
MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN OF EAST FREMANTLE, 135 CANNING HIGHWAY EAST FREMANTLE ON TUESDAY, 17 APRIL 2018.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.35pm

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr J Harrington	
Cr A McPhail	
Cr M McPhail	
Cr D Nardi	
Cr A Natale	
Cr T Watkins	
Cr A White	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr A Malone	Executive Manager Regulatory Services
Mr P Kiocan	Acting Executive Manager Corporate Service
Ms C Catchpole	Senior Town Planner
Ms S Cocks	Principal Environmental Health Officer
Ms J May	Minute Secretary

There were eight members of the public in attendance.

3.2 Apologies

Nil.

3.3 Approved Leave of Absence

Nil.

4. DISCLOSURES OF INTEREST

4.1 Financial

Nil.

4.2 Proximity

Nil.

12. REPORTS

12.1 PLANNING REPORTS

12.1.1 Complex Amendment No. 14 to Local Planning Scheme No. 3 to Introduce Special Control Area 1: No. 91 – 93 Canning Highway – Consideration of Submissions and Support with Modifications

Owner	S T Melville & R H Turner
Applicant	Creative Design + Planning on behalf of Built Form Projects
File ref	TPS3A14; P/CAN91; P/CAN93
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	17 April 2018
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	1. Schedule of Submissions 2. Modified Amendment No. 14 Provisions – LPS No. 3 Scheme Text

Purpose and Executive Summary

In 2017 the Council considered a proposal to amend Local Planning Scheme No. 3 (LPS 3). Amendment No. 14 was proposed which introduced Special Control Area No. 1 (SCA 1) for the four lots bound by Canning Highway to the north, Stirling Highway to the east, St Peters Road to the south and Sewell Street to the west. The site has a total land area of 3,841m² and has been identified in the draft Local Planning Strategy 2016 as an 'iconic' site which is an integral part of the Town Centre and the Canning Highway transport/commercial corridor. The intent of the Scheme Amendment is to formulate a planning framework to guide the future redevelopment of the subject site for high density mixed use purposes. The Amendment comprises Scheme provisions and development controls relevant only to the SCA which overlays a Mixed Use zone.

At its meeting of 18 April 2017 the Council resolved to amend LPS 3 and to proceed to advertise 'complex' Amendment No. 14 and refer the Amendment to the Heritage Council of Western Australia and the Environmental Protection Authority. Consent to advertise the Amendment was granted by the WAPC in June 2017 and the 60 day statutory advertising period concluded in August 2017. Nineteen submissions were received with eleven community submissions expressing significant concern with the Amendment provisions, that being the development controls which would apply to SCA 1 and in particular the proposed building heights and setbacks. The remaining submissions were from government departments and servicing agencies.

The complexities of preparing an Amendment coupled with the issues raised in resident submissions resulted in the Town engaging an experienced urban design consultant to undertake a detailed study of the advertised building envelope and various built form scenarios, primarily in regard to building height and setbacks. The additional consultancy work and workshops held with elected members and the applicant resulted in the Town seeking an extension of the statutory period for considering submissions and preparing the final report for consideration by the WAPC. The WAPC granted an extension of time until 17 April 2018.

Modifications to the Amendment as a result of the urban design study, most notably affecting building height and setbacks have been proposed. Changes have also been made to the land use, vehicle parking, noise and traffic management, access and the residential development/density provisions to further address amenity concerns of nearby residents. The provisions relating to public art, landscaping and public open spaces have been deleted as they are no longer required as a result of the adoption of specific local planning policies addressing these matters. The proposed modifications are believed to adequately address the issues raised

in the submissions by reducing the overall height, scale and bulk of the building (lower maximum building heights overall), increasing lot boundary setbacks to varying degrees from all street frontages, requiring all vehicle parking to comply with Scheme provisions with no allowance for parking concessions and addressing matters such as overshadowing, noise, access, traffic management and land use with supplemented and introduced provisions. As such re-advertising of the Amendment modifications by the Town is not recommended. The changes are outlined in detail in the Officer's report.

