



Additional information

Planning Committee

Wednesday 3 May 2023 6pm



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Additional Information 1 – Site Photos



Photo 1: Subject site as viewed from Hickory Street



Photo 2: Subject site as viewed from Hickory Street (view northward)



Photo 3: Subject site and carport area of adjoining southern property (No. 10)



Additional Information 2 – Applicant Responses to City’s Further Information / Revised Plans Request and Public Submissions

Hi Erik,

Please see below (in red) the justification points as per the request from your assessment for Further Information/Revised Plans Request - 8 Hickory Street, South Fremantle (DA0263/22).

1. Building Height (Schedule 7 (LPA4 South Fremantle), defers to R-Codes Table 3)

- The external wall height of the proposal is 7.789m in lieu of the maximum 7.0m permitted by the R-Codes (789mm variation).
- The maximum total height of the proposal in 8.7m in lieu of the maximum 8.0m permitted by the R-Codes (700mm variation)

Please note the following heights have been taken from the front elevation 1 & side elevation 2.

The top height of the proposed two storey portion of the front roof additions (top of roof) is 7.60m.

The height of the wall of the proposed two storey portion of the front wall additions (top of wall) is 6.0m which is also the underside of the eaves.

The top height of the proposed three storey roof addition (which is setback 14.82m from the front b'dry line) is 9.13m.

The height of the wall of the proposed three storey portion of the side wall additions (top of wall) is 7.789m.

As seen on the side elevation the portion of wall greater than 7m makes up only a small amount of the entire length of the home. We do not believe this to be a major variation. The wall height with no major openings, or overshadowing does not impact upon the northern neighbour.

We also believe by staggering the proposed upper floor and third floor (as seen on the front and side elevations and floor plans) we are minimising the impact upon neighbours and the streetscape. In fact, if you were to stand on the foot path or the street you would be hard pressed to actually see any of the third floor due to the amount it is setback (14.82m).

It should also be noted that in the context of the surrounding development there is actually quite a number of cumbersome existing two storey and three storey dwellings within the near vicinity of Hickory street itself as well as Douro Road and Marine Terrace most of which can be seen upon entering Hickory street.



20 Douro road



19 Douro road



Marine Terrace (end of Douro road)



1 Douro road (view from Hickory street)



1 Douro road



18 Hickory street (3 storey home with third level pitched roof)

The two storey neighbouring residences (to the north) at 4 & 6 Hickory street can be clearly seen from the street with little use of staggering the elevation. These residences are situated forward of both the existing and proposed additions at 8 Hickory street.



4 & 6 Hickory street (neighbouring two storey properties to the north)

The existing large two storey residence on the corner of Hickory street & Douro road also highly impacts the street due to its proximity and setback to both front and side setbacks.



Corner of Hickory street & Douro road

A number of other key points which have a positive impact for 8 Hickory street (which have not been mentioned within the assessment) are as follows:

Both the existing front fence on the boundary line and the existing carport (forward of the existing residence and proposed additions) will help buffer the impact of the upper floor additions.

The existing verge trees and significant large existing tree within the front setback will also buffer and mask the proposed additions.



8 Hickory street



8 Hickory street



Any variation to building heights prescribed by Schedule 7 of the LPS4 need to be justified under Clause 4.8.1.1 of the City's LPS4 though in this circumstance officers cannot see how all these criteria can be met in the context of surrounding development as this development would be greater in scale. As such revised plans are required to ensure the building height demonstrates compliance with Table 3 of the R-Codes.

Collaboration on this project with Fremantle Officers started many months ago to ensure the smooth lodgement process. These plans were approved verbally via planning & heritage.

At the time of initial discussions with the Planning Department the scale of the proposed addition, staggering of the design and setbacks were clearly viewed. It was agreed that the proposed addition was not out of place and indeed fitted in quite well with the surrounding area.

As shown with the attached photos, this has not changed since we have started the planning process.

2. Visual Privacy – Roof Terrace (views north and south) – R-Codes 5.4.1

The proposed roof terrace, where uncovered ("New Open Terrace") provides only 1200mm high walls along the southern and northern edges of the open terrace which are insufficient in screening views and will provide for direct overlooking of adjacent properties. Revised plans are required to address this visual privacy issue from the terrace.

Please see the latest amended plans.

We have increased the heights of these side and rear walls on the new open terrace to provide a better privacy solution.

We believe this now complies.

3. Overshadowing – R-Codes 5.4.2

The proposal will result in 34.94% (159/455sqm) overshadowing of the adjoining southern property in lieu of the maximum 25% permissible under the R-Codes. While it is understood some overshadowing is inevitable given the orientation of the sites it is also noted that some of the excessive overshadowing is due to the excessive building height (see point 1 above) and that the overshadowing may impact key north facing openings and outdoor living areas of the adjoining property and thus, revised plans should be prepared to address the overshadowing and additional information (such as plotting the adjoining dwelling openings and outdoor living areas and how the shadow will impact these) if the level overshadowing cannot be brought into compliance with the R-Codes.

Please see the latest amended site plan.

We have added the intramap image of the entire neighbouring property (to the south) to help you understand the impact and location of the overshadowing.

As noted on the site plan the overshadowing of the upper floor additions and terrace roof additions fall over the existing shadow cast by the existing single storey residence which is mainly upon the neighbouring existing residence roof and the neighbouring existing carport roof.

It should also be noted that there are a number of large significant trees in the neighbouring property which provide shadow to existing open space areas.

We believe the overshadowing does not severely impact the living areas of the neighbouring property.



10 Hickory street (neighbouring property to the south)



4. Public Consultation Submissions

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015. The advertising period concluded on 8 September 2022, and three (3) submissions were received from adjoining landowners. The following issues were raised (summarised):

- *Concerns that the height of the external walls and overall building height exceeds the maximum permitted by the R-Codes and the impact of this will be to reduce our access to natural light and unacceptably overshadow adjacent properties. The proposal should be made compliant with relevant R-Code and/or Council policy requirements.*

Please see the latest amended site plan addressing the shadow concerns.

- *Concerns that visual privacy will be significantly compromised from the rear facing openings at first floor level and from the roof terrace that will afford direct overlooking of adjoining properties.*

Please see the latest amended plans addressing the privacy concerns.

The main idea of the roof top terrace is to maximise the view of significance to the west (ocean views).

- *Concerns the use of the rooftop terrace will generate unacceptable noise impacts upon adjoining dwellings.*

Please see the latest amended plans addressing both privacy and increased wall heights which will help reduce noise.

The Owners and occupants (which include a young husband and wife and young growing family) will abide by local noise regulation laws, and with privacy screens and potted plants, this will also reduce the chance of noise leakage.

- *Concerns the new 1800mm dividing fencing will not be sufficient to prevent overlooking from the new decking around the pool; the fencing should be raised 1800mm above the level of the decking.*

Please see the latest amended plans addressing overlooking concerns.

Happy to increase fence height to prevent overlooking.

Landscaping including developed trees along the fence line will also be added to help prevent overlooking.

Please also note that the deck is less than 500mm above the natural ground level.

- *Concerns the large 3 storey dwelling will set a precedence for such a scale of development that will adversely impact the established heritage and general character of the area and impact the amenity of neighbouring properties.*

We disagree with this comment above. As previously provided in this justification, there are already a number of much larger developments within the surrounding area.

It should also be noted that on the western side of Hickory street you will find many properties that have built up to the boundary line, many of which are two storey with little to no staggering of the upper floor.

These have much more impact upon the street than a two storey addition which is staggered back from the street, buffered by existing street trees, screen fencing, landscaping and significant trees within the front setback but above all only a very small amount of roof.

Please see examples of other existing residences which have more of an impact upon the streetscape.



Hickory street 2 storey examples with nil setback



Hickory street 2 storey examples with nil setback



Hickory street 2 storey examples with nil setback



Hickory street 2 storey examples with nil setback

In conclusion, we hope the information provided in this justification and on the amended planning drawings outline the key points of concern with clear demonstration. However, if you require further details, or would like to meet on site then please don't hesitate to contact us.

Kind regards,

Stuart Redwood
Director

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9244 4462

**PC2305-1 EDMUND STREET, NO. 82 & 84 (LOT 12 & 13) WHITE GUM
VALLEY – CHILD CARE PREMISES (JD DAP001/23)**

Additional Information 1 – Site Photos



Photo 1: Subject site as viewed from Edmund Street



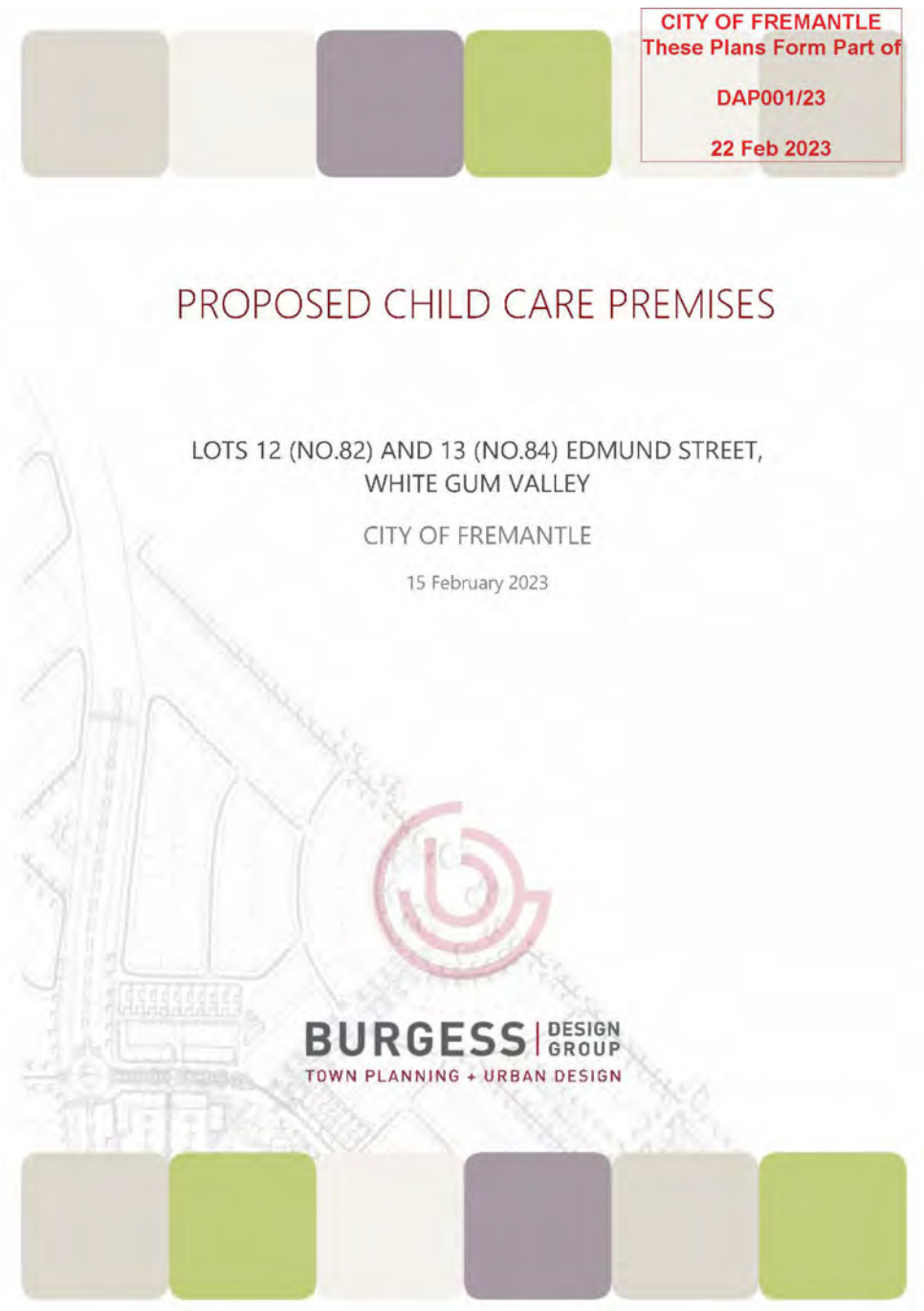
Photo 2: Looking North up Edmund Street, subject site on right of image



Photo 3: Looking south down Edmund Street, subject site on left



Additional Information 2 – Applicant’s Supporting Report





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Revision:	Date:	Description:	Author:	Reviewer:
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1. INTRODUCTION

Burgess Design Group has been appointed by Hindle Properties – Aveley Pty Ltd, the registered owners of Lots 12 (No.82) and 13 (No.84) Edmund Street, White Gum Valley (the subject “site” or “land”) for the provision of town planning and urban design consultancy services for the preparation of a Development Application and the coordination of planning approvals for a Child Care Premises on the site.

The proposal involves the demolition of the two (2) existing duplexes on the subject site and the subsequent development of a child care premises with associated car parking, landscaping, and access to Edmund Street.

The following report provides an overview of the site characteristics, explains the rationale of the Development Application design and outlines the statutory and strategic framework that will guide its implementation.

The Development Application has been formulated in collaboration with a team of specialist consultants, who have provided technical input in relation to matters as follows:

Herring Storer Acoustics	Environmental Acoustic Report
Meyer Shircore Architects	DA Plans
Uloth & Associates	Transport Impact Statement

1.1 ABBREVIATIONS

Abbreviations used in this report are summarised below for ease of reference:

LPS4	City of Fremantle Local Planning Scheme No.4
MRS	Metropolitan Region Scheme
R-codes	State Planning Policy 7.3 – Residential Design Codes Volume 1
WAPC	Western Australian Planning Commission



2. SITE DESCRIPTION/DETAILS

2.1 LEGAL DESCRIPTION, RESTRICTIONS AND ENCUMBRANCES

Lots 12 and 13 are registered in the ownership of Hindle Properties – Aveley Pty Ltd.

The site is formally described as:

- Lot 12 on Diagram 38077, Certificate of Title Volume 2127 Folio 995; and,
- Lot 13 on Diagram 38077, Certificate of Title Volume 2127 Folio 996.

There are no restrictions and/or encumbrances registered on the Certificates of Title.
Refer to **Appendix 1 – Certificates of Title**.

The site comprises a total legal land area of 2,050m².

2.2 LOCATION

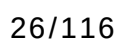
The site is located within the suburb of White Gum Valley and is situated approximately 1,200 metres east of Fremantle Strategic Metropolitan Centre. The site gains direct access to Edmund Street, a classified Access Street under the Main Roads WA Functional Hierarchy Map. **Figure 1 – Location Plan** shows the site's location.

