



Town Planning Scheme No. 3 Amendment No. 10

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF EAST FREMANTLE
TOWN PLANNING SCHEME NO. 3
AMENDMENT NO. 10

RESOLVED that the Council in pursuance to Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Amending the Residential Design Coding on the Scheme Maps to reflect the outcomes of the adopted Town of East Fremantle Local Planning Strategy 2013.
2. Amending the Town Centre Zone on the Scheme Maps to reflect boundary of the adopted Town of East Fremantle Local Planning Strategy 2013.
3. Amending the Scheme Maps to include all land within the Town Centre Zone within Special Control Area 1 (SCA).
4. Amending the Scheme Maps to include all land occupied by the Leeuwin Barracks within Special Control Area 2 (SCA).
5. Amending the Scheme Maps to include Lot 250 Dalgety Street (Woodside Hospital Site) within Special Control Area 3 (SCA).
6. Amending the Scheme Maps to include Kaleeya Hospital (Lot 102) Wolsely Road.
7. Amending the Scheme Maps by including a Special Control Area as a dashed line in the Legend.
8. Amending the Scheme Maps by excluding 34 George Street from the Mixed Use zone and including into a new zone "Special Zone – Royal George Hotel".
9. Amending the Scheme Maps by including a new zone in the legend "Special Zone – Royal George Hotel".
10. Modifying the Table of Contents by including "Schedule 13: Special Control Areas"
11. Inserting the following in Clause 4.2 Objectives of Zones:
Special Zone – Royal George Hotel
 - To encourage the preservation and re-use of the Royal George Hotel building;
 - To accommodate the redevelopment of the Royal George Hotel site in a manner which will complement the preservation of the hotel building;
 - To enhance and promote George Street as a vibrant main street.
12. Delete the existing Zoning Table (Clause 4.3 Refers) and replace with the following amended table incorporating the following changes:
 - (i) Modifying the Zoning Table by deleting the Canning column
 - (ii) Modifying the Zoning Table by deleting the "George" Column

- (iii) Modifying the Zoning Table to include:
- "Home Business" as a "D" use in the Residential Zone
 - "Home Occupation" as a "P" use in the Residential Zone
 - "Amusement Parlour" as a "D" use in the Special Business Zone
 - "Ancillary Accommodation" as an "A" use in Town Centre Zone
 - "Cinema Theatre" as a "D" use in the Special Business Zone
 - "Club Premises" as a "D" use in the Town Centre Zone
 - "Consulting Rooms" as a "X/A²" use in the Residential Zone
 - "Convenience Store" as an "A" use in the Mixed use Zone and as a "D" use in the, Special Business and Town Centre Zones
 - "Family Day Care" as an "A" use in the Town Centre Zone
 - "Fast Food Outlet" as an "A" use in the Special Business Zone
 - "Grouped Dwelling" as a "D" use in the Residential Zone and as a "P" use in the Mixed Use, Special Business and Town Centre Zones
 - "Home Store" as a "D" use in all Zones
 - "Market" as an "A" use in the Mixed Use and Special Business Zones
 - "Motel" as a "D" use in the Special Business Zone
 - "Multiple Dwelling" as an "A" use in the Special Business Zones
 - "Office" as an "X/A²" use in the Residential Zone and "D" use in the Mixed Use Zone
 - "Shop" as a "P" use in the Mixed Use and Special Business Zones
 - "Tavern" as an "A" use in the Special Business Zones
- (iv) Modify the Zoning Table by introducing a new use "Small Bar" as an "X" use in the Residential Zone and as an "A" use in the Mixed Use, Special Business and Town Centre Zones.
- (v) Insert New Note 1 of the Zoning Table with the following:
- Consulting Rooms and Office are a "D" use only for those residential dwellings that are located adjacent to Canning Highway.