In light of the above it is recommended the Council resolve to support Amendment No. 14 to LPS No. 3 with proposed modifications and no further advertising as outlined in the Officer's Recommendation (refer to Attachment 2 for Scheme Text provisions) and forward the Amendment to the WAPC for its consideration.

Background

The Amendment encompasses four lots of land comprising 3,841m² in total and after current road widening requirements 3,681m² (although this is currently under review by Main Roads WA) on the south west corner of Stirling and Canning Highway. The area is within the Plympton Precinct, adjacent to Residential R20 zoned land and opposite the Tradewinds Hotel on Sewell Street (refer to aerial photograph below).



A number of sewer easements traverse the site and the developer will eventually be responsible for diversion of the pipes if required by the Water Corporation. The site is also impacted by a Primary Regional Road reservation under the Metropolitan Region Scheme (MRS) and the applicant has been in discussion with Main Roads WA because of the previous implications of the Roe 8/Freight Link proposals and future intersection improvements at the junction of Canning and Stirling Highway.

The intent of the Scheme Amendment is to formulate a planning framework to guide the future redevelopment of the subject site for high density mixed use purposes. Detailed design proposals for a building/development on the site are not part of the Scheme Amendment. The Amendment comprises Scheme provisions and development controls relevant only to the SCA that if adopted, would be applicable to any development approval application for the site. The Scheme Map would be amended by introducing a SCA to overlay the Mixed Use zone already applicable. An 'additional provisions' (development controls) schedule is proposed to include specific requirements relating to land use, building height and setbacks, plot ratio, vehicle parking, traffic and noise management, access, residential development/density and general provisions. It should be noted that because the SCA additional clauses and provisions would be specified in

the Scheme Text the provisions override other clauses of the Scheme Text which allow Council to vary development controls, thereby adding to the certainty with regard to the final development outcome.

In 2016 the applicant undertook an informal (non-statutory) community consultation engagement exercise by distributing information to nearby residents in the Plympton and Riverside Precincts and organising an Open Day Forum at the Tradewinds Hotel. In June 2017 the WAPC advised the Amendment was suitable for advertising for a 60 day period commensurate with the 'complex' classification applied to the Amendment. The Amendment was subsequently advertised for a 60 day period from 29 June to 28 August. Nineteen (19) submissions were received from local residents primarily objecting to the height and scale of the proposal and expressing concerns regarding the impact of a development of the proposed scale on the surrounding residential area in relation to the erosion of the heritage values of the Precinct, a visually and physically imposing development, parking and traffic, access points, overlooking, privacy, retention of trees, landscaping, pedestrian access and other more general issues related to residential amenity. Submissions were received from the Heritage Council of WA, the EPA and the service authorities/departments all indicating no objection to the Amendment with the exception of Main Roads WA. Main Roads WA expressed concern with road widening requirements, setbacks and noise management.

Heritage

Two category C properties (downgraded from B to C in the 2015 Municipal Inventory review) occupy the site. No. 93 Canning Highway is a Federation Bungalow (c1896) and has been in poor condition for a considerable number of years. The remaining buildings at No. 91 Canning Highway are a series of interconnected single storey buildings with a shopfront dating from the 1950s. The remainder of the site is vacant land, containing a number of substantial trees. A dual use pathway runs alongside the eastern lot boundary.

The development approval of Council is not required for demolition of existing buildings. The location of the buildings on this very busy intersection is not conducive to their retention and/or restoration and has most likely resulted in their state of disrepair and limited use over the past decade pending redevelopment options being considered. In this case there is no objection to the demolition of the buildings for redevelopment of the site for mixed use purposes. The proposal, however, was referred to the Heritage Council for comment.