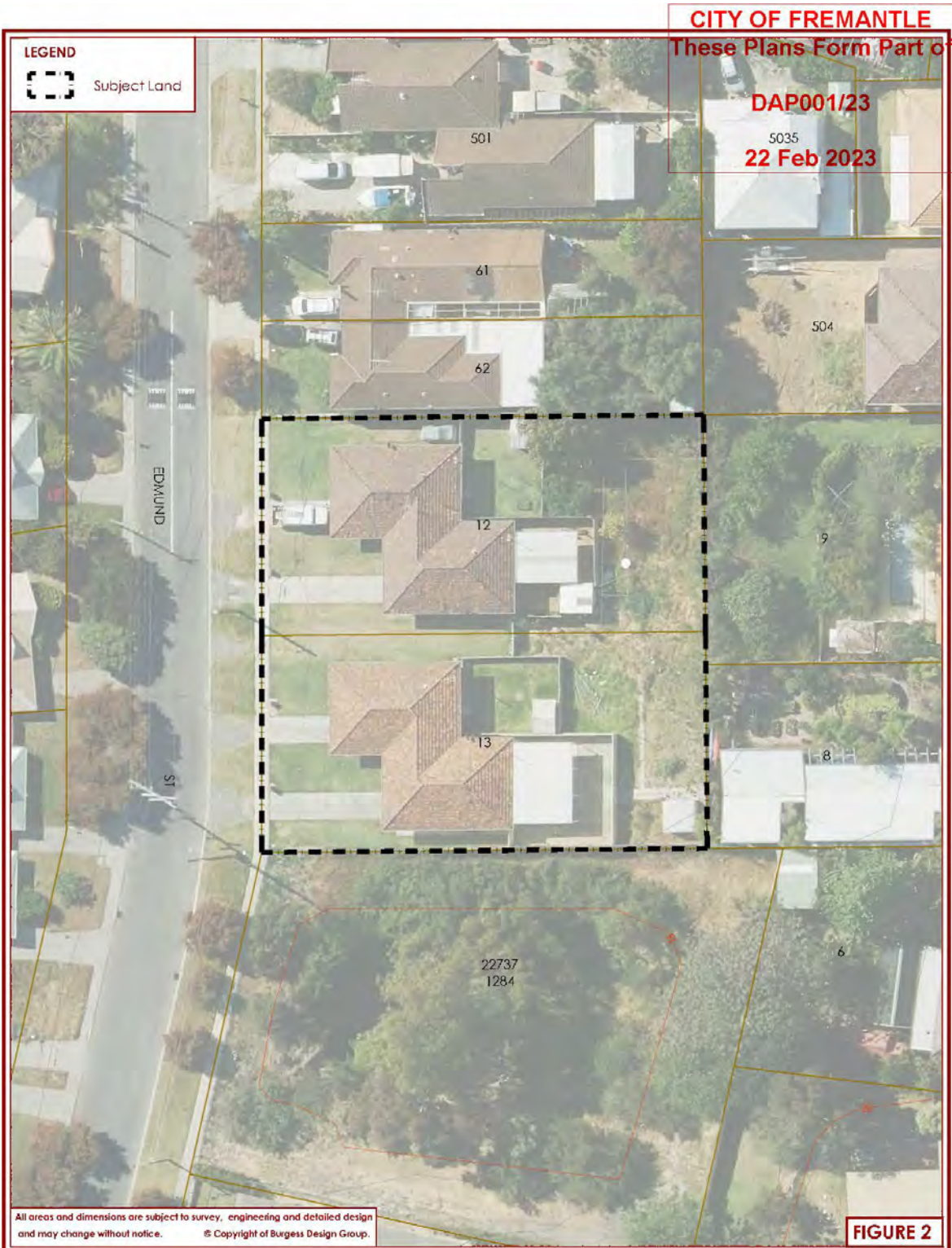
2.3 EXISTING AND HISTORICAL USE AND DEVELOPMENT

The site currently comprises two (2) residential duplexes. These four (4) units will be demolished to construct the child care premises. Refer to **Figure 2 – Aerial Photograph**.

2.4 SURROUNDING LAND USE AND DEVELOPMENT

Surrounding land uses are predominately characterised by low density residential development. The site is adjacent to a drainage reserve, and in close proximity to a place of worship. Stevens Reserve is located approximately 92 metres north of the site, and Booyeembara Park is located approximately 477 metres east of the site. Further to the west of the site is Fremantle Central Business District and Fremantle Boat Harbour.







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3. PLANNING FRAMEWORK

Outlined below is a summary of the relevant strategic and statutory documents that guide the development of child care premises on the subject land.

3.1 STATUTORY FRAMEWORK

3.1.1 METROPOLITAN REGION SCHEME

The subject site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS). In this regard, the proposed land use is consistent with the 'Urban' zoning (refer **Figure 3 – MRS Map**).

3.1.2 CITY OF FREMANTLE LOCAL PLANNING SCHEME NO.4

The subject site is zoned 'Residential R25' under the *City of Fremantle Local Planning Scheme No.4* (LPS4). Additionally, the site falls within 'Local Planning Area 4 – Fremantle South' under LPS4 (refer **Figure 4 – LPS4 Map**).

Pursuant to Clause 3.2.1 the objectives of the 'Residential' zone are as follows –

Development within the Residential zone shall:

- (i) *'provide for residential uses at a range of densities with a variety of housing forms to meet the needs of different household types, while recognising the limitations on development necessary to protect local character,*
- (ii) *safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area,*
- (iii) *encourage high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,*
- (iv) *recognise the importance of traditional streetscape elements to existing and new development,*
- (v) *conserve and enhance places of heritage significance the subject of or affected by the development, and*
- (vi) *safeguard and enhance the amenity of residential areas by ensuring that land use is compatible with the character of the area.'*



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The proposed development is considered to be consistent with the objectives of the 'Residential' zone, for the following reasons:

- Although the proposal is not residential in nature (thus objective (i) is not considered relevant), importantly its development will not prejudice opportunities for other adjacent/nearby properties to deliver a mixture of residential development within White Gum Valley.
- The proposal has been designed to comply with the applicable R2S density code under the R-Codes to ensure development is sympathetic to the established character of the area and as such it is considered to be compatible with the existing streetscape. It should be noted that there are other non-residential uses sited on Edmund Street (including a drainage reserve and a place of worship).
- The proposal is designed to:
 - Safeguard privacy with the installation of a 2.2m high fence on the northern and eastern lot boundaries;
 - Facilitate natural cross-ventilation with openable windows and doors on all building elevations; and,
 - is consistent with the scale of surrounding residential development, being single storey, permitted under the R-Code provisions.
- The proposed building façade incorporates a mixture of materials and finishes (such as face brick and timber cladding) that is consistent with the style of development which exists in the locality.
- The proposed site is not a place of heritage significance (thus objective (v) is not considered relevant to this proposal).
- The proposal provides a much needed and convenient service to the local community and is supported by traffic and acoustic reports that demonstrate the proposal will have no significant impact on the amenity of the surrounding area.

In this regard, the use is considered to be compatible with, and complementary to, the 'Residential' zone envisaged by LPS4.



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3.2 WAPC POLICIES AND PLANNING BULLETINS

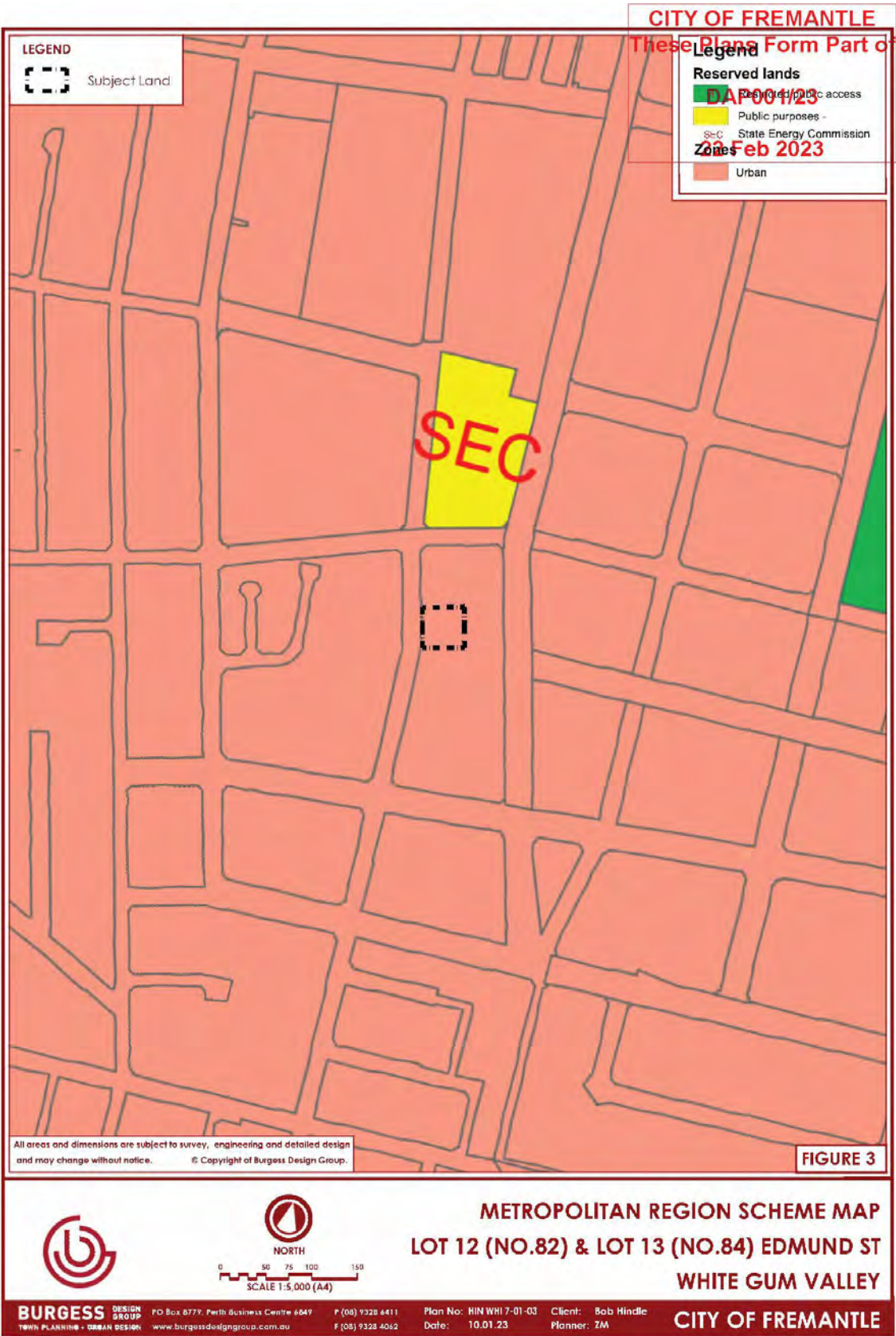
The following WAPC Policies and Planning Bulletins are relevant to the proposed development and are discussed in further detail in following sections:

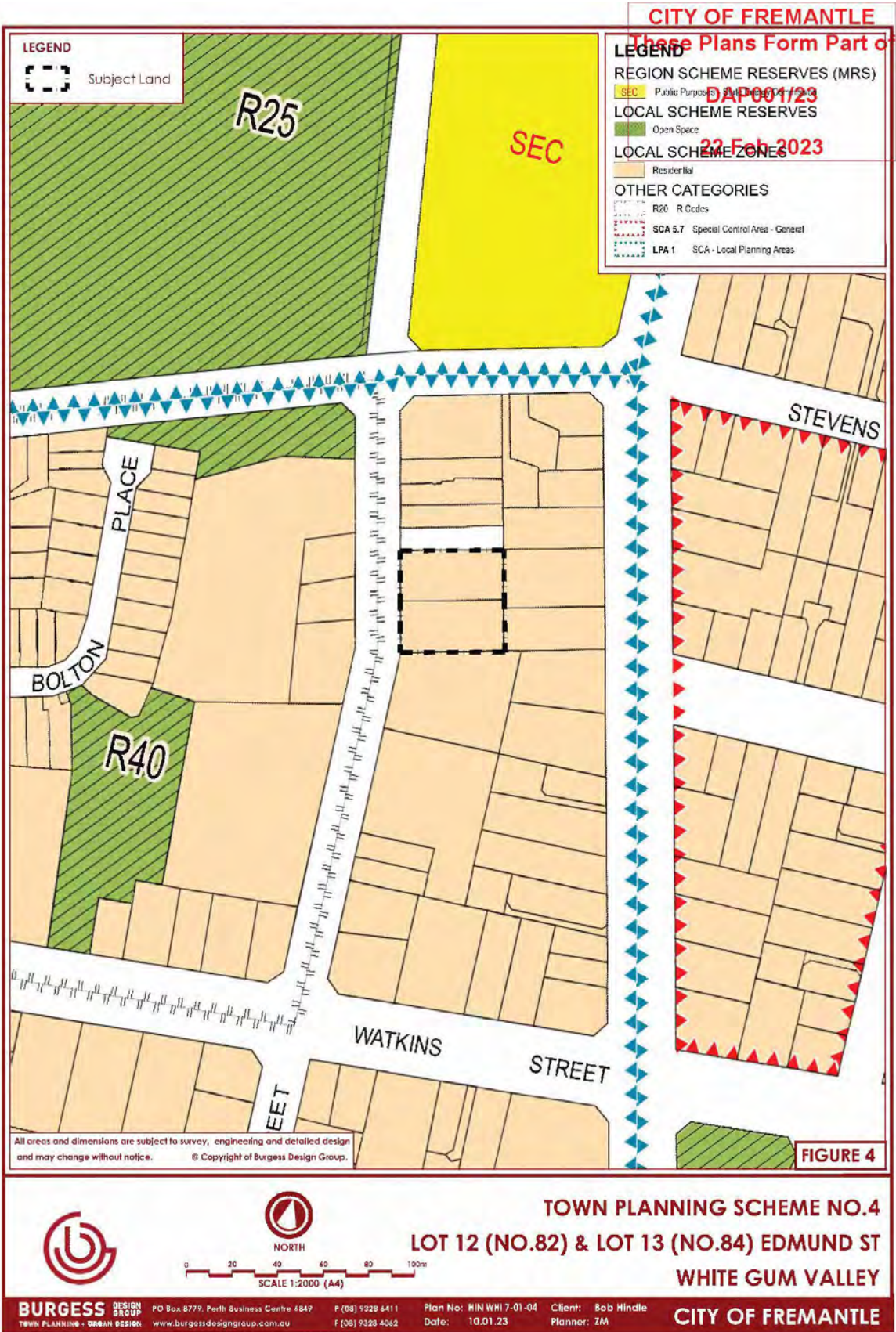
- Planning Bulletin 72/2009 Child Care Centres
- State Planning Policy 7.3 – Residential Design Codes, Volume 1

3.3 LOCAL PLANNING POLICIES

The following City of Fremantle Local Planning Policy is relevant to the proposed development and is discussed in further detail in following sections:

- Local Planning Policy 2.9 – Residential Streetscape Policy (LPP 2.9)







4. PROPOSED DEVELOPMENT

This application seeks approval for a single storey child care premises that will provide care and early learning services for a maximum of 92 children and 15 staff.

The proposed child care premises comprises the following elements:

- An internal ground floor layout comprising:
 - 4 x activity rooms (1 x nursery, 1 x toddler, and 2 x kindy rooms)
 - 2 x cot rooms
 - Bottle room
 - Store rooms
 - Kitchen
 - Reception
 - Office
 - Plan room
 - Staff room
 - Laundry
 - Children and staff toilets
- Outdoor play area of 700m²
- 24 on-site car parking bays, 15 staff spaces plus 9 visitor (pickup/drop-off) spaces, including 1 accessible (disabled) space.

Refer to Plan 1 – Site Plan, and Plan 2 – Ground Floor Plan.

4.1 LAND USE PERMISSIBILITY

The proposed child care premises is consistent with the land use definition in LPS4, which defines a 'Child Care Premises' as a premises where –

- (a) *'an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
- (b) *a child care service as defined in the Child Care Services Act 2007 section 4 is provided.'*

A 'Child Care Premises' is an 'A' use within the 'Residential' zone, meaning that the use is not permitted unless the Council has exercised its discretion and has granted development approval after giving special notice (advertising) in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2. In this regard, the City and JDAP can formally consider the proposed land use on the site.



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4.2 PLANNING BULLETIN 72/2009 CHILD CARE CENTRES

Planning Bulletin 72/2009 Child Care Centres outlines a consistent policy approach to planning for the use and advises on planning considerations in relation to the location and development of child care centres. Table 1 below provides an assessment of the proposal against the requirements of Planning Bulletin 72.

