

12. REPORTS

12.1 PLANNING

12.1.1 Proposed Complex Amendment No. 17 to Local Planning Scheme No. 3 – Lots 14 - 19 Canning Highway - Modify Additional Use - A9 Provisions and Scheme Map

Owner	Commissioner of Main Roads, State Planning Commission, The Metropolitan Region Planning Authority and Janipet Holdings P/L (deregistered company administered by ASIC)
Applicant	Dynamic Planning & Developments on behalf of Main Roads WA
File ref	TPS3A17; P/CAN7; 9; 15; 17; 19; 27
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	8 December 2020
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Proposed Scheme Amendment No. 17 Report – prepared by Dynamic Planning and Developments on behalf of Main Roads WA (Nov 2020)2. Local Planning Scheme No. 3 – Proposed Schedule 2: Additional Use Sites and Requirements3. Modified Local Planning Scheme No. 3 - Map4. Community Engagement Checklist

Purpose and Executive Summary

The proposed Scheme Amendment has been prepared by planning consultants (Dynamic Planning and Development) on behalf of Main Roads WA (MRWA), which 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) and the Scheme Map (to reflect the road widening reservation under the Metropolitan Region Scheme).

The Amendment site comprises six lots on the south side of Canning Highway between East and Glyde Street. The lots have a combined land area of 3,665m², however after removing the road widening requirement of 663m² an overall developable area of ~3,002m² remains. This land has been identified in the draft Local Planning Strategy (LPS) as a western gateway site which can facilitate urban consolidation by promoting land use intensification and mixed-use development within an identified urban (transport and development) corridor.

The intent of the Scheme Amendment is to allow for more intensive residential development of these six lots most likely in the form of apartments, as identified in the draft LPS. The redevelopment would be guided by a Local Development Plan and associated Design Guidelines. At this stage of the Amendment process it is envisaged that redevelopment would occur at a density of Residential R80 which could facilitate the development of approximately 29 apartments and/or town houses in buildings ranging from two to four storeys. The four storey building(s) would be located on the corner of Canning Highway/East Street and extend along Canning Highway. The buildings would then transition to two to three storeys facing East Street, with two storeys on the corner of Glyde Street and at the residential interface. No commercial development would be permitted. This is not proposed to be a Mixed Use zone; the underlying

Residential R20 zone will remain with the potential to develop at a density of R80 *only if* compliance with the special controls specified in an amended Schedule 2 are achieved.

The aim of the special controls proposed for Schedule 2 of Local Planning Scheme No. 3 (LPS 3) is to provide adequate safeguards in respect to achieving a very high standard of coordinated development of these six lots while balancing this aim with protecting the amenity and heritage of the Plympton Precinct. This is in keeping with the recommendations of the draft LPS and Council's high expectations for this western gateway to the Town.

It is considered that 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. Comprehensive development of larger amalgamated parcels of land with good access to public transport, supports the underlying objective to concentrate higher densities on urban corridors, thereby reducing development pressure throughout the Town's low density heritage precincts. This site is viewed as an opportunity to provide the potential for the development of additional dwellings which can contribute to the dwelling target set by the State government to be achieved by the Town before 2050.

Under the Planning and Development (LPS) Regulations, 2015 the Amendment is likely to be classified as a 'complex' Amendment, so the WAPC will require a 60 day advertising period. The WAPC's and the EPA's formal endorsement to advertise is required before the Town can commence advertising procedures. The outcome of advertising and consideration of submissions is then reported to Council. Council will then determine to support the Amendment, either with or without modification. The Amendment is then forwarded to the WAPC for its endorsement and recommendation to the Minister for Planning who makes the final decision.

The proposed Amendment is considered appropriate given the above comments and is therefore recommended for adoption (initiation) for the purposes of advertising. Notwithstanding, the Town has indicated to MRWA that the consideration of a Residential R80 density is prefaced on the basis that this is for the purpose of advertising only. Community submissions will be given due regard.