In early 2016 the applicant proposed a Scheme Amendment because prior to the gazettal of Amendment No. 10 multiple dwellings (apartments) were classified as a 'X' use (i.e. not permitted). Whilst Amendment No. 10 (gazetted October 2016) allowed for the development of multiple dwellings in a Mixed Use zone the current Scheme provisions are very restrictive in respect to the scale and type of development envisaged under the draft Local Planning Strategy 2016.

Following an informal community consultation exercise undertaken by the applicant in November 2016 to gauge community reaction to the Amendment the Council, on 18 April 2017, resolved amongst other things, the following:

“(3) Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the local government resolves that Amendment No. 14 is complex for the reason that the Amendment is considered to be of a scale, or will have an impact, that is significant relative to development in the locality;

(4) Pursuant to Regulation 37 (1) the local government resolves to proceed to advertise the amendment to the local planning scheme with modifications and that the applicant modify the Scheme Amendment Report to reflect the Council resolution prior to the Amendment being forwarded to the Western Australian Planning Commission;”

In support of the Amendment the applicant argued that the proposed Amendment will:

- respond to the dwelling infill targets identified for the Town and addresses the required density increase as required under *Perth and Peel @3.5 Million*;
- provide diverse and high quality housing options for people of all ages, and allow for ageing-in-place;
- provide additional local population to support the nearby Town Centre and George Street Precincts;
- enable future creation of a well-designed, modern and attractive mixed use development, suited to contemporary living;
- allow for optimisation of one of the Town's most strategic and important sites;
- increase potential expenditure in the Town Centre and George Street business precincts;
- support a mixed use development which is greater than the current applicable density code of R40;
- offer local amenity (cafés, restaurant, commercial, and possibly retail) for residents and the surrounding community; and
- allow for land uses which capitalise on the site's location along a major public transport route.

The Scheme Amendment Report (dated 9 May 2017 - refer to Council Minutes of 18 April 2017) outlines in detail the rationale for the building envelope along with the original Scheme Amendment provisions.

Details

The *Local Planning Schemes Regulations 2015* states that Special Control Areas can be included in a Planning Scheme to:

"...identify areas which are significant for a particular reason and where special provisions in the Scheme may need to apply. These provisions would typically target a single issue or related set of issues often overlapping zone and reserve boundaries. The special control areas should be shown on the Scheme Map as additional to the zones and reserves. If a special control area is shown on the Scheme Map, special provisions related to the particular issue would apply in addition to the provisions of the zones and reserves. These provisions would set out the purpose and objectives of the special control area, any specific development requirements, the process for referring applications to relevant agencies and matters to be taken into account in determining development proposals."

The initial content and proposed modifications to the Planning Scheme were the result of a considerable number of discussions and presentations to the Town's planning officers and the Elected Members. The Amendment documentation proposed the introduction of a Special Control Area into the Scheme Text and a set of additional (development standards) provisions, set out in a schedule to the Scheme, in respect to acceptable land uses, plot ratio, building height, setbacks and car parking. The building height and setback provisions were also expressed in diagrammatic form as a 3D building enveloped. Preliminary clauses were also required in respect to the introduction and operation of Special Control Areas in the Scheme Text. Prior to this Scheme Amendment the Planning Scheme does not classify any land in this way. The specific clause details for the SCA and additional provisions were discussed in detail in the Scheme Amendment Report (dated 9 May 2017) and in the Officer's Report contained within the Town Planning Minutes of 4 April 2017. The site abuts a Primary and Other Regional Road reservation under the MRS and is also within the Fremantle Port Buffer Zone – Area 2 so referral to these authorities was undertaken. The Scheme Amendment was also referred to the Heritage Council and the EPA as required under the *Planning and Development Act 2005*.