Table 1: Planning Bulletin 72/2009 Child Care Centres

Criteria	Proposed	Complies (✓/✗)
Location of Child Care Centres		
a) Distributed strategically to provide the maximum benefit to the community it serves.	The closest child care centre is Busy Bees at Fremantle (on 62 Stevens Street, Fremantle), located approximately 305m north east of the subject site.	✓
b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities.	The proposed child care centre is located approximately 140 metres south east of Stevens Reserve, 164 metres north east of Virginia Ryan Park, and 300 metres north west of White Gum Valley Primary School. As such, the proposal is consistent with this criterion.	✓
c) Located in areas where adjoining uses are compatible with a child care centre (includes considering all permissible uses under the zoning of adjoining properties).	Surrounding land uses are predominantly residential. It is commonplace for Child Care Premises to be located within residential areas. As such, the proposed land use is considered to be compatible with the zoning of adjoining residences. The centre is appropriately located within close proximity to a key local distributor road (being Stevens Street) and is designed to mitigate potential impacts to the residential amenity, including the mitigation of noise impacts through the building orientation and fencing design.	✓



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d) Serviced by public transport (where available).	The site is located within a walkable distance of public transport, being approximately 72m from Edmund St Before Watkins St (Stop ID: 10950), and Edmund St After Watkins St (Stop ID: 10951). The bus stops are serviced by Bus Route 502 to/from Fremantle Station.	✓
e) Considered suitable from a traffic engineering/safety point of view.	A Transport Impact Statement confirms the proposal is suitable from a traffic engineering/safety point of view (refer Appendix 2).	✓
f) Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.	The proposed Child Care Premises provides the required areas per child for both indoor and outdoor play, as set out by the <i>Education and Care Services National Regulations 2012</i>. The proposed building is adequately setback from adjoining residences to ensure that development has a minimal impact on the amenity of the area.	✓
Site Characteristics		
• Sites in a residential area should be of regular shape and greater than 1,000m ² .	The site is regular in shape and 2,043m ² in area. As such, the site complies with this criterion.	✓
• The topography of the site and surrounds should also be considered as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.	The site is generally flat.	✓
• Sites selected for child care centres should also be assessed to determine their potential for soil and groundwater contamination.	The site is not a recorded contaminated site. In this regard, the site complies with this criterion.	✓



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The proposal wholly complies with the locational criteria and site characteristics stipulated in WAPC Planning Bulletin 72/2009.

4.3 DEVELOPMENT STANDARDS

Pursuant to LPS4, Clause 4.9.1 *'non-residential development, where permitted in the Residential zone shall comply with the requirements of the R-Codes or where relevant the development requirements for the Local Planning Area as outlined in Schedule 7 and any variations thereto.'*

4.3.1 SITE COVERAGE

The proposed floor areas are specified in **Table 2** below.

Table 2: Proposed floor areas

Area	Proposed Floor Area
Child Care Premises (GFA)	580m ²
Bin Store	11m ²
Outdoor play area	700m ²
Car park landscaping (excludes hardstand)	64m ²
Footpath area	48m ²
Car parking area	633m ²
TOTAL SITE AREA	2,043m²

The proposed development has been assessed against the relevant R25 provisions of the R-codes to ensure the proposal is compatible with future residential development.

The R-codes specify a minimum 50% open space, and 50% site cover for R25 coded land. The proposed building and bin store are 591m², which equates to 30% site cover. In this regard, the proposed building is considered to be consistent with the site coverage permitted on adjoining residential properties (refer **Plan 1 – Site Plan**).



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4.3.2 BUILDING SETBACKS

An assessment of the proposal against relevant R25 provisions of the R-codes is provided in **Table 3** below to demonstrate the proposals compatibility with existing and future residential development.

Table 3: Setbacks

R-code (R25) Provisions	Provided	Compliance ✓/x
Primary Street – 6m	The proposed building is setback 7.1m from Edmund Street.	✓
Ground Floor – Northern Boundary Boundary setbacks – walls with major openings: Wall length over 25m x wall height 3.5m or less – 1.5m setback required	The proposed building is setback 3.5m from the northern lot boundary (adjacent to Lot 62 (#80B) Edmund Street, White Gum Valley).	✓
Ground Floor – Rear Boundary Boundary setbacks – walls with major openings: Wall length 25m x wall height 3.5m or less – 1.5m setback required	The proposed building is setback 8.4m from the rear boundary (adjacent to Lot 9 (#37) Amherst Street, White Gum Valley).	✓
Ground Floor – Southern Boundary Boundary setbacks – walls with major openings: Wall length over 25m x wall height 3.5m or less – 1.5m setback required.	The proposed building is setback 19.2m from the southern boundary.	✓

The proposed building setbacks are consistent with the R25 provisions for residential development and therefore will not detract from the amenity of neighbouring properties.



4.3.3 BUILDING HEIGHT

LPS4, Local Planning Area 4 – Fremantle South, specifies that within the Residential zone all building height requirements are as per the R-codes and special application under Clause 4.

The R-codes specifies a maximum wall height of 7 metres, and total building height of 8m for skillion roofs. The proposed building is single story, with a total building height of 5.1 metres and maximum wall height of 2.7 metres, compliant with the R-codes provision (refer **Plan 4 – Elevations**). As such, the proposed development is considered to be compatible with the scale of both existing and future residential development in the locality.

4.3.4 BUILDING COLOURS AND MATERIALS

The building contributes positively to the streetscapes, and incorporates a mixture of high-quality materials including:

- Face brick façade
- Timber cladding
- Aluminium window frames
- Colourbond roofing
- Garrison fencing (refer **Plans 1 – 5**).

4.3.5 LANDSCAPING

There are no landscaping provisions for non-residential development within the 'Residential' zone. The proposed development comprises 700m² of outdoor play area, and 64m² of car park landscaping (excluding hardstand), which accounts for 37.39% of the total site area.

Landscaping will include the planting of shade trees in the car park area and an appropriately landscaped outdoor play area suitable for activities. The submission of Landscaping details can be appropriately conditioned as part of a development approval.



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4.4 FENCING

- 2.2m high Colourbond fence is proposed along the northern and eastern lot boundaries.
- 1.8m Colourbond fence is proposed along the southern lot boundary.
- 1.8m Garrison fencing is proposed along the front elevation and to the car parking area (refer Plan 5 – Fence Elevations).



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5. TRAFFIC REPORT

A Transport Impact Statement for the proposed development has been prepared by Uloth & Associates (refer to **Appendix 2**). This Transport Impact Statement outlines the transport aspects of the proposed development focusing on traffic operations, access and the provision of car parking.

The TIS provides the following key conclusions:

- Traffic generation for the currently approved child care centre, with a maximum of 92 children, equates to a total of 370 vehicle trips per day (at a rate of 4.0 trips per child enrolled), with 64 vehicle trips during the AM peak hour and 70 vehicle trips during the PM peak hour.
- The proposal will generate a total of 4 vehicle trips per child per day, with peak hour flows of 0.69 trips per child during the morning peak hour, and 0.76 trips per child during the afternoon peak hour. The child care centre is estimated to generate a total of 370 vehicle trips per day, with 64 vehicle trips and 70 vehicle trips, respectively, during the AM and PM peak hours.
- With a trip generation of less than 100 vehicle trips during both the AM and PM peak hours, the proposed development is therefore expected to have minimal impact on the existing road network.
- Peak parking demand of the site is able to be accommodated wholly in the on-site car parking spaces.
- The proposed car park layout adheres to the requirements of Australian Standard AS2890.1:2004 for User Class 3 (short-term parking), and User Class 1 (staff parking spaces).

5.1 VEHICLE ACCESS

The proposed vehicular access to/from the site is proposed via a 6.2m wide two-way crossover to Edmund Street.



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5.2 CAR PARKING

LPS4, Table 2 - Vehicle Parking, outlines the parking requirements for a child care premises. An assessment of the proposed development against LPS4 is outlined in Table 4 below.

Table 4: Vehicle parking standards

No. of Children	Minimum Parking Provision (Ratio)	Required	Provided
Employees (15 employees)	1: 1 employee	15	15
Children (92 children)	1: 10 children allowed under maximum occupancy	9.2	9
TOTAL		24	24

Delivery bays and bicycle racks are not required under LPS4 provisions.

The proposal provides a total of 24 parking spaces, with 15 Staff spaces plus 9 Visitor (pickup/drop-off) spaces, consistent with LPS4 provisions. Moreover, the car parking area has been designed for the provision of shade trees, consistent with LPS4, Clause 4.7.6.



6. ACOUSTIC REPORT

Herring Storer Acoustics assessed the child play noise emissions for the proposed child care centre increased capacity at the proposed site, against the *Environmental Protection (Noise) Regulations 1997*.

The Environmental Acoustic Assessment prepared by Herring Storer Acoustics detailing the outcomes of the assessment is attached at **Appendix 3**.

The report concludes that noise emissions from the proposed development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* provided that the following measures are implemented:

- Restrict the use of the outdoor play area prior to 7am.
- Provide a 2.2m high solid and continuous fence along the northern and western lot boundaries (as shown on the Site Plan). Colourbond is an acceptable fencing material.
- Mechanical services design to be reviewed for compliance with the Regulatory requirements at building licence stage (prior to occupation).



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7. OPERATIONAL OVERVIEW

7.1 OPERATION HOURS AND DAYS

The proposed hours of operation are 6.30am to 6.30pm Monday to Friday, excluding public holidays.

7.2 NUMBER OF CHILDREN AND EMPLOYEES

The maximum capacity of the child care premises is 92 children. A maximum of 15 staff will be employed onsite.



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8. CONCLUSION

Burgess Design Group, on behalf of Lindle Properties – Aveley Pty Ltd, the registered owners of Lots 12 (No.82) And 13 (No.84) Edmund Street, White Gum Valley, have prepared this Development Application report to guide the development of a Child Care Premises on the site.

The proposed development has merit and warrants approval for the following reasons:

- A 'Child Care Premises' is an 'A' use within the 'Residential' zone R25' under the *City of Fremantle Local Planning Scheme No.4 (LPS4)*. As such, the City and JDAP can consider the proposed land use on the site;
- The design of the child care premises generally complies with the provisions of LPS4 and R-codes;
- The proposed development does not result in any adverse traffic impacts on the surrounding road network as demonstrated in the Transport Impact Statement; and,
- The proposed development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

In this regard, Burgess Design Group respectfully requests the support of City's Planning Services in preparing a responsible authority report to the Joint Development Assessment Panel (JDAP).



Additional Information 3 - Traffic Impact Statement



CONSULTANTS IN
**TRAFFIC ENGINEERING
& TRANSPORT PLANNING**

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Suite 164, Level 3
580 Hay Street, Perth WA 6000
www.uloth.com.au (08) 9321 4841

31 January 2023

Bob Hindle
Director,
Atlantis Group,
Unit 11 / 13 Hobsons Gate,
CURRAMBINE WA 6028

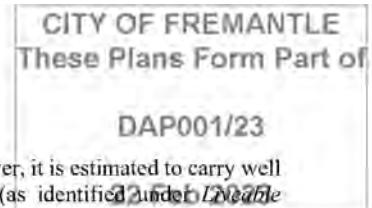
Dear Bob,

RE: TRANSPORT IMPACT STATEMENT FOR PROPOSED CHILD CARE CENTRE
LOTS 12 & 13 (No.'s 82 & 84) EDMUND STREET, WHITE GUM VALLEY

As requested, we have now reviewed the traffic and parking situation regarding the proposed Child Care Centre development at Lots 12 & 13 (No.'s 82 & 84) Edmund Street, White Gum Valley, which is located approximately 90 metres south of the Stevens Street - Edmund Street junction, as shown in the Locality Plan in the attached Figure 1.

1. EXISTING SITUATION AND PROPOSED DEVELOPMENT SITE

- It can be seen in the Locality Plan (in Figure 1) that Edmund Street is a north-south local road running parallel and to the east of Hampton Road, from Stevens Road (at the northern end) to South Street. It then extends further south to Lefroy Road, but is restricted to left-in/left-out movements only at South Street. Stevens Street provides all-movement access to/from Hampton Road, while Watkins Street and Samson Street provide good east-west connectivity to the surrounding residential catchment.
- It can also be seen in Figure 1 that there are two schools in close proximity to the proposed development, including Fremantle Primary School (approximately 750 metres west of the site on the corner of Stevens Street and Attfield Street) and White Gum Valley Primary School (on Hope Street approximately 600 metres east of the proposed development).
- The existing roads and intersections in the vicinity of the proposed development are then shown in the aerial photograph in the attached Figure 2, while the existing situation within and immediately adjacent to the site is shown in more detail in the Figure 3.
- It can be seen in Figures 2 and 3 that Stevens Street and Edmund Street are both 2-lane undivided roads with Stevens Street identified as a Local Distributor road under the Main Roads WA Functional Road Hierarchy, while Edmund Street is identified as an Access Road. Both roads operate under the default urban area speed limit of 50 kilometres per hour.
- It can be seen in Figure 3 that the proposed development site is currently occupied by 2 residential duplex developments, with access for each of the 4 dwellings via separate crossovers off Edmund Street. It can also be seen that there is an existing footpath on each side of Edmund Street immediately adjacent to the proposed development.



- There are no traffic counts readily available on Edmund Street. However, it is estimated to carry well below its indicative maximum volume of 3,000 vehicles per day (as identified under *Neighbourhoods* for an Access Street B).
- Historical crash data was obtained from Main Roads WA, showing only 2 incidents on Edmund Street in the vicinity of the site over the past 5 years to December 2021. Both were driveway incidents, with one incident involving a driverless car, while the other incident occurred at night and the vehicle collided with a fixed object.
- The nearest available Bus Service is Route 502, which travels from Fremantle Station to/from Bull Creek Station, along Edmund Street and Watkins Street, with the closest bus stops located approximately 100 metres south of the proposed development site in Edmund Street, as also shown in Figure 2.

2. PROPOSED DEVELOPMENT

- The proposed development plan is shown in the attached Figure 4, as prepared by Meyer Shircore architects. The proposal includes the construction of a purpose-built Child Care Centre (for up to 92 children, plus 15 staff) with a gross floor area of 580 square metres plus an outdoor play area of 702 square metres.
- The attached Figure 5 then shows the proposed development plan superimposed on the aerial photograph from Figure 3, identifying the proposed development in the context of the adjacent road network.
- It can be seen in Figures 4 and 5 that the plan proposes a total of 24 parking spaces for staff and visitors, including 1 Accessible (disabled) space, and a 2-way access driveway off Edmund Street. The plan also provides a turn-around bay, to ensure that all vehicles accessing the car park can exit the site in forward gear. Pedestrian access to the Child Care Centre is also proposed directly off Edmund Street (adjacent to the car park access driveway), linking to the existing footpath along Edmund Street.
- It can also be seen in Figures 4 and 5 that the proposed Bin Store is located adjacent to the access driveway, with rubbish collection proposed to occur on-street.

3. PARKING REQUIREMENTS

- Car parking requirements are specified in Table 2 of City of Fremantle Local Planning Scheme No. 4, with a requirement for Child Care Premises to provide 1 space per employee plus 1 space per 10 children allowed under maximum occupancy.
- With 15 staff for the maximum 92 children, the proposed Child Care Centre therefore requires a total of 24 car parking spaces, as currently provided on the development plan.

4. TRIP GENERATION AND TRAFFIC IMPACT

- On the basis of previous surveys and available data, it is estimated that the proposed Child Care Centre will generate a total of 4 vehicle trips per child per day, with peak hour flows of 0.69 trips per child during the morning peak hour and 0.76 trips per child during the afternoon peak hour. The Child Care Centre is therefore estimated to generate a total of 370 vehicle trips per day, with 64 vehicle trips and 70 vehicle trips, respectively, during the AM and PM peak hours.
- With a trip generation of less than 100 vehicle trips during both the AM and PM peak hours, the proposed development is therefore expected to have minimal impact on the existing road network. It



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is also likely that a proportion of the total traffic generation will be 'passing trips' that are already on the road network (along Edmund Street), travelling to/from the surrounding residential areas. It is also expected that some trips will be linked with the pick-up and drop-off of children at the nearby schools.

