

**SPT1807-06 PROPOSED PRINCIPLES FOR SCHEME AMENDMENT - LOTS 2, 1 AND 8 QUARRY STREET FREMANTLE**

**Meeting Date:** 18 July 2018  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**SUMMARY**

The City's properties at lots 1 & 2 (No. 7) and lot 8 (No's. 9-15) Quarry Street, Fremantle have been budgeted for disposal. The zoning variation between lots 1 & 2 and lot 8 presents challenges for their amalgamation and sale as a composite site. Review of zoning and residential density options has consequently been undertaken to rationalise this across all three properties. Preliminary consultation on the principles of a scheme amendment to rezone to apply a Mixed Use R100 zone with additional height restrictions is recommended to occur in accordance with Council's *Local Planning Policy 1.3 Public Notification of Planning Proposals* as a preliminary step to assist Council in determining how and whether to proceed with rezoning.

**BACKGROUND**

Lots 1 and 2 HN 7 Quarry Street and Lot 8 HN9-15 Quarry Street are located on the periphery of the Fremantle city centre abutting Fremantle Park to the south.

All are owned freehold by the City and have been budgeted for disposal. They have combined area of 4133m<sup>2</sup> as detailed below:

Address	Site Area (m <sup>2</sup> )	Current Zoning	CT
Lot 2 HN 7 Quarry Street	582	Mixed Use (RAC3)	545/181
Lot 1 HN 7 Quarry St	895	Mixed Use (RAC3)	545/181
Lot 8 HN 9-15 Quarry St	2656	Residential (R25)	241/32
COMBINED	4133		

They have, until recently, accommodated community uses including a child care on Lot 8, in purpose-built buildings (refer aerial image below).



Lots 2,1 & 8 (HN7 & 915) Quarry Street - Aerial Image (source: CoF Intramaps)

The City recently sought tenders for sale of Lots 1 and 2 for a 'Baugruppen' type housing project however this has not proceeded as neither of the two tenders received were accepted. Disposal on the open market is consequently being considered.

In preparation for sale of the sites, the desirability of amalgamating the properties into a single consolidated site has been identified. The current variation in zoning between the lots is however problematic, and amalgamation would be unlikely to be supported by the Western Australian Planning Commission (WAPC) unless the zoning were rationalised. This consideration has led to a review of the zoning of the sites. In considering this, it is important that Council is cognisant that its role as local planning authority in considering the planning merits of a potential rezoning of land should be undertaken independent from the City's interests as a landowner.

## **FINANCIAL IMPLICATIONS**

There are no financial implications with undertaking preliminary consultation on the potential rezoning of the site.

Valuation impacts of any change of zoning do not represent planning considerations.

## **LEGAL IMPLICATIONS**

Nil

## **CONSULTATION**

Preliminary consultation on the proposed principles of the rezoning is recommended in accordance with the City's Local Planning Policy 1.3. This will involve writing to the surrounding landowners and conducting a community information session to gauge

community sentiment prior to formal initiation of a local planning scheme amendment. Consultation with affected service agencies is also recommended.

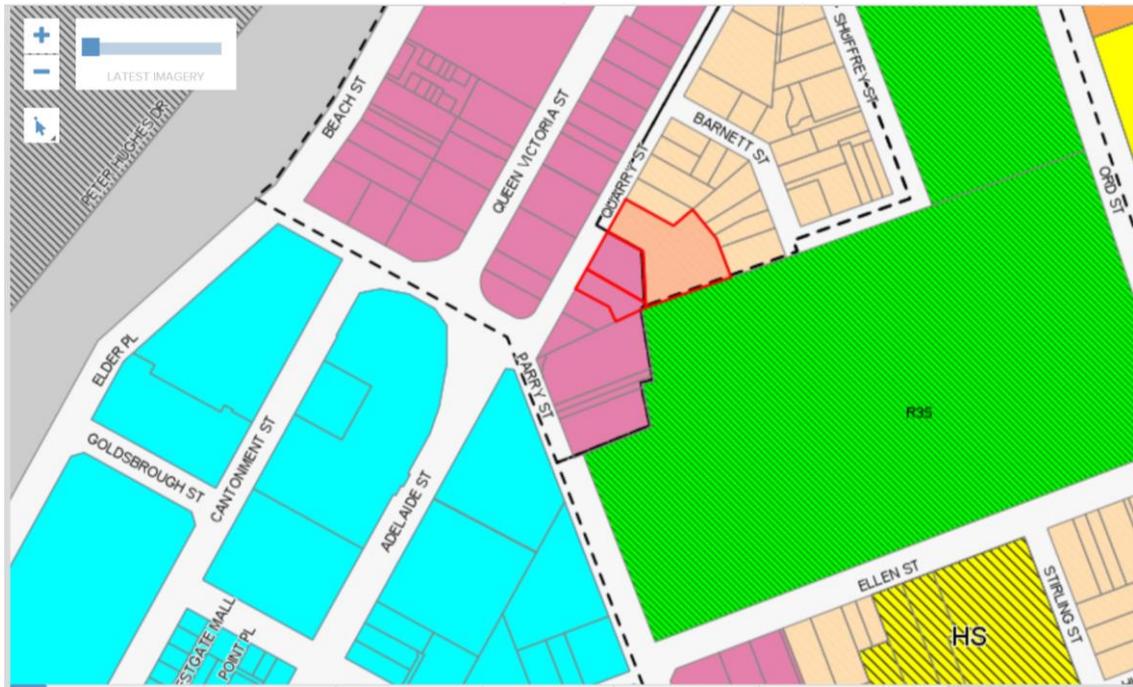
In the event of Council resolving to initiate a scheme amendment, additional statutory consultation will be required in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## **OFFICER COMMENT**

