amendment in its current form may not eventuate in the long term. This matter is discussed further under the 'Comments' section of the report.

#### Justification for Scheme Amendment

##### Draft Local Planning Strategy

The Scheme Amendment No. 17 Report has been prepared by the planning consultants, Dynamic Planning and Development and submitted to the Town by MRWA. It provides the detailed background and justification for the proposed Amendment. The WAPC required some minor modifications to the Scheme Amendment Report prior to advertising to remove the need to amend the MRS road reservation. This did not impact the intent of the Amendment or the proposed development controls. The modified Report is provided in Attachment 1.

The following comments provide a summary of the justification for the Amendment and the Town's evaluation of the Amendment in light of the draft LPS recommendations.

At present, the Town is in the process of seeking WAPC consent to advertise the draft LPS for public comment. The draft LPS is based on the Town's Strategic Community Plan 2020-30 and more specifically the key vision to create an '*inclusive community, balancing growth and lifestyle*'. Of relevance to the Amendment are the built environment priorities and principles identified in the draft LPS for the Amendment site. In accordance with the draft LPS, the Amendment site is identified as representing a strategic western entry point to the Town and potentially suitable for residential development at a medium to high density on an urban (transport and development) corridor.

The draft LPS also identifies the Amendment site as an 'urban corridor planning area' for investigation for urban consolidation. The background information and analysis report supporting the draft LPS considers this as a site with opportunity for further development for the following reasons:

- residential density at R40 is currently permitted under additional use rights and multiple dwellings are already a possible land use on these lots;
- the combined lots are viewed as an opportunity site for medium to high density development where a coordinated and comprehensive planning approach can be applied to the redevelopment of all six lots;
- current land use has not reached full potential (most properties vacant);
- the land is mostly under public agency ownership, i.e., MRWA and the WAPC;
- the area is strategically located as a potential landmark site at the Town's western gateway;
- the area has the potential for river views and is near the river and other amenities; and
- it is located directly opposite an existing and developed R80 zoned site.

The draft LPS also notes several considerations associated with future development of this Amendment site, including:

- heritage listed properties in the vicinity;
- minimising effects of built form, access points and traffic on adjacent low density residential properties;
- mitigation of noise from Canning Highway (site within 200m);
- Fremantle Ports Buffer Area 2; and
- MRS reserve for Important Regional Road (Canning Highway) encroachment and restricted access.

#### Heritage

The Amendment site is within the Plympton Precinct which is a very highly valued heritage area. The precinct is a unique part of East Fremantle that is in itself a worthy representation of a previous era and the Council has adopted several policies to ensure its overall heritage is protected. A significant number of local heritage listed sites and State listed heritage buildings are located nearby and most streets in the precinct still resemble the original streetscapes. Therefore, changes to the Town's planning framework which have the potential to impact on the identity and heritage character of the precinct must be carefully considered.

The Town's objective is to retain the identity of the precinct and for it not to be diminished by multi-storey buildings which are of a scale considered inappropriate to this suburban context. Therefore, the aim of the proposed special controls in Schedule 2 – Additional Use - A9 is to address the potential impacts of redevelopment on the heritage, existing character and amenity of the precinct. The intent of doing so is to minimise the visual and physical intrusion of new buildings, that is limiting the height, scale and bulk impact of redevelopment, whilst allowing development that is considered an appropriate density and scale for Canning Highway.

A fundamental consideration is to ensure that built form, landscaping, parking, vehicle access and design controls respond to, and interpret, the form, bulk, scale, architecture and proportion of nearby heritage buildings and areas. This approach has been applied in respect to this Amendment, primarily through the need for a local development plan to be prepared which addresses, among other things, building height, massing and setbacks. The overall aim is to concentrate taller buildings of three and four storeys on Canning Highway and East Street with the height decreasing to two storeys on the corner of Glyde Street to respect the two storey heritage buildings on the opposite corner and in the street. It should be noted that two storey development on East and Glyde Street is already possible under the R-Codes (R20 density code). Also, the requirement for the formulation of associated design guidelines for the Amendment

site, is intended to require a very high standard of architecture, commensurate with the gateway site and increase the compatibility of new dwellings with existing built form and heritage dwellings.