Consultation

Advertising

The informal community and stakeholder engagement undertaken by the applicant involved the following:

- meetings with the Town of East Fremantle Planning Officers and Chief Executive Officer;

- a Councillor briefing session;
- stakeholder meetings/briefings;
- community Open Day session;
- distribution of Information and Frequently Asked Questions Booklet;
- phone and email correspondence with neighbours;
- face-to-face meetings with neighbours; and
- ongoing engagement with the Town of East Fremantle officers and Councillors.

On 7 June 2017 the WAPC consented to the Amendment being advertised as a complex Amendment. The Commission advised that no modifications were required, however, the following comments were provided:

- *In accordance with Schedule 2, Part 6 of the Regulations, the local government may consider that a local development plan (LDP) is required for the purposes of orderly and proper planning. In this instance, a LDP may be appropriate in providing specific and detailed planning to guide and coordinate development, including site and development standards.*
- *Public art and public spaces are generally not considered in local planning schemes.*

The Amendment was officially advertised from 29 June to 28 August 2017 in accordance with the minimum 60 days required under the LPS Regulations. Advertisements were placed in the *Fremantle Gazette* and *The Herald* for two consecutive weeks on 29 June and 5 July 2017.

The formal advertising process included:

- letters sent to landowners and occupiers in the area bound by Marmion Street to the south, East Street to the west, Bolton Street and Preston Point Road to the north and the Town Centre to the east;
- information posted on the Town of East Fremantle web site (Form 4 on-line submission and ability to download the form);
- Signs on all frontages of the Amendment site;
- EPA, Heritage Council and service authorities notified;
- Notices on the Town's public notice board at Council's administration office;
- Front counter copies available; and
- A media release and article in the East Fremantle Newsletter and eNews.

As required under the *Planning and Development Act, 2005* the Amendment was referred to the EPA and the Heritage Council. An environmental review was not required by the EPA and the State Heritage Office commented as follows:

1. *There is no objection to the proposal.*
2. *Our records indicate there are two places contained within the Town of East Fremantle's Municipal Inventory within the Subject area; Former Residence, 93 Canning Highway (P19086), and Warehouse/Workshop (P19085). It is noted that the proposed amendment allows for the demolition of these buildings. The Town may wish to consider the potential impact of future development on the local heritage values of these places, and how this may be addressed.*
3. *The subject site is adjacent to the State Registered Public Buildings, East Fremantle (P789). Any development proposals which may affect this place will need to be carefully considered to ensure that the heritage significance of the State Registered place is retained.*

Submissions

Nineteen (19) submissions were received; eight (8) from service authorities, including submissions from Fremantle Ports, Water Corporation (due to sewer easements) and Main Roads WA (future road widening requirements and access restrictions). All community submissions objected to the proposal with the exception of one, which only concerned the loss and protection of mature trees. The reasons for objection or concern are summarised below and can be read in full in the Schedule of Submissions (refer to Attachment 1):

1. Height, scale and bulk of building – height, scale and bulk inappropriate in relation to Town Centre and the primarily single storey Plympton Precinct. Redevelopment at this scale and height will have a detrimental impact on the surrounding residential area and amenity and should be reduced. Varying reduced heights were proposed.
2. Building setbacks – as proposed will have a detrimental impact on the residential area. Nil setbacks will have result in imposing a bulky building form and the increased visual dominance of a building will be detrimental to adjoining residential areas and setbacks should be increased.
3. Car parking and vehicle access – no concessions in regard to commercial or residential parking requirements should be allowed. Any concessions allowed will have a detrimental impact on the amenity of the surrounding residential area which is already under severe parking and traffic pressures. Concerned with potential increase in no local traffic in the area.
4. Traffic impact and management– redevelopment of the site will result in an increased traffic impact on surrounding streets. Existing intersections will be unable to cope resulting in traffic using local streets to access major roads. Access points to the redevelopment site should be carefully considered and not located where they will impact on residential amenity. Existing traffic and parking issues within the Precinct and the Town Centre require a greater emphasis on traffic management.
5. Heritage – detrimental impact on adjacent heritage precinct which will not be developed for anything greater than two storeys. Proposed building envelope does not respect the modest and small scale character of the heritage precinct.
6. Trees – trees on the site should be protected and retained or replaced with landscaping by the developer.
7. Access to river foreshore and impact of redevelopment on pathway – the pedestrian and cycle pathway along the river should remain and be enhanced to improve access to the river. This is a valued community asset.
8. Views – views and outlook from existing properties will be impacted by a building of this scale.
9. Construction management – disturbance and impact on residents related to construction works over a protracted period of time will be considerable.
10. Impact on Water Corporation services – past issues with the sewer system may indicate inadequate capacity at present and necessitate upgrading of services to manage increased demand with redevelopment.