5. PROPOSED CAR PARK LAYOUT AND ACCESS

The attached Figure 6 shows the recommended car park layout and access arrangement for the proposed development, as follows:

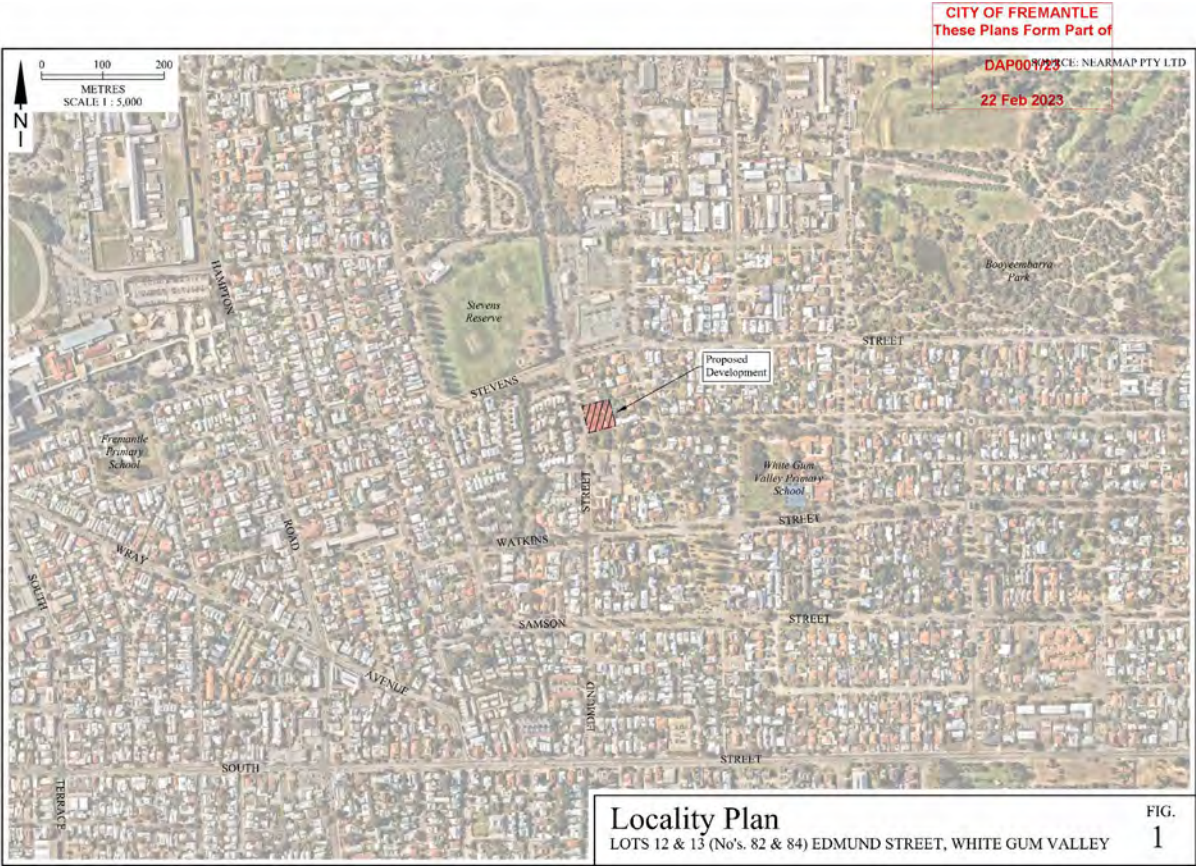
- It is recommended to construct the proposed crossover off Edmund Street as shown in Figure 6, to comply with City of Fremantle crossover standards.
- The proposed car park provides a total of 24 parking spaces, with 15 Staff spaces plus 9 Visitor (pickup/drop-off) spaces, including 1 Accessible (disabled) space with an adjacent shared area as required under AS 2890.6.
- Visitor parking space dimensions are 2.6 metres x 5.4 metres with a 6.2 metre aisle which is suitable for User Class 3 (short-term parking) under AS 2890.1, while Staff parking spaces are 2.4 metres x 5.4 metres (as required for User Class 1 under Australian Standard AS 2890.1).
- It is also important to note that the existing crossovers will be removed, with verge and footpaths to be reinstated as required.

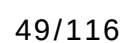
I trust that the above review of traffic and parking requirements, together with the recommended car park layout and access arrangement are sufficient to confirm the operation and safety of the proposed Development Application. However, please do not hesitate to contact me if you require anything further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Darren Levey".

Darren Levey









SITE & GROUND FLOOR PLAN

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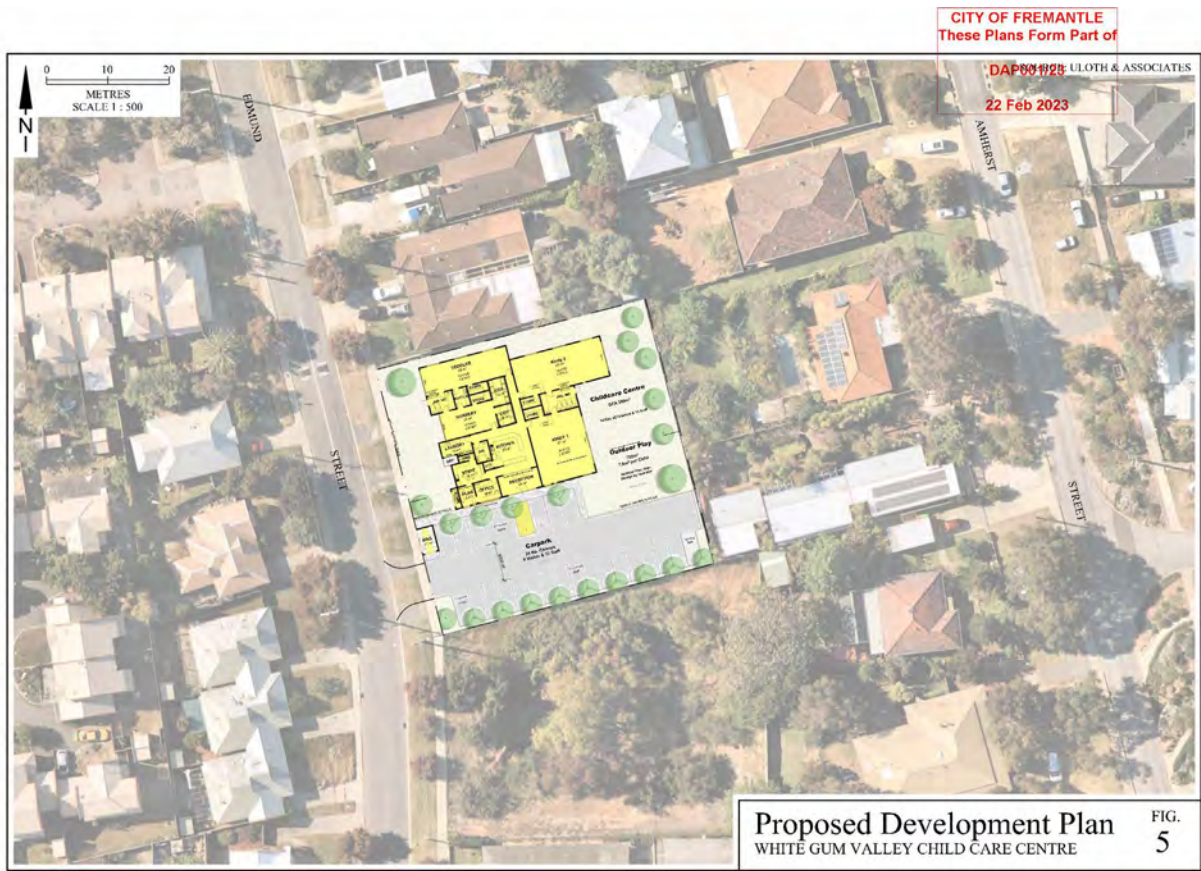
SITE CRITERIA

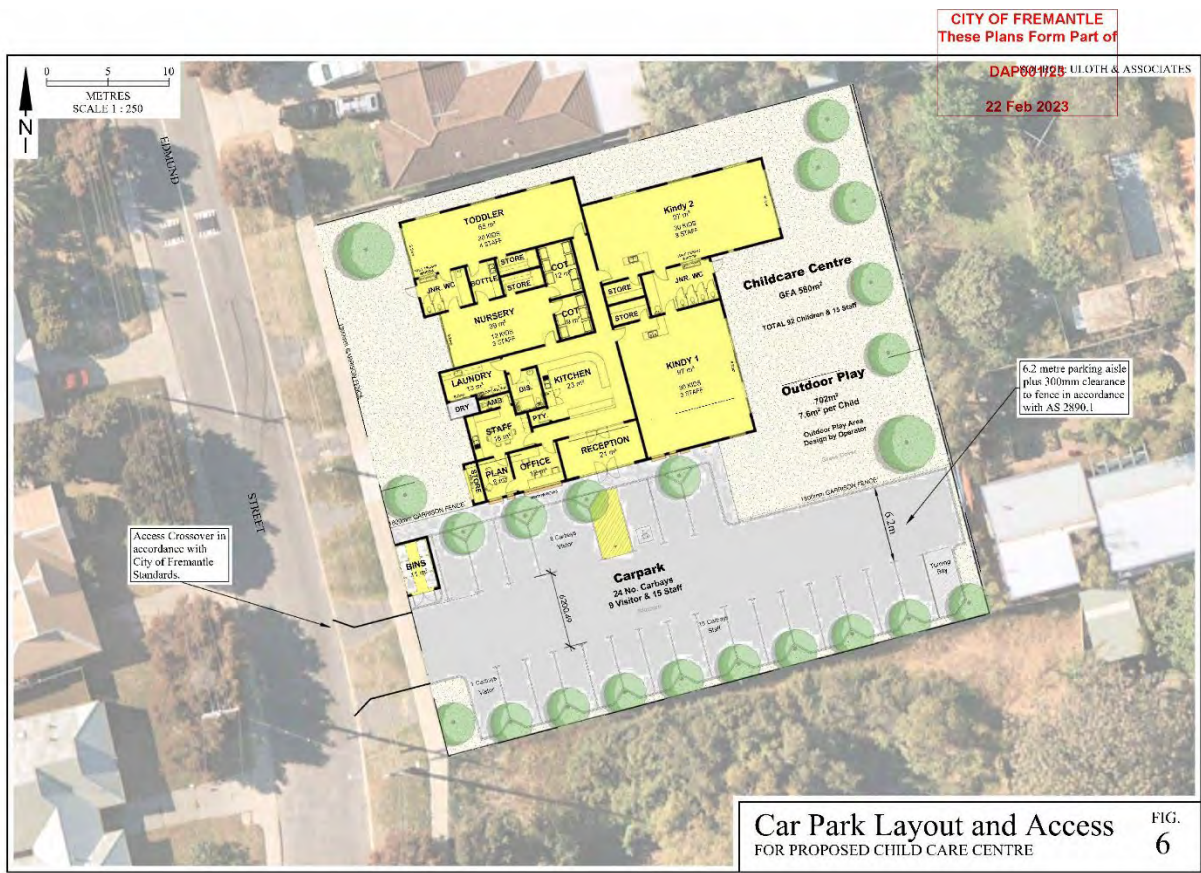
1. Site Area	7,820m ²
2. Site Area	7,820m ²
3. Floor Area (FPA)	1,000m ²
4. Carpark	100m ²
5. Outdoor Play	100m ²
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meyer shircore WHITE GUM VALLEY CHILDCARE CENTRE
LOCATION: 82A-84A EDMUND STREET, WHITE GUM VALLEY WA 6162
FOR: HINDLE PROPERTY PTY. LTD.

FIG. 4 **PRELIMINARY**

DATE: 10/01/2023 PROJECT NUMBER: 9049
REVISED: 04/02/2023
SHEET: 1 OF 1
SCALE: 1:500
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Additional Information 4 - Acoustic Report



PROPOSED CHILD CARE CENTRE
82A-84A EDMUND STREET, WHITE GUM VALLEY

ENVIRONMENTAL ACOUSTIC ASSESSMENT

JANUARY 2022

OUR REFERENCE: 30548-3-22408

Acoustic Assessment Pty Ltd is a 50/50
HERRING STORER ACOUSTICS
17 Edgars Street, Fremantle W.A. 6155
(08) 9467 8000
mailto:info@herringstorer.com.au





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DOCUMENT CONTROL PAGE

ENVIRONMENTAL ACOUSTIC ASSESSMENT
PROPOSED CHILD CARE CENTRE
WHITE GUM VALLEY

Job No: 22408

Document Reference: 30548-3-22408

FOR

ATLANTIS GROUP

DOCUMENT INFORMATION

Author:	Geoff Harris	Checked By:	Tim Reynolds
Date of Issue:	23 January 2023		

REVISION HISTORY

Revision	Description	Date	Author	Checked
1	Original Issue	23/01/23	GH	TR
2	Minor Updates	01/02/23	GH	TR
3	Changes to Fencing	02/02/23	GH	TR

DOCUMENT DISTRIBUTION

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1	2	Atlantis Group Attn: Bob Hindle Email: bob@atlantisonline.com.au		✓
1	3	Atlantis Group Attn: Bob Hindle Email: bob@atlantisonline.com.au		✓

This report has been prepared in accordance with the scope of services and on the basis of information and documents provided to Herring Storer Acoustics by the client. To the extent that this report relies on data and measurements taken at or under the times and conditions specified within the report and any findings, conclusions or recommendations only apply to those circumstances and no greater reliance should be assumed. The client acknowledges and agrees that the reports or presentations are provided by Herring Storer Acoustics to assist the client to conduct its own independent assessment.



Herring Storer Acoustics

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APPENDICIES

A	PLANS
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1. INTRODUCTION

Herring Storer Acoustics were commissioned to undertake an acoustic assessment of noise emissions associated with the proposed day care centre to be located at 82A-84A Edmund Street, White Gum Valley.

The report considers noise received at the neighbouring premises from the proposed development for compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*. This report considers noise emissions from:

- Children playing within the outside play areas of the centre; and
- Mechanical services.

We note that from information received from DWER, the bitumised area would be considered as a road, thus noise relating to motor vehicles is exempt from the *Environmental Protection (Noise) Regulations 1997*. We note that these noise sources are rarely critical in the determination of compliance. However, as requested by council and for completeness, they have been included in the assessment, for information purposes only.

For information, a plan of the proposed development is attached in Appendix A.

2. SUMMARY

Noise received at the neighbouring residences from the outdoor play areas would comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*, with the fencing, as shown on the plan attached in Appendix A; and provided outdoor play is limited to the day period (ie after 7am).

Noise from the mechanical services has also been assessed to comply with the relevant criteria. However, as the assessment has not been based on the mechanical services design, it is recommended that additionally, mechanical services design be reviewed for compliance with the Regulatory requirements.

It is noted that noise associated with cars movements and cars starting are exempt from complying with the Regulations. However, noise emissions from car doors is not strictly exempt from the Regulations. Noise received at the existing neighbouring residences from these noise sources would with the proposed fencing and parking restrictions, as shown on Figure 5.1 in Section 5, comply with the Regulatory requirements, at all times.

Thus, noise emissions from the proposed development, would be deemed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* for the proposed hours of operation, with the inclusion of the following:

- 1 Although the proposed facility would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am. Thus, noise received at the neighbouring existing residences from the outdoor play area needs to comply with the assigned day period noise level.
- 2 Fencing to be as shown on the drawings attached in Appendix A.
- 3 For child care centres colourbond fencing is acceptable fencing material.



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3. CRITERIA

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The allowable noise level at the surrounding locales is prescribed by the *Environmental Protection (Noise) Regulations 1997*. Regulations 7 & 8 stipulate maximum allowable external noise levels. For highly sensitive area of a noise sensitive premises this is determined by the calculation of an influencing factor, which is then added to the base levels shown below in Table 3.1. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern. For other areas within a noise sensitive premises, the assigned noise levels are fixed throughout the day, as listed in Table 3.1.

TABLE 3.1 - BASELINE ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area	0700 - 1900 hours Monday to Saturday (Day)	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day)	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days (Evening)	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	35 + IF	45 + IF	55 + IF
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

Note:
L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.
IF is the influencing factor.