*Built Form and Massing*

The visual images prepared by Malcolm Mackay Design demonstrate a *possible* built form outcome based on the above planning considerations. The drawings are only intended to demonstrate the transition to a suburban residential height and scale adjacent to existing dwellings, apart from development on Lot 19 Glyde Street (i.e., the proposal for a maximum of two storeys on Lot 19 was agreed after the built form massing diagrams were completed). The drawings are not intended to indicate the design or architecture of what is expected to be constructed on the site. The final design of new buildings will be subject to the controls in the local development plan and associated design guidelines which are yet to be formulated for consideration by Council and which will also be subject to community consultation.

The proposed dwelling density and building envelopes which would result will undoubtedly impact the outlook of nearby residences. Some properties may lose views or partial views in the direction of the river. However, it is very likely the same views and outlook would be impacted with redevelopment at the R40 density code which currently applies to the lots and allows for apartments to be constructed. The loss of views and existing outlook is not a valid planning or heritage consideration in respect to this Amendment proposal and is not considered relevant to the consideration of building height and setback controls for the Amendment site.

*Conclusion*

Considering additional investigations undertaken, including the justification provided in the Scheme Amendment No. 17 Report and the above comments, the proposed Amendment is viewed as generally consistent with the intentions of the draft LPS for the following reasons:

- the proposed residential density is R80 which is consistent with a medium-to high rise residential density in accordance with SPP 7.3 (Volume 2) as this refers to apartment developments up to three to four storeys;
- the proposed maximum height of four storeys is within the three to five storey range contemplated for the subject area in the draft LPS;
- the proposed Amendment specifies a maximum height of two storeys adjacent to the existing low density residential development and for the whole of Lot 19 Glyde Street to minimise any resultant development impacts on these properties and heritage sites;
- the proposed Amendment site is located on an urban (transport and development) corridor in line with State Planning objectives and policy; and
- the proposed Amendment requires the preparation of a local development plan and associated design guidelines which is entirely consistent with the draft LPS.

It is considered the Amendment as proposed will facilitate residential development in line with the Town's strategic planning framework whilst also considering the impact on the adjoining low density residential area. Identifying and facilitating coordinated development on sites where an increased number of dwellings, developed on larger amalgamated parcels of land with good access to public transport, supports the underlying objective to concentrate higher densities in these locations. This approach is intended to reduce development pressure on the Town's low density heritage precincts, for example Woodside and Plympton. Also, this opportunity site has the potential to contribute to the State government imposed target of 890 dwellings, to be achieved by 2050.



### Amendment Details

#### Modifications to Scheme Text

The proposed Amendment seeks to increase the attainable residential density at the subject site by modifying the existing Additional Use - A9 provisions. Specifically, the Amendment seeks to:

- increase the applicable residential density that is attainable at the subject site from R40 to R80;
- introduce a range of special conditions in Local Planning Scheme 3 Schedule 2, including the requirement for preparation of a local development plan, the matters to be considered in the local development plan and design guidelines. This is to manage future uses, built form and design outcome so it is appropriately controlled to minimise the impact on the adjoining residential area and Canning Highway and is respectful of the existing character of the area; and
- Formulate associated design guidelines to guide the built form and architectural outcome of the Amendment site.

The higher density of R80 would only be achievable subject to the land being used only for residential purposes (i.e., no commercial uses permitted) and the preparation of a local development plan and design guidelines (to the satisfaction and approval of Council). An important point to note is that, in addition to the requirement for a local development plan, there are specific additional provisions which are intended to cap building height at maximum levels across the site, including two storey maximum development adjacent to existing residences and on the corner of Glyde Street and the formulation of design guidelines to guide the built form and architectural outcome on the Amendment site.