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 3,665m², however after removing the road widening requirement of 663m² an overall developable area of ~3,002m² 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 for the purposes of advertising. Under the LPS this area is considered to have strategic significance and 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 Department of Planning; Lands and Heritage (DPLH). The Officer has indicated informal agreement with the dwelling density and building height proposal. However, comments on the preferred option for the introduction of the R80 density and a Local Development Plan with associated Design Guidelines in the Planning Scheme Text (i.e. through modifications of the Additional Use A9 provisions) were not provided as this requires further consideration by the DPLH should the Amendment proceed to that stage.

Built Form and Dwelling Density Considerations

Further to discussions with MRWA, Malcolm Mackay Urban Design was engaged by MRWA to prepare built form massing options for the Amendment site. The intent being to explore the impact of various development types and densities. It should be noted that Mackay Urban Design assisted the Town with the formulation of the *Town Centre Redevelopment Guidelines* (building height plan) and the proposed Amendment has taken this into consideration.

Residential R80 was the favoured development option for the Town and MRWA because it reflected the Town's preferred density for the area and what the land owner considers is a viable number of apartments (~29) as identified in the LPS. The apartments could be constructed in two, three and four storey buildings in a similar layout to the *Sunny's* development on the opposite side of Canning Highway. This higher density would be achievable subject to the land being used

for residential purposes only (i.e. no commercial tenancies) and preparation of a Local Development Plan and Design Guidelines (to the satisfaction and approval of Council).

To demonstrate the applicable impact of a R80 dwelling density Mackay Urban Design formulated block diagrams to portray building heights, massing, overshadowing and an example of a building layout/configuration. These images are indicative only and in no way are intended to indicate design intent. Within the applicable investigation the following assumptions were noted:

- The site area for the purposes of calculating plot ratio has included the road widening area. This is consistent with previous State Administrative Tribunal decision making and also the definition of plot ratio which is *'the ratio of gross plot ratio area of buildings on a development site to the area of land in the site boundaries'*. As the current site boundaries include the road widening area, this land area is assumed to be incorporated into the calculation of plot ratio. Should the site be subdivided prior to redevelopment, the site area and plot ratio would be reduced.
- The development yield has assumed an average dwelling unit size of 95m² which is the equivalent of a three bedroom apartment.
- A requirement for 36 car bays.
- Access from East and Glyde Street and not from Canning Highway.

The key findings applicable to the R80 density scenario include:

- Dwelling yield – 29 dwellings at an average unit size of 95m². This could consist of a range of apartment types ranging from one to four bedrooms;
- Plot ratio – 2,786m² at 0.96:1;
- Car parking – 36 bays;
- Over-shadowing – 36.8%;
- Adjoining amenity preserved;
- Site specific development; and
- Consistent in height and scale to *Sunny's*.

An example of a built form outcome at a density of R80 is depicted in the image below.

Note:

1. **Building massing and design is not absolute. It may not reflect the resultant built form or final building design on these lots; it is for indicative purposes only.**
2. **Drawing prepared prior to the two storey height limit on the Glyde Street corner lot being proposed.**



Based on the building massing investigation the R80 density scenario was considered the most appropriate for several reasons, specifically:

- it assumes a four storey height limit which is within the range prescribed by the Town's draft LPS (i.e. three to five storeys) and is considered appropriate to this section of Canning Highway;
- the impacts of building bulk and overshadowing, at the proposed R80 density, result in a minimal increase when compared with a R40 built form (current permitted development density) as an additional 10% overshadowing on the most impacted lot is the outcome. This is demonstrated in the image below; and
- it provides for a dwelling yield of ~29 dwellings at an average unit size of 95m² which is the equivalent of a three bedroom dwelling.

Indicative overshadowing diagram at R80



Further justification for a dwelling density of R80 and compliance with State and Local Planning Policies is outlined in Attachment 1 – Scheme Amendment No. 17 Report.

Details

Modifications to Scheme Text

The proposed complex 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 LPS 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;
- Formulate associated Design Guidelines to guide the built form and architectural outcome of the Amendment site; and
- modify the LPS 3 Map so the 'Other Regional Roads' reservation is consistent with the MRS.

The special conditions to be introduced to Schedule 2: Additional Use Sites and Requirements are provided in detail in Attachment 2. The special conditions are intended to provide an appropriate set of development standards to enable development at a higher density to be balanced against protecting amenity and heritage in the Plympton Precinct.