Under the Regulations, a highly sensitive area means that area (if any) of noise sensitive premises comprising –

- A building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
- Any other part of the premises within 15 m of that building or that part of the building.

It is a requirement that received noise be free of annoying characteristics (tonality, modulation and impulsiveness), defined below as per Regulation 9.

“impulsiveness” means a variation in the emission of a noise where the difference between L_{Apeak} and L_{Amax(slow)} is more than 15 dB when determined for a single representative event;

“modulation” means a variation in the emission of noise that –

- is more than 3 dB L_{AFast} or is more than 3 dB L_{AFast} in any one-third octave band;
- is present for more at least 10% of the representative assessment period; and
- is regular, cyclic and audible;



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"tonality"

means the presence in the noise emission of tonal characteristics where the difference between –

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as $L_{A_{slow}}$ levels.

Where the noise emission is not music, if the above characteristics exist and cannot be practicably removed, then any measured level is adjusted according to Table 3.2 below.

TABLE 3.2 - ADJUSTMENTS TO MEASURED LEVELS

Where tonality is present	Where modulation is present	Where impulsiveness is present
+5 dB(A)	+5 dB(A)	+10 dB(A)

Note: These adjustments are cumulative to a maximum of 15 dB.

An aerial showing the neighbouring premises are shown below on Figure 3.1.



FIGURE 3.1 – NEIGHBOURING LOTS



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For the neighbouring residences, the influencing factor has been determined to be +0dB for R2 and R4, as there is a sporting facility present as per Schedule 3, 2(8)(a) within 100m. The influencing factor for R1 and R4 would be +0. Thus, the assigned noise levels would be as listed in Table 3.3.

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TABLE 3.3 - ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
R2 & R4	0700 - 1900 hours Monday to Saturday (Day)	47	57	67
	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day)	42	52	67
	1900 - 2200 hours all days (Evening)	42	52	57
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	37	47	57
	0700 - 1900 hours Monday to Saturday (Day)	45	55	65
R1 & R3	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day)	40	50	65
	1900 - 2200 hours all days (Evening)	40	50	55
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	35	45	55

Note: L_{A10} is the noise level exceeded for 10% of the time.
 L_{A1} is the noise level exceeded for 1% of the time.
 L_{Amax} is the maximum noise level.

4. PROPOSAL

From information supplied, we understand that the child care centre normal hours of operations would be between 0700 and 1830 hours, Monday to Friday (closed on public holidays). It is understood that the proposed childcare centre will cater for a maximum of 92 children: with the following breakdown:

Infant	0 – 1 years	12 places
Toddler	1-2 years	20 places
Pre-Kindy/Kindy	2+	60 places

It is noted that although the proposed child care centre would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am.

5. MODELLING

To assess the noise received at the neighbouring premises from the proposed development, noise modelling was undertaken using the noise modelling program SoundPlan.

Calculations were carried out using the DWER's weather conditions, which relate to worst case noise propagation, as stated in the Department of Environment Regulation "Draft Guidance on Environmental Noise for Prescribed Premises". These conditions include winds blowing from sources to the receiver(s).

Calculations were based on the sound power levels used in the calculations are listed in Table 5.1.



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TABLE 5.1 – SOUND POWER LEVELS

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Item	Sound Power Level, dB(A)
Children Playing	<24 months 78 (per 10 children) >24 months 83 (per 10 children)
Car Moving in Car Park	79
Car Starting	85
Door Closing	87
Air conditioning condensing Unit	10 @ 71
Exhausts	72 (kitchen)

Notes:

- 1 Acoustic modelling of outdoor play noise was made, based on:
 - any age group of children within the outdoor play area (ie worst case scenario)
- 2 The noise level for the air conditioning has been based on the sound power levels used for previous assessment of child care centres. From other studies, we understand that the noise associated with the condensing units would be conservative.
- 3 For this child care centre, it is recommended that the air conditioning units be surrounded on all sides by a barrier minimum 1000mm, preferably 1500mm tall.
- 4 The noise modelling has been based on a 2200mm high boundary fence to the North and East, a 1800mm high boundary fence to the south and Garrison Fencing in the remaining parts of the outdoor play area (shown on Appendix A plans)
- 5 Western outdoor play area only for use by Toddlers and Infants.
- 6 To determine the restriction to the parking, a point noise source was located in each car bay.
- 7 Modelling shows that noise received at the neighbouring residences from car doors closing would comply with the assigned noise level for the day and night period.
- 8 With only staff arriving before 07:00 am, there would be no car starts before 7am.
- 9 Calculation were undertaken for the receivers at 1.5 metres above the ground level.
- 10 Noise modelling was undertaken to a number of different receiver locations for each of the neighbouring residences. However, to simplify the assessment, only the noise level in the worst case location (ie highest noise level), have been listed.



Herring Storer Acoustics
Our Ref: 30548-3-22408

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6. ASSESSMENT

The resultant noise levels at the neighbouring residence from children playing outdoors and the mechanical services are tabulated in Table 6.1.

From previous measurements, noise emissions from children playing does not contain any annoying characteristics. Noise emissions from the mechanical services could be tonal and a +5 dB(A) penalty would be applicable, as shown in Table 6.1. Noise emissions from both outdoor play and the mechanical services needs to comply with the assigned L_{A10} noise levels.

**TABLE 6.1 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA
OUTDOOR PLAY AREAS AND MECHANICAL PLANT**

Neighbouring Premises	Calculated Noise Level (dB(A))	
	Children Playing	Air Conditioning
R1 – East Residential Lots	45	23 [28]
R2 – North Residential Lots	46	27 [32]
R3 – South Residential Lots	40	23 [28]
R4 – West Residential Lots	44	30 [35]

() Includes +5 dB(A) penalty for tonality

With regards to noise associated with cars within the parking area, resultant noise levels are tabulated in Tables 6.2 and 6.3. It is noted that noise emissions from a moving car being an L_{A1} noise level, with noise emissions from cars starting and doors closing being an L_{Amax} noise level.

Based on the definitions of tonality, noise emissions from car movements and car starts, being an L_{A1} and L_{Amax} respectively, being present for less than 10% of the time, would not be considered tonal. Thus, no penalties would be applicable, and the assessment would be as listed in Table 6.2 (Car Moving) and Table 6.3 (Car Starting). However, noise emissions from car doors closing could be impulsive, hence the +10dB penalty has been included in the assessment.

**TABLE 6.2 - ACOUSTIC MODELLING RESULTS L_{A1} CRITERIA
CAR MOVING**

Neighbouring Premises	Calculated Noise Level (dB(A))
R1 – East Residential Lots	30
R2 – North Residential Lots	16
R3 – South Residential Lots	33
R4 – West Residential Lots	39

**TABLE 6.3 - ACOUSTIC MODELLING RESULTS L_{Amax} CRITERIA
CAR STARTING / DOOR CLOSING**

Neighbouring Premises	Calculated Noise Level (dB(A))			
	Car Starting		Door Closing	
	Day Period	Night Period	Day Period	Night Period
R1 – East Residential Lots	39	N/A	36 [46]	36 [46]
R2 – North Residential Lots	25	N/A	23 [33]	23 [33]
R3 – South Residential Lots	40	N/A	37 [47]	37 [47]
R4 – West Residential Lots	47	N/A	46 [56]	46 [56]

[] Includes +10 dB(A) penalty for impulsiveness.

Tables 6.4 to 6.9 summarise the applicable Assigned Noise Levels, and assessable noise level emissions for each identified noise.



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TABLE 6.4 – ASSESSMENT OF L_{A10} NOISE LEVEL EMISSIONS
OUTDOOR PLAY (DAY PERIOD)

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
R1 – East Residential Lots	45	45	Complies
R2 – North Residential Lots	46	47	Complies
R3 – South Residential Lots	40	45	Complies
R4 – West Residential Lots	44	47	Complies

TABLE 6.5 – ASSESSMENT OF L_{A10} NIGHT PERIOD NOISE LEVEL EMISSIONS
AIR CONDITIONING

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
R1 – East Residential Lots	28	35	Complies
R2 – North Residential Lots	32	37	Complies
R3 – South Residential Lots	28	35	Complies
R4 – West Residential Lots	35	37	Complies

TABLE 6.6 – ASSESSMENT OF L_{A1} NIGHT PERIOD NOISE LEVEL EMISSIONS
CAR MOVEMENTS

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
R1 – East Residential Lots	30	45	Complies
R2 – North Residential Lots	16	47	Complies
R3 – South Residential Lots	33	45	Complies
R4 – West Residential Lots	39	47	Complies

TABLE 6.7 – ASSESSMENT OF L_{Amax} DAY PERIOD NOISE LEVEL EMISSIONS
CAR STARTING

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
R1 – East Residential Lots	39	65	Complies
R2 – North Residential Lots	25	67	Complies
R3 – South Residential Lots	40	65	Complies
R4 – West Residential Lots	47	67	Complies

TABLE 6.8 – ASSESSMENT OF L_{Amax} DAY PERIOD NOISE LEVEL EMISSIONS
CAR DOOR

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
R1 – East Residential Lots	46	67	Complies
R2 – North Residential Lots	33	67	Complies
R3 – South Residential Lots	47	65	Complies
R4 – West Residential Lots	56	67	Complies

TABLE 6.9 – ASSESSMENT OF L_{Amax} NIGHT PERIOD NOISE LEVEL EMISSIONS
CAR DOOR

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
R1 – East Residential Lots	46	55	Complies
R2 – North Residential Lots	33	57	Complies
R3 – South Residential Lots	47	55	Complies
R4 – West Residential Lots	56	57	Complies



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Our Ref: 30548-3-22408

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7. CONCLUSION

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Noise received at the neighbouring residences from the outdoor play area would comply with day period assigned noise level, with the fencing as shown on the drawings attached in Appendix A.

The air conditioning condensing units have also been assessed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times.

It is noted that noise associated with cars movements and cars starting are exempt from complying with the Regulations. However, noise emissions from car doors are not strictly exempt from the Regulations. Noise received at the neighbouring residences from these noise sources would with the fencing, as shown on the drawings attached in Appendix A and the restrictions in parking, as shown on Figure 5.1 in Section 5 comply with the Regulatory requirements, at all times.

Thus, noise emissions from the proposed development, would be deemed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* for the proposed hours of operation, with the inclusion of the following:

- 1 Although the proposed facility would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am. Thus, noise received at the neighbouring existing residences from the outdoor play area needs to comply with the assigned day period noise level.
- 2 Fencing to be as shown on the drawings attached in Appendix A.
- 3 For child care centres colourbond fencing is acceptable fencing material.



APPENDIX A

PLANS



SITE & GROUND FLOOR PLAN

SITE CRITERIA

1. Site Area	2.28ha
2. Lot Area	2.28ha
3. Lot Coverage	100%
4. Floor Area Ratio	100%
5. Floor Area	2.28ha
6. Floor Area Ratio	100%
7. Floor Area Ratio	100%
8. Floor Area Ratio	100%
9. Floor Area Ratio	100%
10. Floor Area Ratio	100%
11. Floor Area Ratio	100%
12. Floor Area Ratio	100%
13. Floor Area Ratio	100%
14. Floor Area Ratio	100%
15. Floor Area Ratio	100%
16. Floor Area Ratio	100%
17. Floor Area Ratio	100%
18. Floor Area Ratio	100%
19. Floor Area Ratio	100%
20. Floor Area Ratio	100%

meyer shircore WHITE GUM VALLEY CHILDCARE CENTRE
LOCATION: 182A - 184A EDMUND STREET, WHITE GUM VALLEY WA 6162
FOR: HINDLE PROPERTIES PTY. LTD.

PRELIMINARY
DATE: NOV 2022 PROJECT NO: 9049
DRAWN: 50 - 1000
SCALE: 1:1000
DRAWN BY: mshircore



Additional Information 5 – Advertising Submissions (verbatim)

Submitter	Submission
Mark J Allen & Sonia L Burton 39 Amherst Street White Gum Valley	Good day, As owners of an adjoining property to the proposed development (south end of east boundary) we have a keen interest in providing comments relating to the impact of the proposed development in terms of a couple of specific issues. However, from the outset we are generally in favour of the development (as outlined in the linked plans) with minor exceptions noted in comments below. Issue 1: The referenced plans show no secured/fenced Edmund Street boundary for the car park (at the southern end of the property) - this is an issue which we believe needs to be addressed as part of the development definition that gets approved. As near neighbours at 90 Edmund Street are already aware, there is a large potential for anti-social behaviour to be attracted to an open, unsecured car park area in this location. Jehovahs Witnesses at 90 Edmund Street have secured their street boundary and gated their car park for precisely this reason. We are particularly concerned about this potential as the part of our residence adjacent to this car park is a bedroom and is less than 3 metres away. We would also request that tree/shrub planting be provided on the boundary between the car park and our residence to mitigate the noise impact from car park vehicles. Issue 2: Relative levels provided on the linked plans do not appear to reference the datum used and so it is impossible to tell the level difference between our own residence floor level and that of the proposed development, so all height information is rendered meaningless. Having said that however, we need to point out that the prior cultivation and soil removal of the development property has severely undermined the existing east boundary fence and a retaining wall will need to be provided, as part of the development, unless the new development re-establishes the natural ground level, which the linked plans do not show! Additionally, the new boundary fence will need to be a minimum of 1800mm tall from the natural ground level (retained on our property) rather than a reduced height determined from the soil level of the development property. For the sake of completeness, we would prefer that this colorbond fence is coloured 'Pale Eucalypt'. If you require any further specific details or clarification please do not hesitate to contact us. Yours faithfully, Mark J Allen & Sonia L Burton (owners 39 Amherst Street)



Luke Manuel 94B Edmund Street White Gum Valley	Hi, Writing to express my support for the proposed application. Positive amenity for the community and improvement to the existing residential property. Thanks
Michael Smith 80a Edmund Street White Gum Valley	While I do not object to the proposed change of land use, there are several concerns with the proposal. These include: 1. The number of parking bays proposed does not appear to be adequate. The current proposal would almost certainly lead to public vehicles parking in front of adjacent properties. There is already limited street parking in this area due to the narrow verge width, existing driveways and trees. More parking bays should be required. 2. The plans and sketches indicate that perpendicular parking will be in the verge. This will affect the existing footpath, which is frequently used by children as one of the few safe places along the street to ride bikes/ scooters. The current plans do not show how the existing footpath will be maintained/ changed, what width it will remain at and the separation that will be proposed between building structures, car parking bays etc. Safety of the existing path for children must be maintained. Increasing the path width to minimum 2m should also be required due to the increased pedestrian traffic in the localised area passing the development. 3. There is limited information on proposed landscaping associated with the development, however the available information does not indicate any large trees are planned to be planted. This should be a mandatory requirement for developments such as the one proposed to ensure that tree canopy cover across the suburb does not diminish. The current residential use of the lots includes a large amount of grassed area. Including large trees as a requirement in the landscaping will help offset the loss of green cover from the development. Maintaining canopy and green cover in suburban areas is an important measure to help mitigate the impact of climate change in the local area.

PC2305-2 SWANBOURNE STREET, NO.29 (LOT 5), (JZ DA0083/23)

Additional Information 1 – Site Photos



Photo 1: Subject site as viewed from Swanbourne Street – context of streetscape.



Photo 2: Adjoining properties to the North – 27 & 27A Swanbourne Street



Photo 4: Southern adjoining property – 31 Swanbourne Street



Photo 4: Adjoining property to the North (27A Swanbourne Street) – showing rear extension and roof terrace



Photo 5: Adjoining properties to the North (27A Swanbourne Street) – extent of rear extension

**PC2305-3 BRADBURY WAY, NO.3 (LOT 50), UNAUTHORISED OUTBUILDING
ADDITION TO EXISTING SINGLE HOUSE (JZ DA0083/23)**

Additional Information 1 – Site Photos



Photo 1: Subject site as viewed from Bradbury Way (Google Maps).