ZONING TABLE (Clause 4.3 Refers)

USE CLASS	RESIDENTIAL	MIXED USE	SPECIAL BUSINESS	TOWN CENTRE
Advertising Sign	A	A	A	A
Aged or Dependent Persons Dwelling	D	P	P	A
Amusement Parlour	X	X	D	A
Ancillary Accommodation	A	P	P	A
Bed and Breakfast	A	A	A	A
Caretaker's Dwelling	X	D	D	D
Child Care Premises	A	A	D	P
Cinema / Theatre	X	A	D	D
Civic Use	A	P	P	P
Club Premises	X	A	D	D
Community Purposes	A	D	P	D
Consulting Rooms	X/D ¹	D	P	P
Convenience Store	X	A	D	D
Educational Establishment	A	A	D	A
Exhibition Centre	X	P	P	P
Family Day Care	A	D	D	A
Fast Food Outlet (Refer 5.8.9)	X	A	A	A
Funeral Parlour	X	A	A	A
Grouped Dwelling	D	P	P	P
Home Business	D	D	D	D
Home Occupation	P	D	D	D
Home Office	P	P	P	P
Home Store	D	D	D	D
Hospital	X	X	X	A
Hotel	X	X	X	A
Industry – Cottage	A	D	D	D
Industry – Service	X	D	D	D
Market	X	A	A	A
Medical Centre	X	A	P	P
Motel	X	X	D	A
Multiple Dwelling	X/A ²	A	A	A
Night Club	X	X	X	X
Office	X/D ¹	D	P	P
Place of Worship	X	A	A	D
Pre-School / Kindergarten	A	D	D	P
Recreation – Private	X	A	D	A
Residential Building	X	A	D	A
Restaurant	X	D	P	P
Service Station	X	X	X	X
Shop	X	P	P	P
Showrooms	X	A	D	D
Single House	P	P	P	X
Small Bar	X	A	A	A
Tavern	X	A	A	A
Telecommunications Infrastructure	A ³	A ³	A ³	A ³
Veterinary Centre	X	A	P	A

1. Consulting Rooms and Office are a 'D' use only for those residential dwellings that are located adjacent to Canning Highway.

13. Deleting Clauses 5.2.4, 5.3.1 Density Bonus for Corner Lots; 5.3.2 Highway frontage dual coding; 5.3.4 Residential Development in Non-Residential Zones; 5.3.5 Residential Development in the Town Centre Zone and;

14. Inserting the following clauses:

- 5.3.1 *Dual Coding:* Subject to clauses 5.3.2, 5.3.3, 5.3.6 and 5.3.7, where land is given a dual coding the standards and requirements of the Scheme and the provisions of the Residential Design Codes applicable to the lower density code shall apply to any development on, and any proposed subdivision of, that land.
- 5.3.2 *A Development at Higher Code:* Development on land given a dual coding (but excluding land to which clause 5.3.3 applies) is, at the discretion of the local government, permissible in accordance with the standards and requirements of the Scheme and the provisions of the Residential Design Codes applicable to the higher density code only if **all** of the following pre-conditions are met:
- (a) The development must include at least **three** new dwellings, unless the development is proposed on land which includes a heritage building;
 - (b) Where the development is proposed on land which includes a heritage building:
 - (i) The proposed development must include and retain the heritage building; and
 - (ii) The application for development approval must include a heritage plan which demonstrates how the heritage values of the heritage building will be protected or enhanced;
 - (c) The development must have only one street crossover, unless the land the subject of the development:
 - (i) Includes a corner lot, in which case an additional crossover to the secondary street may be permitted; or
 - (ii) Includes a heritage building;
 - (d) All new dwellings the subject of the development must be designed so as to be developed concurrently, and it may be a condition of development approval that no dwelling may be occupied until all dwellings the subject of the approval have been completed to plate height;
 - (e) At least one dwelling must address the street frontage by the inclusion of a front door and a balcony, verandah or porch that faces the street;
 - (f) A landscape plan which provides for the retention or planting of mature vegetation on the land must be submitted with the application for approval; and
 - (g) The proposed development must not conflict with any relevant Local Planning Policy adopted under Part 2 of the Scheme, nor adversely affect the amenity of the locality.
- 5.3.3 *Highway frontage dual coding:* Where a lot has frontage to Canning Highway and is given a dual coding, development on that lot is, at the discretion of the local government, permissible in accordance with the standards and requirements of the Scheme and the provisions of the Residential Design Codes applicable to the higher development code only if **all** of the following pre-conditions are met:
- (a) The only vehicle access to the lot on which the development is proposed is to be from a road other than Canning Highway;
 - (b) Noise attenuation measures which will in the opinion of the local government reduce traffic noise in all habitable rooms to an acceptable level must be included in all dwellings the subject of the development;
 - (c) The development is designed to face the Canning Highway frontage of the lot on which it is located, and to address any other street to which the lot may have frontage with a balcony, verandah or porch; and