The Fremantle city centre is a Strategic Metropolitan Centre under the state government planning framework, and Queen Victoria Street represents a significant gateway into the City Centre. In 2011 a scheme amendment to apply a high density coding (R-AC3) and height limits between 11m and 24.5m to facilitate more intensive residential/mixed use redevelopment of the Mixed Use zoned properties in the area was gazetted (amendment number 38). Subsequently in 2014 a further amendment to LPS4 (amendment no. 60) was gazetted. This amendment addressed an anomaly in scheme amendment 38 which had applied a Mixed Use R-AC3 zoning to lot 2, 7 Quarry Street but left lot 1 with a Residential R25 zoning despite its non-residential use at that time. The amendment applied the Mixed Use R-AC3 zoning to lot 1 also.

These scheme provisions facilitate an appropriate entrance into a high order centre, provide a transition between the city centre and surrounding residential areas, and also advance the City's strategic objectives (as defined in the Strategic Community Plan and Freo 2029) of consolidating urban development and residential population in well located areas around the CBD where this can be accommodated in harmony with the City's heritage and other objectives. It also aligns with state planning policy.

The mixed use zoning incorporates lots on the corner of Parry Street, which acts as something of a perimeter road around the CBD, and at the south-eastern end of Quarry Street (see extract from Local Planning Scheme zoning map below). The definition of the most appropriate boundary between this zoning and the residential area to the east side of Quarry Street is, however, not clear cut.



Lots 2,1 & 8 (HN7 & 915) Quarry Street – LPS4 Zoning (source: CoF Intramaps)

Lots north-east of the Mixed Use zone remain zoned for low density residential, reflective of their traditional use.

Lots 2, 1 and 8 contain no buildings of heritage significance and represent a significant opportunity to facilitate consolidated development within the city centre catchment, with excellent access to public transport, open space and various amenities. Their location on the boundary of two currently different zonings and density codings does, however, require careful consideration to ensure an appropriate outcome balancing larger scale planning objectives against those of more immediate local impact.

In reviewing options for the zoning of the sites prior to disposal, the following basic alternatives have been identified:

Option	Advantages	Disadvantages
Rezone Lots 2 and 1 Residential R25 (so this applies to all lots)	Amalgamation and consolidated redevelopment possible	Time involved in scheme amendment process (12-18 months approx.) Dwelling yield (approx. 11 dwellings) sub-optimal given the strategic location of the site.
Rezone Lot 8 Mixed Use (RAC3) (so this applies to all lots)	Amalgamation and consolidated redevelopment possible. Maximises residential yield within city centre catchment.	Time involved in scheme amendment process (12-18 months approx.) Amenity impacts on adjoining low density residential properties likely if not mitigated through additional scheme provisions. Potentially sub-optimum streetscape outcomes due to

		sudden change in character mid-block, at zoning boundary.
Rezone all lots Residential R80 or R100	Amalgamation and consolidated redevelopment possible. Creates transition between high density mixed use to the west and south and low density residential to the north	Time involved in scheme amendment process (12-18 months approx.) Constrains opportunities for an element of non-residential development (e.g. at ground level on Quarry St frontage) as part of a predominantly residential redevelopment.
Rezone lot 8 Mixed Use (so this applies to all lots) and apply R80 or R100 density coding to all lots	Amalgamation and consolidated redevelopment possible. Creates transition between high density mixed use to the west and south and low density residential to the north. Maintains flexibility for opportunities for mixed uses in new development.	Time involved in scheme amendment process (12-18 months approx.)

Whilst all options have advantages and disadvantages, it is recommended that one of the last two options of introducing a new ‘transition’ density coding applicable to all three lots be pursued. The merits of Mixed Use or Residential zoning for all lots is discussed under ‘Land Use zoning’ below.