Photo 2: Outbuilding Addition view North – showing height above existing boundary fence



Photo 3: Outbuilding addition view East towards adjoining property



Photo 4: Outbuilding addition view South east towards adjoining property – showing height above boundary fence and rear of outbuilding



Photo 5: Outbuilding addition view from Eastern adjoining property – showing height above boundary fence and rear of outbuilding

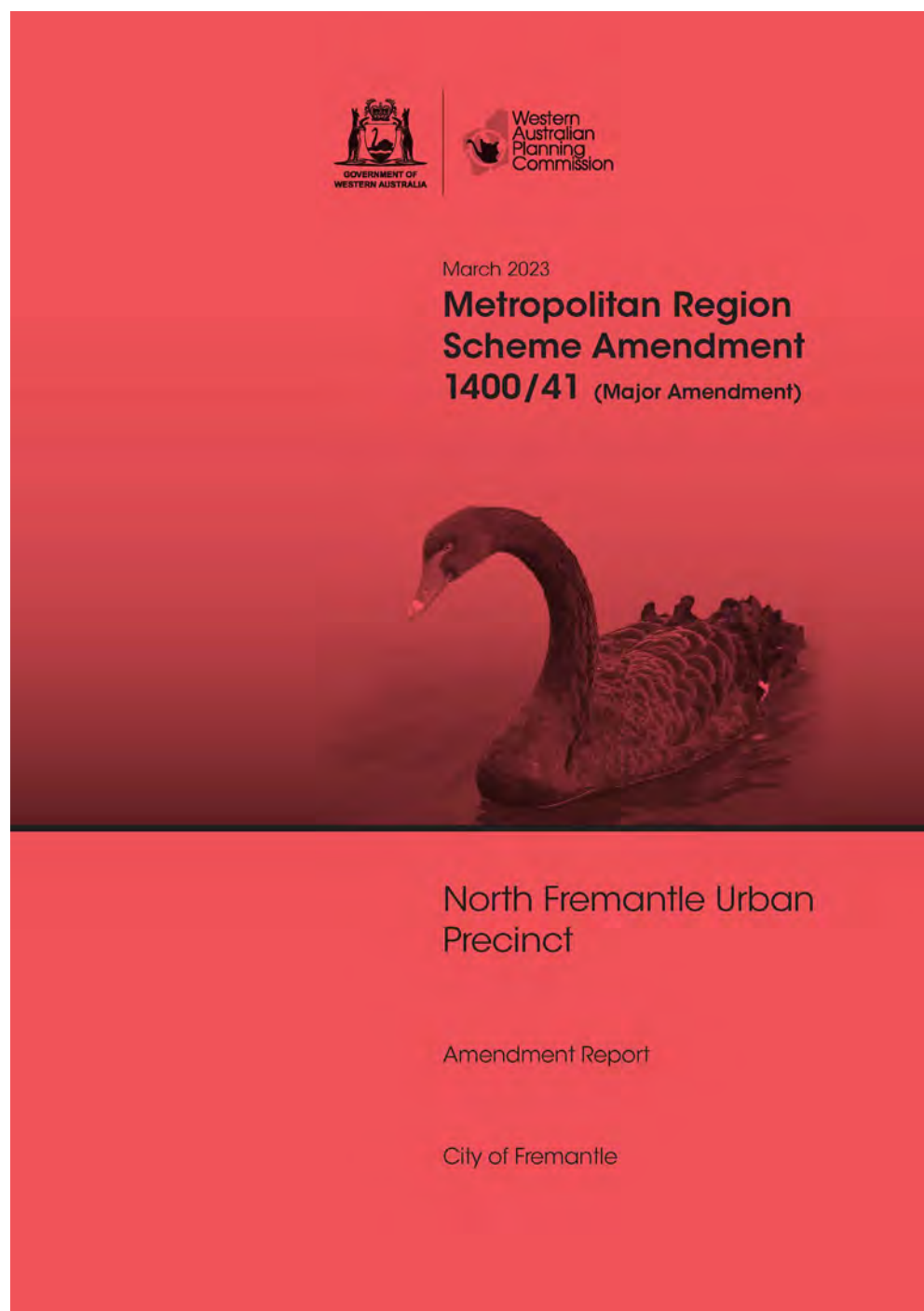


Photo 6: View from Eastern adjoining property – showing rooms adjacent to unauthorised outbuilding addition



**PC2305-5 PROPOSED MRS AMENDMENT 1400 / 41 - NORTH FREMANTLE
URBAN PRECINCT (MAJOR AMENDMENT)**

Additional Information 1 – MRS Amendment Report





**Metropolitan Region Scheme
Amendment 1400/41
(major amendment)**

North Fremantle Urban Precinct

Amendment Report

City of Fremantle



March 2023



The Western Australian Planning Commission acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

Disclaimer

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MRS Amendment 1400/41 Amendment Report
File 809-2-5-12 Pt 1

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This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.



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The Metropolitan Region Scheme What it is and how it is amended - major

Planning Perth's future

Perth is currently home to more than 2 million people and this is anticipated to grow to 3.5 million by 2050.

To meet this growth, land must be identified for future housing, employment opportunities, transport, conservation and recreation.

The Metropolitan Region Scheme (MRS) provides for this growth by defining what land can be used for. It is also the means by which landowners can be compensated for land acquired for public purposes.

The role of the WAPC?

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. The WAPC comprises a Chair and 16 members, representing industry, government and the community.

The WAPC is a statutory authority and operates in accordance with the *Planning and Development Act 2005*. It is supported by the Department of Planning, Lands and Heritage, which provides professional and technical expertise, administrative services and corporate resources.

What is the Metropolitan Region Scheme?

The MRS is a large town planning scheme which defines how land can be used in the Perth metropolitan area, dividing it into broad zones and reservations. The metropolitan area stretches from south of Rockingham to north of Yanchep and east of Mundaring.

The MRS uses a set of maps and a scheme text to set the planning rules and identify the various zones and reservations.

This plan has been in operation since 1963 and provides the legal basis for planning in the Perth metropolitan area.

The MRS is amended frequently as the region grows and changes.

What is an amendment?

An amendment to the MRS changes the zoning or reservation of land to allow for a different land use.

When a rezoning or a new reservation is considered, it is classified as either a major or a minor amendment and to the MRS is advertised to seek comment from landowners, the broader community and all levels of government. Under the Act, the process for proposed major and minor amendments is different.

This process allows for extensive community consultation and discussion in Parliament, prior to a final decision being made.

How is the Metropolitan Region Scheme amended?

The WAPC is responsible for maintaining the MRS, including reviewing and initiating changes where necessary.

The amendment process is regulated by the *Planning and Development Act 2005*. The Act requires an amendment to be consistent with both the *Swan River Trust Act 1988* and the *Heritage of Western Australia Act 1990* and does not allow for an amendment to occur within the defined area of which a redevelopment scheme applies.

The amendment proposed in this report is being made under the provisions of section 41 (often referred to as a major amendment).



The major amendment process includes (also see the diagram on page ix):

- Request submitted and considered by the WAPC.
- WAPC determines to either progress or reject application, classifying it as either a major or minor amendment.
- If progressed, the application is referred to the Environmental Protection Authority (EPA) to set the level of environmental assessment. If the EPA requires an environmental review, this is carried out before the amendment is advertised.
- Consent by the Minister for Planning to call for submissions.
- Proposed amendment is advertised for public comment. Advertisements are placed in local and statewide newspapers and the information is made available on www.dplh.wa.gov.au/mrs-amendments. Landowners directly affected by a proposed amendment are contacted in writing. Where there is an environmental review, this is also made available for comment.
- WAPC receives public submissions over a period of three months.
- WAPC considers submissions. Everyone who made a submission may also choose to present to a hearings committee appointed by the WAPC to consider and report on these submissions.
- WAPC reviews the proposed amendment in light of both the submissions and planning advice provided by the Department of Planning, Lands and Heritage.
- WAPC provides a recommendation to the Minister whether to accept, reject or modify the proposed amendment.
- Proposed amendment may be required by the Minister for Planning to be readvertised if the amendment is substantially modified as a result of submissions and planning advice.
- Minister presents the proposed amendment with the WAPC's recommendations to the Governor for approval.
- The proposed amendment, as approved by the Governor, is tabled before each House of State Parliament, where it must remain for 12 sitting days. During this time, the amendment is again on public display.
- In Parliament, a member may introduce a motion to disallow the amendment. If this motion succeeds, the MRS will not be amended. Otherwise, the amendment becomes legally effective in the MRS after 12 sitting days.
- Within three months of an MRS amendment being finalised, all affected local governments must initiate an amendment to its local planning scheme to match the new zonings.

Zones and reservations

Zones and reservations in the MRS are broad categories to define how land can be used and developed. The following descriptions are a guide only.

Zones

Urban: areas in which a range of activities are undertaken including residential, commercial, recreational and light industry.

Urban deferred: land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.

The WAPC must be satisfied that these issues have been addressed before rezoning to urban.



Central city area: strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

Industrial and special industrial: land on which manufacturing, processing, warehousing and related activities are undertaken.

Rural: land on which a range of agricultural, extractive and conservation uses is undertaken.

Private recreation: areas of significance to the region's recreation resource, which are (or are proposed to be) managed by the private sector.

Rural - water protection: rural land over public groundwater areas where land use is controlled to avoid contamination.

Reservations

Land reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure.

Parks and recreation: land of regional significance for ecological, recreation or landscape purposes.

Railways: provides for public transit routes, freight rail lines and associated facilities such as marshalling yards, maintenance depots and park n' ride stations.

Port installations: regional maritime shipping facilities.

State forests: areas of woodland located on Crown land and managed under the *Conservation and Land Management Act 1984*.

Water catchments: water sources protected for high quality public water supply. These areas have strict controls on land use to avoid pollution of the water resource.

Civic and cultural: significant civic precincts and buildings.

Waterways: permanent inland and coastal waters including many rivers and reservoirs.

Public purposes: land for public facilities such as hospitals, high schools, universities, prisons, utilities for electricity, water and treatment of wastewater, commonwealth government and other special uses.

Primary regional roads: important regionally significant roads as part of the planned road network that are currently, or proposed to be declared, under the *Main Roads Act 1930*.

Other regional roads: roads of regional significance in the planned road network for which the planning responsibilities are shared by the WAPC and local governments.

What if my land is rezoned?

Landowners may find that an amendment seeks to rezone their property, for example from rural to urban or urban deferred.

If the zoning is changed, landowners do not have to change their lifestyle or the way they use the land. However, depending on the new zone, there may be opportunities to change the land use, such as seek approval to subdivide or apply to develop it in some way that suits the new zoning.

The WAPC realises that many people choose their properties because they like them as they are and may not want to change from, for example, a rural-residential lifestyle to an urban area. Others are keen to change the land use.

For these reasons, amendments to the MRS are advertised so that all affected landowners and the broader community have time to examine the proposal and provide their comment.

What if my land is reserved?

Land is reserved because it will eventually be needed for a public purpose such as parks and recreation or other regional roads.



If your land is proposed to be reserved in an advertised amendment, you can continue to use and enjoy your property. Generally, reserved land can remain in private ownership until it is needed for the purpose for which it is reserved.

To protect landowners, there are procedures for acquisition or compensation by the WAPC. These are outlined in *Your Property and the planning system – region schemes*, a leaflet reproduced at the back of this report and online at www.dplh.wa.gov.au/your-property-and-region-schemes.

How can my views be heard?

You can lodge a submission during the advertised period:

- online at www.dplh.wa.gov.au/mrs-amendments
- in writing to Western Australian Planning Commission, Level 2, 140 William Street, Perth 6000 (a submission form is included at the back of this report).

The WAPC will try and make contact with everyone who nominated to attend a hearings committee following the advertised period.

Publications

In the course of each amendment to the MRS, information is published under the following titles:

Amendment report

This document is available from the start of the public submission period of the proposed amendment. It sets out the purpose and scope of the amendment, explains why the proposal is considered necessary and informs people how they can comment.

Environmental review report

The EPA considers the environmental impact of an amendment to the MRS before it is advertised. Should the EPA require formal assessment, an environmental review is undertaken and that information is

made available for comment at the same time as the amendment report.

Report on submissions

This publication documents the submissions received, the minutes of the hearings and the Hearings committee summary of the proceedings

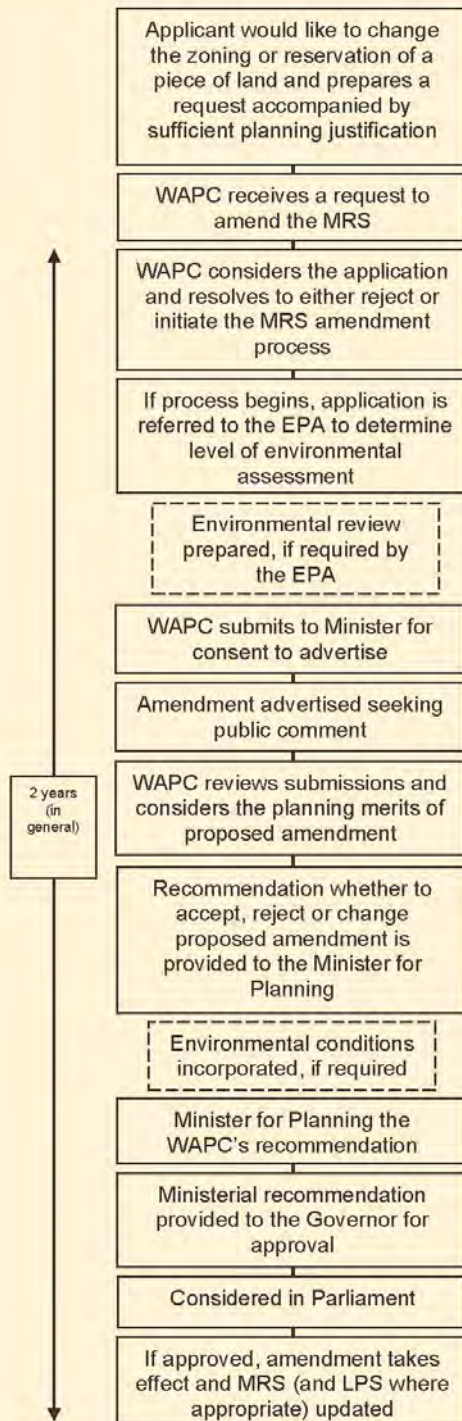
All written submissions received on the proposed amendment are reproduced as a public record.

The final scheme or amendment

This publication documents the planning rationale for the amendment or scheme and the WAPC's recommendation to the Minister for Planning.



A simple diagram of the amendment process.





Abbreviations

AHA	Aboriginal Heritage Act
CBD	Central Business District
DBCA	Department of Biodiversity Conservation and Attractions
DCP	Development Control Area
DPLH	Department of Planning, Lands and Heritage
DWER	Department of Water and Environmental Regulation
DWMS	District Water Management Strategy
EPA	Environmental Protection Authority
LPP	Local Planning Policy
LPS	Local Planning Scheme
MRS	Metropolitan Region Scheme
PCA	Planning Control Area
POS	Public Open Space
SPP	State Planning Policy
SWALSC	South West Aboriginal Land and Sea Council
WAPC	Western Australian Planning Commission



Amendment Report



Metropolitan Region Scheme Amendment 1400/41
North Fremantle Urban Precinct
Amendment Report

1 Planning objective

The purpose of the amendment is to rezone approximately 23.93 ha in North Fremantle from the Industrial zone to the Urban Deferred zone and Parks and Recreation reserve, as shown on the Amendment Figure - Proposal 1.

The intent of the amendment is to facilitate redevelopment of the site for primarily mixed-use commercial and residential uses, with areas of Public Open Space (POS) following the Lifting of Urban Deferment, Local Planning Scheme (LPS) amendment and detailed local structure planning.

Lifting of Urban Deferment Requirements

The amendment is being partly zoned Urban Deferred as the following matters require resolution prior to the transfer to the Urban zone:

- finalisation or substantial progression of the Future of Fremantle project
- confirmation of regional road and transport requirements in the locality
- confirmation of coastal foreshore reserve requirements
- consideration of the Fremantle Port buffer.