- (d) Where the development is proposed on land which includes a heritage building:
 - (i) The proposed development must include and retain the heritage building; and
 - (ii) The application for development approval must include a heritage plan which demonstrates how the heritage values of the heritage building will be protected or enhanced.
- 5.3.4 *R-AC-3 Code – George Street:* Notwithstanding the General Site Requirements of Table 4 of the Residential Design Codes, the maximum height of any development within R-AC-3 code shall both comply with the maximum height requirements of the R40 code and be a maximum of three storeys above natural ground level unless the Council is satisfied that the development:
- (a) Is supported by a heritage assessment that confirms that development will be in keeping with the heritage values of the area; and
 - (b) Does not adversely affect the amenity of the area and adjacent residential properties.
- 5.3.5 *Subdivision of Dual Coded Land:* Subject to clause 5.3.6 the subdivision of land given a dual coding is permissible in accordance with the standards and requirements of the Scheme and the provisions of the Residential Design Codes applicable to the higher density code **only** where the proposed subdivision is consistent with a development which has been approved by the local government under clause 5.3.2 or clause 5.3.3 and:
- (a) The entire development has been completed to at least plate height; or
 - (b) It is a condition of subdivision approval that the entire development is completed to at least plate height before the diagram or plan of survey of the subdivision is endorsed with the approval the Commission, or before the strata/survey-strata plan is registered, as the case may be; and
 - (c) In the case of land to which clause 5.3.3 applies, every lot created by the subdivision must retain a frontage to Canning Highway.
- 5.3.6 *Subdivision of Dual Coded Land Containing a Heritage Building:* A proposed subdivision of land which has a dual coding and which contains a heritage building may be approved notwithstanding a lot or lots created by the subdivision may be smaller than the minimum site area per dwelling prescribed for the highest density code, and without first complying with clause 5.3.1 or clause 5.3.2, provided that the subdivision must:
- (a) Create no more than one additional lot;
 - (b) Create a lot of a sufficient size to retain the heritage building and a curtilage adequate to promote its continued use; and
 - (c) Not adversely affect the heritage values of the heritage building.
- 5.3.7 The provisions of clauses 5.3.1, 5.3.2, 5.3.3, 5.3.5 and 5.3.6 are not subject to variation pursuant to any provision of the Residential Design Codes or this Scheme.
15. Clause 5.3.3 being renumbered as Clause 5.3.8.
16. Deleting Clauses 5.8.1 to 5.8.3 and renumbering the remaining clauses 5.8.4 to 5.8.10 reference to these clauses accordingly.
17. Insert new clause 5.9 Special Zone – Royal George Hotel.
18. Insert new clause 5.9.1:
- (a) An application for the refurbishment or reuse of the Royal George Hotel building is to be accompanied by a heritage plan that will ensure the preservation of the hotel building.