Furthermore, the local development plan covers all six lots in the Additional Use – A9 area and will address the following:

- building massing;
- vehicle parking, access and egress;
- noise mitigation;
- building, landscaping and access interface (with residential) areas;
- provision of an active edge to all street frontages and pedestrian access from the street;
- landscape buffer to the southern and eastern residential boundaries;
- rear boundary setbacks;
- building height limits:
  - maximum of two storeys on Lot 19 Glyde Street;
  - maximum of two storeys, five metres from the southern boundary; and
  - maximum of three storeys, eight metres from the southern boundary; and
- transport assessment, including future access locations;
- earthworks plan; and
- acoustic report.

The aim of the special controls is to limit building height and setbacks to minimise the impact on residential properties in East and Glyde Street. Building height is proposed to 'step down', transitioning from four storeys on Canning Highway to two storeys at the residential interface and on the lot on the corner of Glyde Street.

Other requirements of the local development plan are intended to minimise noise and visual amenity impacts, traffic and access impacts and to minimise the potential for unreasonable

overlooking of private open space areas and into habitable room windows of nearby residential properties. This will be addressed through the appropriate siting of taller buildings predominantly along Canning Highway, with residences further distanced from the development by a landscape buffer strip and access driveway.

Buildings would be required to face Canning Highway and the Glyde and East Street frontages, to encourage building design that overlooks the streets and provides good accessibility for pedestrians and residents. Also, the requirement for the formulation of associated design guidelines, is intended to require a very high standard of architecture, commensurate with the gateway site and increase the compatibility of new dwellings with existing built form and heritage dwellings.

### Consultation

#### Advertising

Advertising took place from 13 March to 19 May 2021. The 67 day period included an additional seven days to compensate for the Easter break. The advertising process followed the formal statutory processes for a complex amendment in accordance with the requirements of the WAPC and the Regulations, as outlined in the WAPC advice letter dated 18 February 2021.

The following advertising was undertaken:

- Three large signs on each road frontage;
- Quarter page notice in the *Fremantle Herald* on Saturday, 13 March 2021;
- Town's website;
- Electronic newsletters and posted newsletter;
- Social media sites;
- Town's noticeboard;
- All owner/occupiers in East, Glyde, Hubble and Sewell Streets, south to George Street have been directly notified by individual letter.

The City of Fremantle was invited to comment as the Amendment site abuts the border between the two local government areas. The City advised it did not wish to provide comment and was of the view that, notwithstanding the Town's offer, it was not necessary to invite comment from nearby residents in the Fremantle area. Fremantle Ports was also notified but did not comment.

#### Community Submissions

Thirteen (13) community submissions have been received. Two expressed support with the remaining 11 submissions, whilst not all solely objecting, have mostly expressed significant concerns relating to scale, built form and building height, traffic, parking and access, dwelling density, heritage, pedestrian safety, overshadowing and loss of views. The submissions are summarised as follows, however are attached to the report in full in the Schedule of Submissions (refer to Attachment 2):

- Density of development (at R80) is too great and not appropriate for the Plympton Precinct which is mostly one and two storey dwellings.
- 36 parking bays indicated in the Scheme Amendment Report does not reflect actual need. If the average number of occupants per apartment is ~3, 1.25 bays per apartment is unrealistic.
- Already a shortage of parking in the Glyde Street area. The loss of the parking on the vacant block will have a cascading effect on the whole of the Glyde Street. Parking

required by nearby mixed use sites also impacts the area. The parking bays of the proposed apartments should be increased to at least 44 (an average of 1.5 cars per apartment); and the issue of the 10 cars currently utilising the vacant block on corner of Glyde and Canning Highway is addressed.