The Western Australian Planning Commission (WAPC) has considered the potential impact of the Future of Fremantle Planning Study and has resolved that this amendment be initiated to an Urban Deferred zone and Parks and Recreation reserve. The Urban Deferred zoning ensures that the Metropolitan Region Scheme (MRS) amendment process does not prejudice or pre-empt the Future of Fremantle Planning Committee (FFPC) outcomes. The WAPC will determine whether to modify the proposal and exclude any land for future MRS regional reserves when the amendment is considered for a final determination.

2 Background

The subject land is located within the City of Fremantle and is approximately 13.3 km south-west of the Perth CBD and 2.5 km north of the Fremantle city centre. The Leighton Shores residential development is to the north, the North Fremantle rail station is to the north-east and Fremantle Ports operations abut to the south. The land is located east of Port Beach.

Most of the land is vacant with the exception of residual industrial buildings in the north-east corner, an industrial building at the eastern end of Barker Street and primarily storage uses over Development WA holdings. The land is bound to the south and east by the regional freight network (rail and road) and is subject to Planning Control Area 158 (PCA 158).

The industrial activity on the amendment land has effectively ceased, with the existing sheds on the former Standard Wool site currently rented for short-term storage, whilst all infrastructure (inclusive of the large petroleum storage tanks) has been removed as part of the remediation works for the former Caltex site. The portion of the Fremantle Port Authority land is primarily vacant.



Land use and development within the proposed amendment area is generally controlled by the City of Fremantle LPS No. 4. The subject land is zoned "Industrial" under the City of Fremantle LPS 4.

Land Use and Movement Plan

The proponent has prepared a land use and movement plan to support the MRS amendment request. The plan proposes areas of Parks and Recreation reserve, Public Open Space (POS), mixed-use/apartments, grouped dwellings/apartments, single/grouped dwellings, mixed-use and commercial uses.

3 Scope and content of the amendment

The amendment proposes to rezone various lots and reserves to facilitate future mixed-use development, as follows:

- Urban Deferred zone: 17.80 ha.
- Parks and Recreation reservation: 6.13 ha.

The total area the subject of this amendment is approximately: **23.93 ha.**

4 Discussion

Strategic Context

Leighton Oceanside Masterplan

In 2007, the WAPC released the *Leighton Oceanside Parklands Master Plan* which provided a vision of revitalising and repurposing the former rail marshalling yards to create a 4 ha development site (Leighton development) and 13 ha of foreshore reserve and POS.

The Masterplan outlines the landscape and public realm vision for the 13 ha of foreshore reserve, including the realignment of Curtin Avenue, extensive parklands and coastal revegetation, community infrastructure, beachside parking and other amenities. The 4 ha development site and adjacent foreshore area have been developed however the remainder is to be delivered.

The proposal aligns with the general intent of the Masterplan and expands on the extent of the foreshore reserve adjacent to Port Beach and provides a foreshore width similar to that adopted for Leighton Beach.

Perth and Peel @ 3.5 Million / Central Sub-Regional Planning Framework

The *Perth and Peel @ 3.5 Million* document provides a snapshot of the Perth and Peel regions in the future and makes the case for change to a more considered, connected, consolidated urban form. The *Central Sub-regional Planning Framework* focuses on achieving higher densities of employment and residential development (i.e. infill development and urban consolidation) in appropriate locations within a predominantly built-up environment while making better use of established infrastructure in the long term.



The Framework seeks to prevent the encroachment of incompatible urban land uses, such as residential and retail land uses, into industrial areas identified in the *Economic and Employment Lands Strategy – Non-heavy Industrial* in order to ensure a sufficient supply of employment land in the Central sub-region.

The *Central Sub-regional Planning Framework* primarily reflects the sites industrial use. However, a small strip along the northern and eastern boundary of the site is within the *Activity Centre - Frame* around the North Fremantle District Centre.

The Framework states that in frame areas, there is an opportunity to investigate higher residential densities and the potential expansion of the core area (commercial and mixed uses) over time. The proposed Urban Deferred zone and Parks and Recreation reserve is considered to be a logical transition and continuation of the urbanisation of the locality which is consistent with the general intent of the Framework.

Future of Fremantle Planning Committee

The amendment is located within the *Future of Fremantle Planning Committee* (FFPC) area of consideration. The Future of Fremantle project is in the early stages and is estimated to be completed by mid-2024. A multi-disciplinary team is to develop a future focused Land Use Plan incorporating a highly integrated land use, transport and infrastructure response and supporting Economic Development Strategy for bringing economic growth, investment and employment into Fremantle.

In 2021, the State Government established the FFPC as a sub-committee of the WAPC for a period of two years to examine options for the Victoria Quay, North Quay and surrounds and help deliver the Future of Fremantle project. Establishment of the Committee followed on from the State Government's Westport decision to create a business case for a new container port in Kwinana. The Committee is tasked with developing a new vision for Fremantle's inner harbour that will be underpinned by the Economic Development Strategy and Land Use Plan.

Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development

Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development (DCP 1.6) seeks a sustainable urban form by maximising the opportunities to integrate land use with public transport and minimise transport via the private motor vehicle. Where possible and appropriate, the policy seeks the intensification of activities and the promotion of uses that make better use of public transport.

DCP 1.6 is applicable as the North Fremantle Rail Station is within a 800 m walking distance of the subject site. Therefore, the proposed amendment seeks to facilitate an urban population within walking distance of a rail station and is consistent with the general principles of DCP 1.6.

State Planning Policy 2.6 - State Coastal Planning Policy

State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6) provides for the long-term sustainability of WA's coast. Guidance is provided for land use and development decision-making within the coastal zone including managing development and land use change; establishment of coastal foreshore reserves; and protection, conservation and enhancement of coastal values. The policy also sets minimum finished floor levels at a height above that impacted by a 100-year rainfall event, on top of a 20-year event storm surge, inclusive of allowance for sea level rise forecast over a 100-year time period.



The proponent has prepared a *North Fremantle Coastal Hazard Risk Management and Adaptation Plan* which proposes a full coastal retreat option and has allowed for erosion of between 135 m – 177 m and an inundation level of 3.6 m Above Height Datum for a planning timeframe to 2115. The modelling assumes a full retreat scenario would result in a remaining foreshore reserve after full coastal erosion processes have occurred that varies in width from 28.1 m at its narrowest point to 70.1 m at its widest and is to be reserved as Parks and Recreation.

As the proposed coastal foreshore reserve and any additional recreational area in this location is to be finalised having regard to the FFPC outcomes, this has been included as a requirement to be considered prior to the lifting of Urban Deferment.

State Planning Policy 4.1 - Industrial Interface

State Planning Policy 4.1 - Industrial Interface (SPP 4.1) provides guidance for considering proposals to rezone land for sensitive uses in the vicinity of various industry types. The objectives of draft SPP 4.1 are to protect existing and proposed industry, and infrastructure facilities from encroachment by incompatible land use that would adversely affect efficient operations, avoid land use conflict between existing and proposed industry/infrastructure facilities and sensitive land uses and promote compatible land uses in areas impacted by existing and proposed industry and infrastructure facilities.

The EPA's *Environmental Protection Guidance Statement No. 3 - Separation Distances Between Industrial and Sensitive Land Uses* provides advice on which land uses require separation and recommends suggested separation distances in the absence of site-specific modelling. Separation to Port related industry is treated on a case-by-case basis. In this case, the City of Fremantle *Local Planning Policy 2.3 - Fremantle Port Buffer Area Development Guidelines* (LPP 2.3) addresses separation distances, land use and notification processes.

State Planning Policy 5.4 - Road and Rail Noise

State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4) aims to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/or development within the specified trigger distance of strategic freight and major traffic routes and other significant freight and traffic routes. The proponent has acknowledged that Port Beach Road, Tydeman Road and the future Curtin Avenue extension, as well as the Fremantle to Perth passenger rail and Fremantle freight lines require consideration under this policy.

Where noise levels are determined to be in excess of the noise targets a Noise Management Plan is required. This specifies mitigating measures such as landscaped easements, noise bunds or noise walls and ongoing maintenance. Specific subdivision and development conditions would ensure noise mitigation measures are put in place. Notification on titles is also required where lots or dwellings are affected. The exact nature of necessary noise attenuation measures is further informed by detailed assessments as planning progresses.

Local Planning Policy 2.3 - Fremantle Port Buffer Area Development Guidelines

This City of Fremantle LPP 2.3 sets land use and building criteria based on risk and amenity considerations for development within three buffer areas defined in *Fremantle Ports Fremantle Inner Harbour Buffer Definition Study*. The study identified the need for an offsite buffer around the port which was determined on the basis of a range of potential amenity impacts and risks including noise, odour and public risk. Three buffer areas around the Port have been identified with separate land use and built form requirements as follows:



- Area 1 - should exclude the establishment of additional sensitive uses other than residential uses and with residential uses having a high level of protective conditions relating to maintaining public safety and ameliorating the impacts of odour and noise.
- Area 2 - allows the establishment of sensitive land uses and with these land uses having a medium level of protective conditions.
- Area 3 - which allows the establishment of sensitive land uses with protective conditions implemented at the discretion of Council.

As the amendment area is partly located within all three buffer areas and port buffer considerations and associated landuses is a matter to be addressed prior to the lifting of Urban Deferment.

Statutory Context

Environment

The Department of Water and Environmental Regulation (DWER) advises as follows:

Contaminated Sites: The DWER's - Contaminated Sites Branch considers the proposal as an interim step in the planning process and does not recommend contamination conditions be imposed at this stage. The current contamination status of the portions of the site classified as "possibly contaminated – investigation required" is unknown. Advice will be required from the DWER as to the suitability of the land for future development, subdivision or amalgamation.

Water Management: In 2017, the DWER endorsed the North Fremantle - District Water Management Strategy (DWMS) subject to endorsement by the City of Fremantle and Department of Biodiversity, Conservation and Attractions (DBCA). Any revised DWMS is best reviewed by the City of Fremantle as the predominate water issues are local government issues and coastal environment impacts. Therefore, support to the DWMS by the City of Fremantle and DBCA will be required prior to a final determination being made by the WAPC.

Noise Management: The DWER's Noise Branch notes that a Noise and Ground Vibration Study was prepared for the site and advises as follows:

Traffic and Rail Noise - The measured and modelled traffic noise levels are reasonable and reliable. The proposed mitigation measures for road traffic noise such as quiet house designs are correct and appropriate. The modelled train noise levels are also correct and may further help inform mitigation measures.

Rail Vibration - The measured and modelled train vibration levels are acceptable. It was concluded that mitigation of ground vibration would be required and that further individual ground vibration assessment would occur for the first row of lots.

Noise from Fremantle Port - It is likely that quiet house designs will meet built form requirements under LPP 2.3. However, *Environmental Protection (Noise) Regulations 1997* also apply to noise from the Port. The amendment will change the noise level from an Industrial to Urban standard. As there is uncertainty regarding port buffer (noise) impacts, further consideration of port buffer issues has been included as a matter to be considered prior to the lifting of Urban Deferment.



Infrastructure

Water and Wastewater: The Water Corporation advises that it may be possible to extend water and sewerage services to the site as a standalone development, provided that the developers fund extensions and upgrades to the surrounding networks. The extent of any upgrades will be determined by the land use mix and development yields in the local structure plan.

Regional Road Matters: The proposed amendment is located within or bounded by Tydeman and Port Beach Roads, Walter Place and Curtin Avenue. The amendment is also affected by PCA No. 158. As there is uncertainty on the regional road network which has yet to be finalised this has been included as a matter to be addressed prior to the lifting of Urban Deferment.

5 Aboriginal heritage

The *Aboriginal Heritage Act 1972* (AHA) provides for the protection and preservation of Aboriginal heritage and culture throughout Western Australia, including places and objects that are of significance to Aboriginal people. Aboriginal sites and materials are protected whether or not they have been previously recorded or reported.

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the AHA. Proposed changes to land-use at MRS amendment stage are broad by nature and do not physically interfere with the land. Consideration of any protection that may be required is addressed more specifically at later stages of the planning process, typically being a local planning scheme amendment and when preparing a local structure plan.

Proponents of proposals are advised to familiarise themselves with the Aboriginal Heritage Due Diligence Guidelines (the Guidelines). These have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The Guidelines are available electronically at: https://www.wa.gov.au/system/files/2021-05/AH-Due-diligence-guidelines_0.pdf.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC and the Department of Planning, Lands and Heritage have entered into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All MRS amendment proposals likely to be of interest to Aboriginal persons are referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

This amendment was not referred to SWALSC as it was not expected to impact on Aboriginal heritage values. However, the amendment will be referred to SWALSC during the public advertising period.

6 Coordination of local and region scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option to concurrently rezone land being zoned Urban under the MRS to a "Development" zone (or similar) in the local planning scheme. As no land is being zoned urban section 126(3) is not applicable.



7 Substantiality

The proposed amendment seeks to transition one of the remaining industrial zoned areas in North Fremantle to create a future urban area and associated coastal foreshore reserve which is considered to provide for sustainable environmental, social and economic outcomes.

8 Sustainability

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. *Development Control Policy 1.9 - Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed.

The amendment is to be processed as a "major" amendment given it seeks to rezone established Industrial zoned land in North Fremantle to facilitate new urban development and the establishment of a coastal foreshore reserve which is considered a substantial/regional change in the locality.

9 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required.

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. A copy of the notice from the EPA is included at appendix A.

10 The amendment process

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 41 of that Act.

In essence, the procedure for a substantial alteration to the Scheme (often referred to as a major amendment) involves:

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment
- completion of an environmental review (if required) to EPA instructions
- public submissions on the proposed amendment (including environmental review if required)
- consideration of submissions (including hearings where requested)
- referral of WAPC recommendations, with or without any modifications in response to submissions, to the Minister for Planning
- approval by the Governor



- consideration by both Houses of Parliament, who can disallow the amendment
- amendment takes legal effect when no longer subject to disallowance after 12 sitting days
- where the WAPC has agreed to the parallel amendment of a local planning scheme under section 126(3) of the Planning and Development Act, the local planning scheme amendment becomes effective upon gazettal of the MRS amendment.

An explanation of this process entitled *The Metropolitan Region Scheme, what it is and how it is amended*, can also be found in the front of this report.

11 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the MRS.

The amendment is being advertised for public submissions for a period of three months from Tuesday 28 March 2023 to Friday 30 June 2023.

Copies of the amendment will be available for public inspection at the:

- i) Western Australian Planning Commission, 140 William Street, Perth
- ii) City of Fremantle
- iii) City of Kwinana
- iv) City of Cockburn
- v) City of Perth
- vi) State Reference Library, Northbridge.

Online submissions are encouraged via: <https://consultation.dplh.wa.gov.au>.

Written submissions on the amendment should be sent to:

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

or by email to:-

RegionPlanningSchemes@dplh.wa.gov.au

and must be received by 5 pm Friday 30 June 2023.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 41) is contained in this report appendix E. Additional copies of the form are available from the display locations and the Department of Planning, Lands and Heritage website <https://www.dplh.wa.gov.au/mrs-amendments>.

You should be aware that calling for submissions is a public process and all submissions lodged will become public. All submissions are published and made available when the amendment is presented to both Houses of Parliament. Advice of disclosure and access requirements are shown on side two of the submission form.



Before making your submission, it is recommended that you read the information in appendix D of this report regarding preparing a submission.

12 Hearings

Any person making a written submission has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. Details required for attending the hearings are on side two of the submission form.

Presentations made to the hearings committee are an extension of the submission process and the minutes of all hearings will become a public document. The minutes will be published and made available when the amendment is presented to both Houses of Parliament.

Before completing your submission form, please refer to the information regarding hearings in appendix D of this report.

13 Modifications to the amendment

After considering any comments received from the public and government agencies, the WAPC may make modifications to the amendment.