- (b) A heritage plan may include development standards and requirements for the development of the balance of the land on which the hotel building is located.
 - (c) The Council may consider innovative approaches to the development of land on which the hotel is located, if the development will lead to the on-going reuse of the hotel building for a purpose consistent with the objectives of the zone.
19. Modify Part 6 : Special Control Areas by deleting “There are no special areas which apply to the Scheme” and replacing with the following:

6.1 Operation of Special Control Areas

6.1.1 Special control areas are shown on the Scheme Map with a number and included in Schedule 13.

6.1.2 In respect of a Special Control Area shown on a Scheme Map, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.2 Structure Plan

6.2.1 Interpretation

In clause 6.2, unless the context otherwise requires: ‘Proponent’ means any owner or owners of land to which the Proposed Structure Plan relates that has or have submitted that Proposed Structure Plan; ‘Proposed Structure Plan’ means a structure plan, which may apply to either a local area or a district, that has been prepared in accordance with clause 6.2.4; and ‘Structure Plan’ means a Proposed Structure Plan that has been approved by both the Western Australian Planning Commission (Commission) and adopted by the local government under clause 6.2.5.15.

6.2.2 Purpose

- (a) To identify areas requiring comprehensive planning prior to subdivision and development.
- (b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

6.2.3 Planning Requirements

6.2.3.1 The local government requires a Structure Plan before recommending subdivision or approving development of land within the Special Control Area.

6.2.3.2 Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedule 13.

6.2.3.3 The local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.

6.2.3.4 Schedule 13 describes the Special Control Areas in more detail and sets out the purpose and particular requirements that may apply to the Special Control Area.

6.2.4 Preparation of Structure Plans

6.2.4.1 A Structure Plan may include plans and other documents.

6.2.4.2 A Structure Plan may, with the agreement of the local government, be prepared and implemented in stages.

6.2.4.3 A Structure Plan may relate to only part of a Special Control Area.

6.2.4.4 A Structure Plan is to contain such detail as, in the opinion of the local government, is required to satisfy the planning requirements of the Special Control Area, and, without limiting the generality of the foregoing, may include the following details:

- (a) the area to which the Structure Plan applies;
- (b) key opportunities and constraints of the Special Control Area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
- (c) the planning context for the Special Control Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
- (d) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (e) the proposed indicative lot pattern and general location of any major buildings;
- (f) estimates of future lots, dwellings, population, employment and retail floor space;
- (g) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (h) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- (i) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;
- (j) details as appropriate relating to:
 - (i) vehicular access and parking;
 - (ii) the location, orientation and design of buildings and the space between buildings;
 - (iii) conservation areas;
 - (iv) heritage places; and
 - (v) special development control provisions; and
- (k) such other information as may be required by the local government.

6.2.4.5 In considering a Proposed Structure Plan for part of a Special Control Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Special Control Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.

6.2.5 Adoption and Approval of Structure Plans

6.2.5.1 A Proposed Structure Plan may be prepared by a Proponent or the local government. Where prepared by a Proponent, the Proposed Structure Plan is to be submitted to the local government.

6.2.5.2 Upon receiving a Proposed Structure Plan, the local government is to either:

- (a) determine that the Proposed Structure Plan is satisfactory for advertising;
 - (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
 - (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.
- 6.2.5.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 6.2.5.2, the local government is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.
- 6.2.5.4
- (a) Where the Proponent is aggrieved by a determination of the local government under clause 6.2.5.2(b) or (c) or clause 6.2.5.3, the Proponent may request the local government by notice in writing to forward the Proposed Structure Plan to the Commission.
 - (b) Within 21 days of receiving a notice from the Proponent under clause 6.2.5.4(a), the local government is to forward to the Commission:
 - (i) a copy of the Proposed Structure Plan;
 - (ii) details of the local government's determination including any modifications to the Proposed Structure Plan required by the local government; and
 - (iii) any other information the local government considers may be relevant to the Commission's consideration of approval of the Proposed Structure Plan for advertising.
 - (c) Upon receiving a Proposed Structure Plan in accordance with clause 6.2.5.4(b), the Commission is to make one of the determinations referred to in clause 6.2.5.2 and advise the local government and the Proponent accordingly.
 - (d) If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to making its determination under clause 6.2.5.4(c).
 - (e) If within 60 days of receiving a Proposed Structure Plan under clause 6.2.5.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 6.2.5.2, the Commission is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.
- 6.2.5.5 Where the local government, or the Commission under clause 6.2.5.4, has determined that the Proposed Structure Plan is satisfactory for advertising, the local government is to:
- (a) advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 9.4 of the Scheme; and
 - (b) give notice or require the Proponent to give notice in writing to:
 - (i) all landowners affected by the Proposed Structure Plan; and
 - (ii) such public authorities and other persons as the local government nominates,
- and such advertisement and notice are to explain the scope and