- The overshadowing drawing is misleading. It does not reflect overshadowing of adjoining properties, so it is not possible to ascertain the level of impact. Amended plans are required so the impact can be assessed.
- Little indication or likelihood that development will be consistent with the current heritage of Plympton Precinct.
- Current parking difficulties in the area are cause for concern for existing uses and therefore the availability of parking for any new residential development is questioned.
- The buildings should not be out of proportion to the streetscape. Out of scale buildings should not impact negatively on amenity.
- Too many residents in a condensed area on Canning Highway will lead to increased local traffic. This is of particular concern as there is a primary school on East Street.
- Increased residents and vehicles without traffic speed mitigation may impact local children's safety.
- Loss of views.
- Object to the proposed removal of No. 19 Canning Highway from the Town's Heritage List and Local Heritage Survey.

Government Departments and Service Authority Submissions

Main Roads WA and the Water Corporation are the only two servicing authorities to make detailed submissions.

The Water Corporation has advised that the local sewer capacity will be reviewed when the dwelling yields are clarified through the proposed local development plan and design guidelines. Any upgrades required of the water and sewer mains are the responsibility of the developer. This authority has also noted that the capacity of the mains serving the area is finite. The Water Corporation would prefer to assess the servicing implications of rezoning and up-coding proposals across the broader area as part of a wholesale review of the Town's LPS 3.

Main Roads have made a significant submission, and amongst other comments that are more related to a future conditions of development approval, of which the developer would be responsible, the authority has requested that additional provisions be included and the Amendment be modified to include the following clauses:

- A transport assessment that identifies the impacts and any appropriate mitigation measures in accordance with the WAPC's Transport Impact Assessment Guidelines (2016). This includes identifying future access locations to and from Glyde Street and/or East Street that do not compromise future road and intersection treatments within the 'proposed MRS reservation';*
- An earthworks plan demonstrating that any works in the future road reservation are the same as existing ground levels for the applicable section of Canning Highway. This plan is to be provided to the satisfaction of Main Roads, in consultation with the local government; and*
- An acoustic report prepared by a qualified acoustic consultant in accordance with the requirements of the WAPC's State Planning Policy No 5.4 - Road and Rail Noise and submitted to the satisfaction of the local government, in consultation with Main Roads and implemented thereafter.*



The City of Fremantle was consulted, and the Administration has indicated the City does not wish to comment on the proposal. All community and government authority submissions are provided in full in the Schedule of Submissions (refer to Attachment 2).

### **Statutory Environment**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015 (as amended)*

*Metropolitan Region Scheme (MRS) – Lot 14 – 19 Canning Highway about an ‘Other Regional Road’ Reservation*

*Local Planning Scheme No. 3*

*LPS 3 – Heritage List – 19 Canning Highway (subject to proposed removal from the Heritage List)*

### **Policy Implications**

*Draft Local Planning Strategy*

*Local Heritage Survey – No. 19 Canning Highway (subject to proposed removal from the Local Heritage Survey) and No. 9 Canning Highway (recently demolished by MRWA)*

*Fremantle Port Buffer Zone – Area 2*

*State Local Planning Policy 5.1 – Regional Roads (vehicle access)*

*State Local Planning Policy 5.4 – Road and Rail Noise*

### **Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2020 – 2030 states as follows:

#### *Built Environment*

*Accessible, well planned built landscapes which are in balance with the Town’s unique heritage and open spaces.*

*3.1 Facilitate sustainable growth with housing options to meet future community needs.*

*3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.*

*3.1.2 Plan for a mix of inclusive diversified housing options.*

*3.1.3 Plan for improved streetscapes.*

*3.2 Maintaining and enhancing the Town’s character.*

*3.2.1 Ensure appropriate planning policies to protect the Town’s existing built form.*

*3.3 Plan and maintain the Town’s assets to ensure they are accessible, inviting and well connected.*