The higher density would 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 is to encompass all six lots in the Additional Use – A9 area and is to address the matters listed below:

- 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.
-

The aim of the special controls is to limit building height and setbacks to minimise the impact on East and Glyde Street and nearby properties, in particular the mostly single storey heritage residential area. 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 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 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.

Modifications to Scheme Map

Regarding the existing 'Other Regional Roads' reservation, it is noted that prior to development occurring, this land will be ceded to facilitate the future road widening of Canning Highway. To ensure Canning Highway receives priority regarding traffic flow and safety, provisions have been proposed as part of the Amendment to make sure any vehicular access to future development will be via East or Glyde Street and prohibited from Canning Highway.

It is noted that the existing 'Other Regional Roads' reservation under LPS 3 is inconsistent with the current MRS reservation. The Amendment is therefore also proposing to modify the Scheme Map to ensure uniformity with the MRS. A copy of the modified LPS 3 Map is provided in Attachment 3.

Scheme Amendment Classification

Under Part 5 section 34 of the *Planning and Development (LPS) Regulations, 2015* the Council must consider if the proposed Amendment is to be classified as standard or complex. The length of the advertising period is dependent on the classification assigned to the amendment. This Amendment is considered complex as it meets the criteria listed below:

- i. the Amendment *is not* consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;
- ii. the Amendment *is not* addressed by any local planning strategy; and
- iii. the Amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

Note: The Amendment is consistent with draft LPS, however this Strategy is currently under assessment by the DPLH and has therefore not been endorsed by the WAPC.

Consultation

No public consultation is required at this stage of the Amendment process. However, should Council resolve to proceed to initiate to advertise the proposed Amendment and the WAPC subsequently consent to advertising proceeding (with further modifications or unmodified), the Amendment will be advertised for a minimum period of 60 days (complex amendment) as outlined in Attachment 4 – Community Engagement Checklist.

It may transpire that the WAPC determines modifications are required to the Amendment and if this is the case the commencement of the advertising period will be delayed pending modifications being made to the satisfaction of the WAPC.

The period in which submissions can be made will be published on the Town's website, in the eNewsletter, in a local newspaper, on appropriate social media sites and be made available at the Town Hall. Letters will be sent to those land owners and occupiers considered by the Town to have an interest in, or be impacted by the Amendment, including impacted City of Fremantle residents and ratepayers (refer to Attachment 4). Also, signs advertising the Amendment will be placed on the three frontages of the Amendment site.

In this case the Amendment site abuts an 'Other Regional Road' reservation under the MRS and is also within the Fremantle Port Buffer Zone – Area 2. Referral to MRWA (to ensure relevant sections of MRWA are notified), Fremantle Ports and other relevant servicing authorities and government departments is therefore required. The Amendment will also be referred to the EPA for assessment as required under the *Planning and Development Act 2005*.

Statutory Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

*Metropolitan Region Scheme (MRS) – Lot 14 - 19 abut an 'Other Regional Road' Reservation
Local Planning Scheme No. 3 (LPS 3)*

Policy Implications

Draft Local Planning Strategy (LPS)

Fremantle Port Buffer Zone – Area 2

Local Planning Policy 3.1.3 – Town Centre Redevelopment Guidelines

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 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.

3.2 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 practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 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.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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	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 Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
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

Note:

The decision to proceed with this Amendment has been based on an agreed approach between MRWA and the Town. From the Administration's perspective the Amendment as proposed is considered a good outcome for the Town. If the Amendment did not proceed, and the land was sold under its current zoning, a developer may not be as considerate of the Town's preferred development outcome for the site and perhaps of the view that a more intensive and larger scale development is reasonable for the site, with less consideration for the amenity of the surrounding residential uses and heritage character of the precinct.

Site Inspection

November 2020

Comment

Justification for Scheme Amendment

Draft Local Planning Strategy

The Scheme Amendment No. 17 Report (refer to Attachment 1) has been prepared by the planning consultants, Dynamic Planning and Development and submitted by MRWA. It provides the detailed background and justification for the proposed Amendment.