- purpose of the Proposed Structure Plan, when and where it may be inspected, and invite submissions to the local government by a specified date being at least 21 days from the date of the notice and advertisement.
- 6.2.5.6 Within 7 days of determining that a Proposed Structure Plan is satisfactory for advertising, the local government is to forward a copy of the Proposed Structure Plan to the Commission.
- 6.2.5.7 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 6.2.5.5 is to either:
- (a) adopt the Proposed Structure Plan with or without modifications;
 - or
 - (b) refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent.
- 6.2.5.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in Clause 6.2.5.7, the local government is deemed to have refused to adopt the Proposed Structure Plan.
- 6.2.5.9 Within 21 days of the local government making its determination under clause 6.2.5.7, or deemed refusal under clause 6.2.5.8, the local government is to forward to the Commission:
- (a) a summary of all submissions and comments received by the local government in respect of the Proposed Structure Plan, and the local government's decisions or comments in relation to these;
 - (b) the local government's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
 - (c) any other information the local government considers may be relevant to the Commission's consideration of the Proposed Structure Plan.
- 6.2.5.10 The Commission is to either:
- (a) approve the Proposed Structure Plan with or without modifications; or
 - (b) refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the local government.
- 6.2.5.11 If within 60 days of receiving the information referred to in clause 6.2.5.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 6.2.5.10, the Commission is deemed to have refused to approve the Proposed Structure Plan.
- 6.2.5.12 If the Commission approves the Proposed Structure Plan, it is to notify the local government and the Proponent of its decision within 14 days of the date of the Commission's decision.
- 6.2.5.13 If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to approving the Proposed Structure Plan under clause 6.2.5.10.
- 6.2.5.14 If the local government, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the local government may:
- (a) readvertise the Proposed Structure Plan;

or

- (b) require the Proponent to readvertise the Proposed Structure Plan;

and, thereafter, the procedures set out in clause 6.2.5.5 onwards are to apply.

6.2.5.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the local government is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to:

- (a) the Proponent;
- (b) the Commission; and
- (c) any other appropriate person or public authority which the local government thinks fit.

6.2.5.16 A Structure Plan is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

6.2.6 Change or Departure from Structure Plan

6.2.6.1 The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.

- (a) The local government is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.
- (b) If the Commission considers that the change or departure adopted by the local government under clause 6.2.6.1 materially alters the intent of the Structure Plan, then the Commission:
 - (i) may require the local government to follow the procedures set out in clause 6.2.5 in relation to the change or departure; and
 - (ii) is to notify the local government of this requirement within 10 days.

6.2.6.2 Any change to or departure from a Structure Plan that is not within clause 6.2.6.1 is to follow the procedures set out in clause 6.2.5.

6.2.7 Operation of Structure Plan

6.2.7.1 A Structure Plan commences operation on the date it is adopted by the local government pursuant to clause 6.2.5.15.

6.2.7.2 Subject to clause 6.2.7.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Planning Codes then:

- (a) the provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Special Control Area.