*3.3.1 Continue to improve asset management within resource capabilities.*

*3.3.2 Plan and advocate for improved access and connectivity.*

#### *Natural Environment*

*Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.*

*4.1 Conserve, maintain and enhance the Town’s open spaces.*

*4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

*4.1.2 Plan for improved streetscapes parks and reserves.*

*4.1.3 Improve and protect the urban forest and tree canopy.*

*4.2 Enhance environmental values and sustainable natural resource use.*

*4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.*

4.3 Acknowledge the change in our climate and understand the impact of those changes.

4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact/Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not adopt the proposed Recommendation and the Amendment is determined by the WAPC/Minister for Planning without Council resolving to formally support the Amendment.	Possible (3)	Moderate (3)	Moderate (5-9)	The matter may be taken out of the Council's decision-making authority and the Scheme Amendment may be determined by the Minister for Planning under the provisions of the Planning and Development Act, 2005	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is

provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	9
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

### Site Inspection

March 2021

### Comment

#### WAPC - Preliminary Assessment of Amendment

In addition to providing consent to advertise the Amendment the WAPC also made the following comments.

The Amendment *only* proposes to increase the density coding for the site and to add special conditions which would require the preparation and approval of a local development plan and specify additional development requirements. This outcome would be more appropriately achieved by removing Additional Use 9 from LPS 3, applying an R80 density coding over the site, and including additional development requirements in Part 5 of LPS 3 (i.e., Additional site and development requirements – as introduced with Amendment 14 and listed in Schedule 13).

The WAPC concluded that in view of the Town's recent completion of its draft LPS, that this would subsequently lead to a review of Local Planning Scheme No. 3, it was therefore considered acceptable for the matter to be addressed in a future review of the local planning scheme. The WAPC qualified this comment by stating that it had undertaken a preliminary assessment *only* and that this should not be construed as support for the Amendment but that further modifications could be required following advertising. There is the potential for the WAPC to recommend further modifications along these lines to the Minister for Planning. The outcome being that the Amendment, as finally approved by the Minister, may not be in the form currently proposed.

#### Conclusions

The WAPC housing target for the Town is 890 dwellings. The draft LPS will continue to provide for dwelling numbers to reach 520 additional dwellings by 2031 and 890 additional dwellings by 2050. The spatial plan for Perth and Peel @3.5 million encourages growth to be accommodated in a way that makes the best use of existing or planned infrastructure and also that it be aligned to demographic trends.

Planning areas identified within the LPS with possible consolidation and planning potential include developable land along Canning Highway. The Amendment site has been identified as having potential for developing additional dwellings, however, this has not been taken up to a great extent and is unlikely to be under existing planning conditions.

There is a high number of heritage listed properties throughout the Town that afford high protection and generally cannot be demolished. This constrains land for redevelopment and presents a need for special planning considerations for these properties. Therefore, the areas where development can occur, where the impact on heritage listed and heritage character properties can be minimised, are considered suitable locations for providing opportunities for additional dwelling development. This Amendment site is considered to be a location that

presents an opportunity to facilitate development where heritage and existing character can be safeguarded as best as possible, so the dwelling density proposed is considered appropriate.

The Amendment site is an identified 'urban corridor planning area' under the Town's draft LPS (currently with the DPLH awaiting approval to advertise). Given the location of the land and current State government planning policy it is expected that medium to high density development will be the expected outcome by the WAPC and the Minister for Planning. The Town collaborated with MRWA in proposing a controlled and regulated increase in the dwelling potential of the land but it is mindful that this objective must be balanced with the need to minimise the impact on the surrounding residential area.

The Town and MRWA are fully aware of the implications of overdevelopment on the amenity and safety of the surrounding residential area. The Town is equally aware of the high value placed on the heritage listed properties in the vicinity. Whilst it is evident that redevelopment of these six lots will not occur without some impact on the amenity of the existing residents it is the Town's firm intention with this Amendment to minimise the impact of the inevitable redevelopment of these lots. The Town is also mindful that if it does not proactively facilitate the redevelopment of land that has the capacity for increased dwelling yields that potentially the proposed density code and development controls can be modified by the WAPC and/or Minister for Planning to respond to the expected development potential of the land. The Amendment is a considered, reasoned and agreed increase in density with the current landowners.