The recommendations of the WAPC, including any modifications, are published in a report on submissions. The report will be available on the Department of Planning, Lands and Heritage website <https://www.dplh.wa.gov.au/mrs-amendments>. Anyone who has made a submission will be notified when the amendment is tabled in Parliament.

14 Final outcome

After considering the submissions, the WAPC may make modifications to the amendment. The WAPC will then submit the amendment plans, together with a *Report on Submissions* and a copy of all written submissions, to the Minister for Planning for presentation to the Governor.

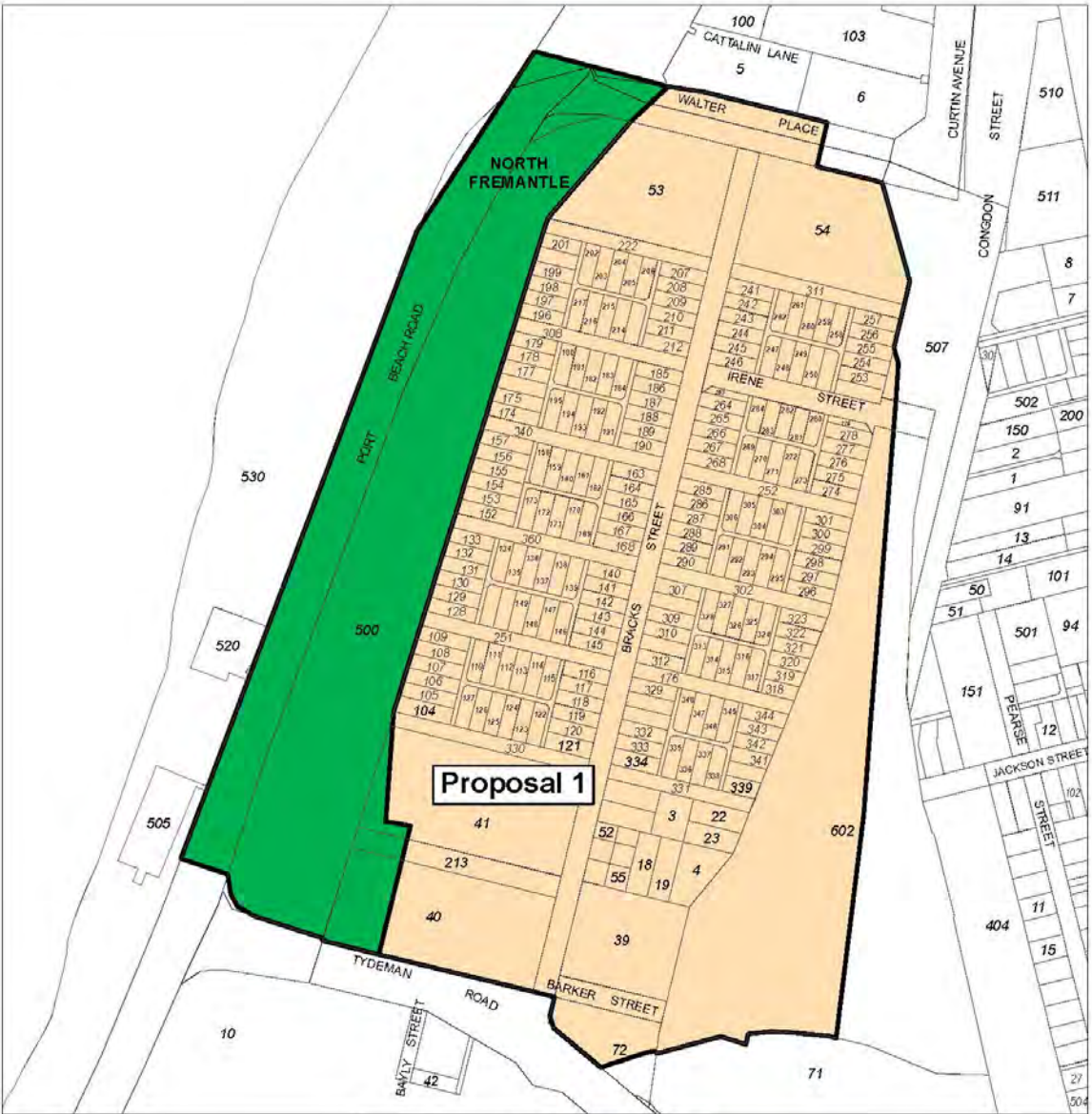
If the Governor approves, a copy of the plans of the amendment together with the *Report on Submissions* will be laid before each House of Parliament for twelve sitting days. Either House may, by resolution, disallow an amendment within that time. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the MRS.

People who have made submissions will be kept advised on the progress of the amendment, and along with all affected landowners, will be notified of the final outcome.



**MRS Amendment 1400/41 North
Fremantle Urban Precinct**

**Amending Figure
Proposal 1**



**North Fremantle Urban Precinct
Proposed major amendment
as advertised**

26 October 2022

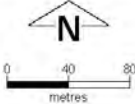
Proposal 1

- Proposed Amendment:
-  Parks and recreation reservation
 -  Urban deferred zone

Oracle reference no: 3693
Version number: 1



Date: 27/10/2022
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SUP 1180-2020-1





Appendix A
Notice of environmental assessment



Environmental Protection Authority

Ms Sam Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Our Ref: APP-0000123
Enquiries: Katrina Cooper, 6364 6828
Email: Katrina.cooper@dwer.wa.gov.au

Dear Ms Fagan

DECISION UNDER SECTION 48A(1)(a) *Environmental Protection Act 1986*

SCHEME	Metropolitan Region Scheme Major Amendment 1400/41- North Fremantle Urban Precinct
LOCATION	Various Lots, Port Beach Road and Walter Place, North Fremantle (North Fremantle Urban Precinct). City of Fremantle.
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. No Advice Given. (Not Appealable)

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations. I have attached a copy of the Chair's determination of the scheme.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.

Prime House, 8 Davidson Terrace Joondalup, Western Australia 6027.
Postal Address: Locked Bag 10, Joondalup DC, Western Australia 6919.

Telephone: (08) 6364 7000 | Facsimile: (08) 6364 7001 | Email: info.epa@dwer.wa.gov.au



- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the Chair's determination will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to read "Matthew Tonts".

Prof. Matthew Tonts
Chair of the Environmental Protection Authority

29 November 2022

Encl. Chair's Determination



Title: Metropolitan Region Scheme (MRS) Amendment 1400/41

Location: Various Lots, Port Beach Road and Walter Place, North Fremantle (North Fremantle Urban Precinct). City of Fremantle.

Description: The proposed amendment seeks to rezone the North Fremantle Urban Precinct from Industrial zone to Urban Deferred zone and Parks and Recreation reservation. The intent of the amendment is to facilitate redevelopment of the land for primarily mixed-use commercial and residential uses, with areas of public open space (POS) following the Lifting of Urban Deferment, Local Planning Scheme (LPS) amendment and detailed local structure planning.

Ref ID: APP-0000123

Date Received: 11/11/2022 **Date Sufficient Information Received:** 11/11/2022

Responsible Authority: Western Australian Planning Commission, Locked Bag 2506 Perth WA 6001

Contact: Marija Bubanic

Preliminary Environmental Factors: Terrestrial environmental quality, Coastal processes and Social surroundings.

Potential Significant Effects: Groundwater contamination, coastal hazards and inundation, noise emissions, vibration and air quality from road and rail, industrial interface and buffers.

Management: Potential impacts can be managed by future planning processes/controls and other statutory processes such as the *Contaminated Sites Act 2003*.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given. (Not Appealable)**

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme amendment. In deciding not to formally assess scheme amendments, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair's Initials: 

Date: 29 November 2022



Appendix B
List of detail plans supporting
the amendment



Proposed Major Amendment 1400/41

North Fremantle Urban Precinct

as advertised

Amending Plan 3.2801

Detail Plans

1.6410, 1.6411, 1.6432, 1.6433



Appendix C
Your property and the
planning system - region schemes

Your property and the planning system – region schemes

Rights to compensation in relation to reserved land

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. It does this by reserving and zoning land for immediate and future development through region schemes and/or planning control areas.

Region schemes

The WAPC administers three region schemes which classify land into zones and reservations:

- Metropolitan Region Scheme
- Peel Region Scheme
- Greater Bunbury Region Scheme.

Zones are large areas identified for purposes such as industry (industrial zone) and residential (urban zone).

Reservations are required for public purposes such as schools, railways, major roads, and parks and recreation.

How do you amend a region scheme?

Schemes can be amended as regions grow and change. This process begins with the local government, landowner, State Government or WAPC making a request to amend a scheme. The WAPC considers the request and can either refuse or approve the initiation of an amendment.

The amendment process is lengthy and in general, takes between 12 to 24 months to complete and includes extensive consultation with landowners and the broader community. In some cases amendments are subject to assessment by the Environmental Protection Authority. Amendments can be classified as Major or Minor, in accordance with *Development Control Policy 1.9 – Amendment to Region Schemes*.

Planning Control Area

In some instances, the WAPC will use a planning control area (PCA) to protect land required for a particular purpose from development until it may be reserved in one of the region schemes. A PCA acts in a similar manner as a region scheme but can be applied as a temporary measure to enable an amendment to be progressed. This also provides affected landowners with rights to claim compensation while a decision is made to reserve land or not. A PCA is valid for up to five years.

This means the WAPC is the decision-making authority for any development applications on land within a PCA. A person must not commence and carry out development within the PCA area without the prior approval of the WAPC. There are penalties for failure to comply with this requirement.

The same compensation and alternative purchase rules apply as with a region scheme. However, if compensation is paid and the PCA or reservation is reduced or removed in the future, the compensation is repayable in whole or part upon the subsequent sale or subdivision of the property.

What if your land is proposed to be reserved?

The WAPC approaches landowners on land proposed to be reserved and invites them to comment through the amendment process.

The Government will ultimately acquire reserved land, but as the reservations are strategic and long-term requirements, the land can generally remain in private ownership until it is needed for the public purpose. Several options are available to the owners of reserved land:

- **Retain ownership of your property** and continue quiet enjoyment until it is needed for the public purpose. You may complete any development or subdivision approved prior to the reservation taking effect. Under non-conforming use rights, you may continue to use the property for the purpose for which it was legally being used immediately before the reservation came into effect.
- **Sell the property on the open market** to another person(s). The WAPC recognises that the reservation may make this difficult. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property if an owner is unable to achieve a private sale on the open market. This does affect your right to otherwise claim statutory compensation (outlined in the compensation section below).
- **Offer the property for sale** to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property. The WAPC purchases a property at its current market value, ignoring the impact of the reservation and proposed public purpose. The WAPC obtains two independent valuations to provide it with advice on the value of the property.

Am I entitled to claim compensation?

If your land is reserved in a region scheme or subject to a PCA and **you are the owner of the land when it was first reserved or the PCA was declared**, you may be able to make a claim for compensation for injurious affection if:

1. **Private Sale** – you sell the property on the open market at a reduced price (due to the effect of the reservation or PCA); or
2. **Refused development** – the WAPC has either refused a development application over the property or approved it subject to conditions that are unacceptable to you.

What is injurious affection?

Injurious affection occurs when the value of a piece of land is affected by the application of a reservation or restriction for a public purpose.

How do I claim compensation?

1. Private sale

If you wish to sell your property on the open market at a reduced price (affected value), you will need to complete a *Notice of Intention to Sell* form, which is available online at www.dplh.wa.gov.au. The Department of Planning, Lands and Heritage will establish the extent of the reservation and forward the notice to the Board of Valuers.

The Board of Valuers will determine the value of the property as if there was no reservation or PCA (unaffected value). You may wish to attend the board's meeting to present any matters you believe are relevant to the value of your property.

Following the board's decision:

- The board will advise you of the unaffected value of the property.
- You pay the board's valuation fee to the department and you will be advised of the affected value of the property (as determined by the WAPC) – the minimum price for which you can sell the property and receive the full amount of compensation (the difference between the affected and unaffected values). The valuation fee is refundable upon the sale of the property and the payment of compensation.
- You then arrange the sale of the property (either privately or through an agent) – the sale price must not be less than the affected value.

You (and your agent) must inform prospective purchasers that you are selling the property at a reduced price and that you will be claiming compensation for injurious affection from the WAPC. You must also include a special condition in the offer and acceptance.

- After you sell the property, you can make a claim for compensation for injurious affection through the WAPC **within six months** of the property being sold (registered at Landgate).
- After the WAPC pays compensation, the WAPC will lodge a notification on the Certificate of Title to identify that it has paid compensation, which is only payable once.
- If the property does not sell within one year of the board's valuation, you may ask the board to revalue the property. The sale process is then repeated.
- Alternatively, you may wish to ask the WAPC to purchase the property, as you have been unable to sell it privately. The WAPC will purchase the property at its then fair market value (unaffected value).

2. Refused development

If the WAPC refused your development application or approved it subject to unacceptable conditions, you may make a claim for compensation for injurious affection **within six months** of the WAPC's decision.

The WAPC will either pay compensation or may elect to purchase the property instead of paying compensation. If the WAPC elects to purchase the property, it obtains valuations for the fair market value (unaffected value) as at the date of the election to purchase.

What is compulsory acquisition?

If land is required for a reservation and has not been previously acquired or compensation has been claimed, the Government may compulsorily acquire the property. The WAPC will obtain independent valuations and make an offer of compensation, in accordance with the *Land Administration Act 1997*.

How can I view a region scheme?

- online at www.dplh.wa.gov.au/your-property-and-region-schemes
- office of the WAPC and the Department of Planning, Lands and Heritage Level 2, 140 William Street, Perth
- any local government office.

The WAPC operates in accordance with the *Planning and Development Act 2005* and receives administrative support from the Department of Planning, Lands and Heritage.

This information is correct as at January 2019



Appendix D
Preparing a submission
and hearings committees



Preparing a submission and hearings committees

The WAPC welcomes comment on proposed amendments to the MRS from interested individuals, groups and organisations.

What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding. Advertised proposals are often modified in response to the public submission process.

What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

Before lodging your submission

The WAPC prefers to receive submissions online at <https://consultation.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (form 41 – appendix E).

Please remember to complete all fields in the submission form including your name, contact details and whether you would like to attend a hearing. Please limit the number of attachments, where possible, ensuring they are directly relevant to the proposed amendment you are commenting on.

The closing date for submissions and how to lodge them is shown on form 41 and in the submissions on the amendment section of the amendment report. To be eligible to make a presentation to the hearing committee, your written submission must be received by the closing date.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.



You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and your submission will become a public document. Presentations made to the hearings committee are an extension of the submission process.

Do you want a hearing?

The *Planning and Development Act 2005* provides the opportunity for people who have made a submission to personally present the basis of their submission to a sub-committee of the WAPC. You do not have to attend a hearing. The comments presented by you in your submission will be considered in determining the recommendation for the proposed amendment.

Hearings are arranged so a person can explain or expand on their written submission to the WAPC in person. A hearing is for listening to points of view and planning rationale and is not a forum for general public debate. In the case of a group, a spokesperson must be appointed to represent the group. The time allocated for each presentation is five minutes.

The hearings committee is appointed by the WAPC and is usually comprised of two WAPC committee members and one other person with planning knowledge and expertise related to issues raised in submissions.

You may choose to have your presentation conducted in public or private. A public hearing allows other persons, including the media, to attend. In a private hearing only those persons nominated by you and by the hearings committee may attend.



Appendix E
Submission form for this amendment
(form 41)



Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

☐ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ Myself – My telephone number (business hours):

or

☐ A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

☐ Public (members from the general public may attend your presentation)

OR

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- Hearings may be recorded and transcribed. The minutes of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature Date

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 30 JUNE 2023. Late submissions will NOT be considered.

Contacts: Tel - (08) 6561 8002 Fax: (08) 6561 9001 Email: RegionPlanningSchemes@dph.wa.gov.au Website: <http://www.dph.wa.gov.au/mrs-amendments>