6.2.7.3 Without limiting the generality of clause 6.2.7.2, under a Structure Plan:

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;

- (b) the standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;
- (c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;
- (d) where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the local government in regard to compensation set out in clauses 11.5 and 11.6 inclusive apply as if the land were correspondingly reserved under the Scheme; and
- (e) any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

6.2.7.4 A Structure Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Structure Plan.

6.2.7.5 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Planning Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

6.2.8 Appeal

6.2.8.1 The Proponent may appeal, in accordance with Part 14 of the *Planning and Development Act*, any:

- (a) determination or decision made by the Commission;
- (b) requirement imposed by or modification sought by the Commission; or
- (c) determinations deemed to have been made by the Commission under clauses 6.2.5.4 or 6.2.5.11

in the exercise of the Commission's powers under Clause 6.2.

6.2.8.2 The Proponent may appeal, in accordance with Part 14 of the *Planning and Development Act*, any decision made by the local government under clause 6.2.6.1.

20. Replacing the definition of "in Schedule 1: Dictionary of Defined Words and Expressions with the following:

"hotel" means premises providing accommodation the subject of a hotel licence under the Liquor Control Act and may include a betting agency on those premises.

"natural ground level" has the same meaning as in the Residential Design Codes.

"tavern" means premises licensed as a tavern under the Liquor Control Act and used to sell liquor for consumption on the premises.

21. Inserting the following new definitions in Schedule 1: Dictionary of Defined Words and Expressions, General Definitions:

"dual coding" means the designation on the Scheme map of land with a dual density code, such as "R12.5/40".

"heritage building" means a building included in the Heritage List or the Municipal Inventory.

"Heritage List" means the Heritage List established and maintained pursuant to Part 7 of the Scheme.

“**Municipal Inventory**” means the inventory of buildings compiled and maintained by the local government pursuant to section 45 of the *Heritage of Western Australia Act 1990*.

“**plate height**” means the full height of a wall required in order to attach to it a wall plate.

“**small bar**” means premises licensed as a small bar under the Liquor Control Act and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be on the licensed premises limited to a maximum of 120.

“**subdivision**” for the purpose of clauses 5.3.1, 5.3.5 and 5.3.6 includes the registration of a strata/survey-strata plan pursuant to the *Strata Titles Act 1985*.

22. Add a New Schedule 13 as follows:

SCHEDULE NO. 13 – SPECIAL CONTROL AREAS

Reference No.	Area	Provisions
SCA 1	Town Centre	An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.
SCA 2	Leeuwin Barracks	An approved Structure Plan together with all approved amendments shall apply to the land in order to guide any future subdivision and development
SCA 3	Lot 250 Dalgety Street (Woodside Hospital)	An approved Structure Plan together with all approved amendments shall apply to the land in order to guide any future subdivision and development
SCA4	Kaleeya Hospital (Lot 102) Wolsely Road	An approved Structure Plan together with all approved amendments shall apply to the land in order to guide any future subdivision and development.

Other Minor Amendments

23. Add “(including the Schedules)” after the word “Text” in Clause 1.4(a).
24. Delete the words “Town Planning Act” in Clause 1.7.1(a) and replacing with “*Planning and Development Act*”.
25. Delete the words “Metropolitan Region Town Planning Scheme Act 1959/WA Planning Commission Act 1985” and replace with “*Planning and Development Act*” in Clause 3.2.1.
26. Notes 1, 2, 3 and 4 in the Zoning Table following Clause 3.4.3 being deleted.
27. Clause 4.11 being modified by deleting “Section 13 of the Town Planning Act” in the footnote and replacing with “Sections 190 and 191 of the *Planning and Development Act*”.
28. 36. Modify Clause 5.5.2 by deleting “Schedule 11” and “Schedule 12” and replacing with “Schedule 10” and “Schedule 11” respectively wherever they appear in the Clause.
29. Modifying Clause 5.5.2 by deleting “Car Parking Standards” and replacing with “Required car parking in respect of any non-residential development in the Residential Zone”.
30. Modify Clause 5.7.1 by deleting “Schedule 10” and replacing with “Schedule 9”.
31. Modify Clause 5.8.2 by deleting “Schedule 11” and replacing with “Schedules 10 by and by replacing Schedule 4 with Schedule 11.
32. Clause 5.9 to 5.9.3 being deleted.
33. The Note following Clause 8.2 (j) being modified by deleting the words “20D of the Town Planning Act” and replacing with “section 157 of the *Planning and Development Act*”.