It is understandable that nearby landowners are concerned with redevelopment of this land. Redevelopment will bring about considerable change to this section of the Highway, including the outlook and views of nearby residents who have become accustomed to the land being underutilized and/or vacant for many years. It is the Town's view that the anticipated impacts of redevelopment (as raised in the submissions) can be addressed if planning for the site is undertaken for the entire parcel of land, rather than for six individual lots, or smaller lot parcels. Planning and redevelopment of the lots on anything other than the one parcel would involve complex vehicle access and servicing arrangements between landowners and likely intensify development on each individual lot.

The submissions from residents in the Town and the City of Fremantle raise matters that the Town has already identified as fundamental planning issues to be considered in the formulation of planning controls for the Additional Use A9 area. Where these matters have not been specifically addressed by proposed development controls there are already existing applicable planning regulations which cannot be changed by local government planning scheme amendments (e.g., overshadowing and parking requirements for residential developments).

The Town is of the view that the proposed Amendment is the best approach to addressing the submitters' concerns and introducing stronger development controls. In addition, it allows for another level of community consultation as the more detailed planning provisions of the local development plan and design guidelines are formulated. On this point, the Town does not agree with the comments made by the WAPC to remove the 'additional use' classification and apply an R80 density coding over the lots. It is not clear from the WAPC comments if a local development plan would still be considered suitable and who would be responsible for the preparation of the plan.

The concerns raised in the community submissions are considered to be adequately addressed at this stage of the Amendment process. Most of the matters raised in the community submissions

relate to a more detailed layer of planning controls which will be considered at the local development plan stage and in a design guidelines document. The exception to this is the potential loss of views and removal of 19 Canning Highway from the heritage lists. While it is understood that losing views is a very important issue for landowners, it is not a planning consideration relevant to this Amendment. It is hoped view corridors can be established through the formulation of the local development plan but there is no guarantee that this will be possible or result in current views being retained. A detailed report on the outcomes of advertising the proposed removal of No. 19 Canning Highway from the heritage lists will be presented to Council in due course. In relation to this matter, it should be noted the Heritage Council of WA had no objections to the Amendment.

Modification of the Amendment in response to the community submissions is therefore not recommended. The comments raised in the submissions are acknowledged as valid planning considerations, but the Town holds the view that the issues raised will be comprehensively addressed with the formulation of the local development plan and the associated design guidelines. Once drafted, both the local development plan and the design guidelines will be required to be advertised for further public comment prior to being considered for adoption by Council. This will provide the submitters with an additional opportunity to comment on detailed provisions which will control the building massing and built form envelope(s), vehicle access points and design outcomes for the site, including the location of parking and driveways.

However, modifications to the Amendment to include comments in the MRWA submission is considered necessary. The Officer's Recommendation also contains the modifications required by the WAPC prior to advertising. It is therefore recommended the Amendment be supported as outlined in the Officer Recommendation and that Council:

- (i) support Scheme Amendment No. 17 with modifications as outlined in the Officer Recommendation (i.e., the inclusion of MRWA and required WAPC modifications);
- (ii) resolve that the submissions made regarding the advertised Amendment be received;
- (iii) endorse the recommendation in respect to each submission noted; and
- (iv) advise those who made a submission of Council's determination.