### Summary of Development Standards

To assist in assessing the options available, a summary comparison of key development standards between the zoning options (based on default ‘deemed to comply’ criteria or, in the case of the Mixed Use zone, the current scheme provisions) is outlined below:

	<b>Max Wall Height (m)</b>	<b>Plot Ratio</b>	<b>Street setback (m)</b>
R25	6m	N/A (0.5 applies to R30)	Single storey: 5m, second storey: 7m (under LPP2.9)
Mixed Use RAC3	11	2.0	0-2 (under LPS4)
Residential or Mixed Use R100	12	1.25	2
Residential or Mixed Use R80	12	1.0	2

### Plot Ratio

A Residential R100 zoning would provide a 'deemed to comply' plot ratio of 1.25, approximately half way between the low density residential (0.5 applies to R30 coded lots) and the RAC 3 coding (to which a plot ratio of 2 applies). Based on the site area and an assumed average apartment size of 85m<sup>2</sup>, this zoning could theoretically yield up to 60 apartments. In practical terms, this would most likely be further restricted by height, setback and open space controls which apply in addition to plot ratio and effectively restrict the building envelope available. Market and construction considerations and cost can also influence the delivery of apartments and impose additional restrictions.

### Building Height

The building height limits applicable to lots in the Mixed Use zone vary depending on location. In this location, a permitted building (wall) height of 11m is applicable to lots opposite and adjoining the subject sites (including Lots 2 and 1 currently) with potential for an additional 4m (to 15m) where setback from the street and integrated with the overall design of the building. In contrast, a default 12m wall height, 15m overall roof height applies to lots coded R100 under the Residential Design Codes (R-Codes), and a 6m wall height (9m overall roof height) to low density (R25) development.

To ensure reduced impact on the amenity of properties to the north, it is recommended that a lower, approximately 2 storey, height limit (consistent with the height limit that applies under the current R25 coding) be retained along the northern portion of Lot 8 so that existing residential properties abut buildings of similar scale to that already permitted under the existing R25 coding. For the balance of the site, retention of the 11-15m height limits applicable to Mixed Use lots adjoining (including Lots 2 and 1) is recommended as preferable, to ensure development in keeping with the scale of built form emerging under the current Mixed Use provisions.

### Overshadowing & Privacy

Overshadowing under the R-Codes is based on the coding of the affected property and so would be unaffected by the proposed amendment. Reduced overlooking setbacks do, however, apply.

### Land Use zoning

Officers consider that application of an R100 density coding under either a Mixed Use or Residential zoning would achieve the most appropriate balance between more intensive development and safeguarding the amenities of residents in lower density housing stock to the north-east of the site. Both zoning options have merit. If inclusion of the flexibility to potentially include a commercial component in any future redevelopment of the site is considered desirable, the option exists to retain the Mixed Use zone over Lots 2 and 1 and extend it to Lot 8. Alternatively, a residential zoning might be seen as offering slightly more safeguards to the amenities of neighbouring residents to the north-east as very few non-residential uses would be permissible under this zoning, and it might be considered that sufficient land already zoned Mixed Use exists in the locality to accommodate demand for commercial tenancies. On balance, officers consider that a zoning of Mixed Use is slightly more preferable, although it should be recognised that under either Mixed Use or Residential zoning a wholly residential development may occur.

### Conclusion

Whilst a number of valid zoning options exist in relation to these sites, and could be pursued to achieve the consolidated parcel sought, introduction of a 'transition' R100 density coding mid-way between that of the Mixed Use zone to west, and the low density residential to the north-east is recommended, together with a zoning of Mixed Use. Retention of existing lower building height controls for the portion of Lot 8 at the interface of with existing R25 single houses to the north-east is recommended as an additional control to further facilitate built form transition and to assist in mitigating the impact of denser development on existing residents. Preliminary consultation on these principles is recommended to assist Council in determining whether and how to pursue formal rezoning of the lots.

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

Simple Majority Required

### **COMMITTEE RECOMMENDATION SPT1807-05**

**Moved:** Cr Dave Hume

**Seconded:** Cr Jenny Archibald

#### **Council**

1. **Endorse the following elements to form the basis of a potential scheme amendment for lots 1, 2 and 8 (numbers 7 and 9-15) Quarry Street, Fremantle:**
  - a. **Zoning: Mixed Use**
  - b. **Density Code: R100**
  - c. **Special Development Controls: Height of buildings to accord with the adjoining Mixed Use zone (as already applicable to Lots 2 and 1) being 11-15m, except within 10m of adjoining Residential R25 zoned lots where height is to be restricted to 7.5m external wall height consistent with the height applying to Mixed Use zone properties in the remainder of the Fremantle Local Planning Area 2, to mitigate building bulk impact on adjoining Residential R25 lots to the north-east.**
2. **Authorise officers to undertake consultation on the principles of rezoning Lot 7-9 Quarry Street Fremantle as per part 1 of this resolution in accordance with *Local Planning Policy 1.3 Public Notification of Planning Proposals* and report the outcomes of that consultation back to Council.**

**Carried: 6/0**

**Mayor, Brad Pettitt, Cr Jenny Archibald,  
Cr Bryn Jones, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Dave Hume**