34. Inserting a new clause 8.4.3 as follows:
 - 8.4.3 Subclauses 8.4.1 and 8.4.2 do not affect the provisions of Part 13 of the *Planning and Development Act* in respect of development commenced or carried out before approval has been granted.
35. Clause 9.1.1 (h) being modified by deleting “5.5” and replacing with “5.6”.
36. Clause 9.1.1 being modified by deleting “Schedule 6” and replacing with “Schedule 5”.
37. Clause 9.1.2 being modified by deleting “Schedule 7” and replacing with “Schedule 6”.
38. Clause 9.4.2 being deleted and replaced with the following:

“Where an application is made for a purpose other than a purpose referred to in clause 9.4.1, the local government may require notice to be given in accordance with clause 9.4.3.”
39. Clause 9.4.4 being modified by deleting “Schedule 8” and replacing with “Schedule 7”.
40. Clause 10.4.1 being modified by deleting “Schedule 9” and replacing with “Schedule 8”.
41. The heading to Clause 10.10 being modified by deleting “APPEALS” and replacing with “REVIEWS”.
42. Clause 10.10 being modified by deleting “Part V of the Town Planning Act” and replacing with “section 172 of the *Planning and Development Act*”.
43. Modifying Part 11 by deleting reference to the “Town Planning Act” in clauses 11.1.1(b), 11.1.1(c), 11.6.1 and replace with “*Planning and Development Act*”.
44. Modifying Clause 11.2.4 by deleting “Part V of the Town Planning Act” and replacing with “section 172 of the *Planning and Development Act*”.
45. Modify Clause 11.4(b) by deleting “Section 10(4) of the Town Planning Act” in the footnote and replacing with “section 218 of the *Planning and Development Act*”.
46. Delete Clauses 11.5, 11.6 and 11.7.
47. Modifying Schedule 1 General Definitions by:

Deleting “section 7(3) of the Town Planning Act in the definition of “Gazettal Date” and replacing with “section 87 of the *Planning and Development Act*”.

Deleting “Town Planning Act” in the definition of “lot” and replacing with “*Planning and Development Act*”.

Deleting “section 12(2)(a) of the Town Planning Act” in the definition of “non-conforming use” and replacing with “section 172 of the *Planning and Development Act*”.

Deleting “*Western Australian Planning Commission Act 1985* in the definition of “region scheme” and replace with “*Planning and Development Act*”.

Deleting “Town Planning Act” definition and replacing with “Planning and Development Act” means the *Planning and Development Act 2005*.

Deleting “*Liquor Licensing Act*” in the definitions of “night club” and “restaurant” and replacing with “*Liquor Control Act*”.

Schedule 7, 8 and 8A being modified by deleting “TOWN PLANNING ACT 1928 (as amended)” and replacing with “*Planning and Development Act 2005*” wherever it appears.
48. Modifying Schedule 10 by replacing “clause 5.8” with “clause 5.6” and by replacing “5.4.2 and 5.7.5” with “clauses 5.5.2 and 5.8.2” respectively.
49. Modifying Schedule 11 by replacing “clause 5.4.2” with “clause 5.5.2” and by replacing “clause 5.5.5” with “clause 5.5.3” wherever they appear.
50. Modifying Schedule 11 by replacing “Clause 5.8” with “Clause 5.6”.

ADOPTION

Adopted by resolution of the Council of the Town of East Fremantle at the Meeting of the Council held on the 16 September 2014.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Town of East Fremantle at the Meeting of the Council held on the 17 March 2015 and the Common Seal of the Town of East Fremantle was hereunto affixed by the authority of a resolution of the Council in the presence of:

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MAYOR

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

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DELEGATED UNDER S.16 OF
THE PD ACT 2005

DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....