#### **13.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030721**

**Moved Cr Collinson, seconded Cr Watkins**

**That Council:**

- 1. pursuant to Section 75 of the *Planning and Development Act, 2005* and Regulation 41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations, 2015* resolves to support complex Amendment No. 17 to Local Planning Scheme No. 3 with modifications as outlined below;**

***Amend Schedule 2 by deleting the information for Lots 14, 15, 16, 17, 18, and 19 Canning Highway, East Fremantle, between Glyde Street and East Street, and replacing it with the following:***

No.	Description of Land	Additional Use and/or Development	Special Conditions
A 9	Lots 14, 15, 16, 17, 18 and 19 Canning Highway, East Fremantle, between Glyde Street and East Street	<p>(i) A maximum of R80 residential development, i.e., development above the base density code of R20.</p> <p>(ii) Any dwelling development within this Additional Use area shall be used for residential dwelling purposes only, and shall not be used for any other purpose.</p> <p>Note: To qualify for the foregoing additional use, the requirements (Special Conditions) in column 4 applicable to the area, are to be met.</p>	<p>The use of the land for the Additional Use is conditional on development of and compliance with the following:</p> <ol style="list-style-type: none"> <li>1. Local Development Plan approved by the local government depicting coordinated development of Lots 14, 15, 16, 17, 18 and 19.</li> <li>2. The Local Development Plan shall address the following to the satisfaction of the local government: <ul style="list-style-type: none"> <li>(i) Building massing, height and setbacks to minimise the amenity, overlooking and overshadowing impact to surrounding properties, transitioning to lower heights, no greater than two storeys adjacent to the southern boundary and two storeys on the whole of Lot 19 Canning Highway;</li> <li>(ii) Vehicle parking, access and egress arrangements with vehicular access and egress prohibited to/from Canning Highway;</li> <li>(iii) Noise mitigation measures pursuant to the Fremantle Inner Harbour Buffer Definition Study requirements;</li> <li>(iv) Building, landscaping and access interface measures;</li> <li>(v) Development to provide an active edge to all street frontages and provide pedestrian access;</li> <li>(vi) Landscape buffer to the southern boundary of all lots and the eastern boundary of part of Lot 15 Canning Highway;</li> <li>(vii) Boundary setbacks;</li> <li>(viii) A transport assessment that identifies the impacts and any appropriate mitigation measures in accordance with the WAPC's <i>Transport Impact Assessment Guidelines (2016)</i>. This includes identifying future access locations to and from Glyde Street and/or East Street that do not compromise future road and intersection treatments within the 'proposed MRS reservation';</li> <li>(ix) An earthworks plan demonstrating that any works in the future road reservation are the same as existing ground levels for the applicable section of Canning Highway. This plan is to be provided to the satisfaction of Main Roads, in consultation with the local government; and</li> </ul> </li> </ol>





			<p>(x) An acoustic report prepared by a qualified acoustic consultant in accordance with the requirements of the WAPC's <i>State Planning Policy No 5.4 - Road and Rail Noise</i> and submitted to the satisfaction of the local government, in consultation with Main Roads and implemented thereafter.</p> <p>3. No development on the site is to exceed a maximum height of 25.5 metres AHD or 4 storeys or whichever is the lesser, including all roof top services, plant equipment, amenities and the like.</p> <p>4. Development should not exceed a maximum height of 21.0 metres AHD or 3 storeys or whichever is the lesser, within 8 metres of the southern boundary.</p> <p>5. Development should not exceed a maximum height of 17.5 metres AHD or 2 storeys or whichever is the lesser, within 5 metres of the southern boundary.</p> <p>6. Development should not exceed a maximum height of 17.5 metres AHD or two storeys whichever is the lesser on the whole of Lot 19 Canning Highway.</p> <p>7. The Local Development Plan shall have associated Design Guidelines which must be adopted by the Local Government that shall be utilised in determining any application for approval to commence development.</p> <p>8. The special conditions for this Additional Use are not open to variation through any provision of this Scheme or any other mechanism.</p> <p>9. No development approval is to be granted for a development above the base density code of R20 unless a Local Development Plan is prepared and approved by the Local Government.</p>
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2. resolves that the submissions made in regard to the advertised Amendment be received, Council's recommendation in respect to each submission noted and those who made a submission be notified of this decision.

(CARRIED 7:1)