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

At present, the Town is seeking consent from the WAPC to advertise the draft LPS for public comment. The Draft Strategy is based on the Town's Strategic Community Plan 2017-27 key vision to create an *'inclusive community, balancing growth and lifestyle'*. To achieve this vision the Town has established a range of strategic priorities and principles grouped into the following categories:

1. Social (Social connection, inclusive and safe community).
2. Economic (Sustainable, 'locally' focused and easy to do business with).
3. Built Environment (Accessible, well-planned landscapes which are in balance with the Town's heritage and open spaces).
4. Natural Environment (Maintaining and enhancing the Swan River foreshore and other green open spaces with a focus on environmental sustainability and community amenity).
5. Leadership and Governance (A pro-active, approachable Council which values consultation transparency and accountability).

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 Strategy, 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 Strategy also identifies the Amendment site as a 'Planning Area' for investigation for urban consolidation. The background information and analysis report supporting the draft Strategy 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 Strategy provides an indication of the proposed urban form for the 'Planning Areas' which may be supported or intended to be investigated in consultation with the community, with specific reference to Appendix A2 - Streetscape character types of SPP 7.3 – Residential Design Codes Volume 2 – Apartments. For the Amendment site, a suburban context – medium rise streetscape character is considered appropriate.

This is envisaged by the draft LPS as predominantly three storeys built form, with potential for up to five storeys closer to the corner of East Street. A mixture of apartments and townhouse/villa grouped dwellings/terrace development with opportunity for setbacks and heights transitioning on the fringe where the site interfaces with the established suburban residential area and incorporates heritage properties into overall design concepts. The draft LPS also indicates that a Local Development Plan may be appropriate to ensure new development is well-coordinated with

adjoining suburban character and heritage listed sites and access is provided as an alternative to Canning Highway.

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

- heritage listed properties in the vicinity;
- minimising effects of built form 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 a suburb that is representative 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 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, 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 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 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. 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 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-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 on 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.

It is recommended Council adopt (initiate) Scheme Amendment No. 17 for the purpose of advertising. Notwithstanding the Amendment is considered suitable for initiation for advertising, the Town has indicated to MRWA that the R80 density proposal and corresponding modifications to the Additional Use – A9 provisions, is prefaced on the basis that this is for the purpose of advertising. Community comment on the proposed Amendment will be given due regard.

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 031220

Moved Cr Collinson, seconded Cr Nardi

That Council in accordance with:

A. Section 75 of the *Planning and Development Act 2005*, resolves to:

(i) adopt (initiate) Amendment No. 17 of the Town of East Fremantle Local Planning Scheme No. 3 as outlined below;

1. 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"> 1. Local Development Plan approved by the local government depicting coordinated development of Lots 14, 15, 16, 17, 18 and 19. 2. The Local Development Plan shall address the following to the satisfaction of the local government: <ol style="list-style-type: none"> 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; ii. Vehicle parking, access and egress arrangements with vehicular access and egress prohibited to/from Canning Highway; iii. Noise mitigation measures pursuant to the Fremantle Inner Harbour Buffer Definition Study requirements; iv. Building, landscaping and access interface measures; v. Development to provide an active edge to all street frontages and provide pedestrian access; vi. Landscape buffer to the southern boundary of all lots and the eastern boundary of part of Lot 15 Canning Highway; and vii. Boundary setbacks. 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. 4. Development should not exceed a maximum height of 21.0 metres AHD or 3 storeys or



			<p>whichever is the lesser, within 8 metres of the southern boundary.</p> <ol style="list-style-type: none">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.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.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.8. The special conditions for this Additional Use are not open to variation through any provision of this Scheme or any other mechanism.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>(ii) amend the Scheme Map to indicate the "Other Regional Road" reserve for Lots 14-19 Canning Highway, East Fremantle as shown in the Metropolitan Region Scheme; and</p> <p>B. Regulation 35(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, determines that Amendment No. 17 of the Town of East Fremantle Local Planning Scheme No. 3 is a complex amendment for the following reasons:</p> <ol style="list-style-type: none">(i) the amendment is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;(ii) the amendment is not addressed by any local planning strategy; and(iii) the amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality. <p style="text-align: right;"><u>(CARRIED UNANIMOUSLY)</u></p>			