All but one submission objected to the height, bulk, and setbacks of the proposed building envelope and overall residents were not of the view that the building envelope, if fully developed, would result in a building which was respectful of the heritage character of the Plympton Precinct or would achieve an aesthetically acceptable architectural outcome. Of particular concern is the impact of such a visually prominent building in close proximity to single residential development and the domineering and overwhelming physical impact such a building would have on the surrounding residential area and the Town Centre. Particular individual concerns related to overshadowing, privacy, traffic, parking, access (vehicle and pedestrian), landscaping, access to the dual use path and the number, type and cost of apartment to be developed on the site.

In response to points 1 - 5 above it was decided to reconsider the Amendment provisions and look at alternate built form possibilities for the site. The Town engaged an experienced urban design consultant to provide

detailed advice on alternate urban design outcomes, in particular overall building height and building setbacks focusing on the submission comments, the surrounding suburban context, heritage considerations, and the proximity of the Town Centre and river foreshore. The outcome of that work has resulted in changes to the overall height, scale and bulk of the potential building envelope being reduced. Other submission concerns related to over-development of the site and impact on residential amenity and these issues have been addressed through more onerous development controls in respect to land use, vehicle parking, access, noise and traffic management and residential development. The amended, supplemented, and introduced provisions are believed to give adequate consideration to the submissions and address the relevant planning considerations and matters raised. The Council response and recommendation in respect to each submission is noted in the Schedule of Submissions (refer to Attachment 1).

Other matters raised in the submissions but not considered relevant considerations in respect to the Scheme Amendment provisions and development controls are listed below. The Schedule of Submissions also contains a response and recommendation in relation to these matters.

- Retention of trees on private property;
- Access and impact of redevelopment on the dual use path adjacent to the eastern boundary and located within the Stirling Highway road reserve;
- Loss of views due to the construction of a multi-storey building on the site;
- Construction management issues; and
- Impact on Water Corporation services.

Further advertising

Further advertising of the modifications is not recommended from the point of view that seeking further comments on the scale or intensity of development and amenity impacts is unlikely to result in additional modifications to the Amendment, especially considering the Town has made modifications to address the concerns raised. Council has already determined that the development potential of the site should be greater than the current Scheme provisions allow so if further advertising resulted in submissions of a similar nature the response would not be to recommend further changes to the Amendment provisions.

However, Council has the option to resolve to advertise the modifications at this point if it considers it warranted. If Council is inclined to support re-advertising of the modifications the advertising period cannot be less than 42 days. It is also noted that the WAPC may require advertising to be undertaken following its assessment of the proposed modifications. The LPS Regulations also allow for the Minister for Planning to further advertising of the modifications.

Statutory Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 3

Policy Implications

Draft Local Planning Strategy 2016

Town Centre Redevelopment Guidelines

Municipal Inventory 2015 – Category C

Financial Implications

Nil

Strategic Implications

The proposed Amendment is in line with the recommendations for the site as outlined in the Town's draft Local Planning Strategy 2016 and with State strategic planning policies such as *Directions 2031 and Beyond* and *Perth and Peel @3.5Million*. It is anticipated that the Amendment will ultimately facilitate the development of this strategic site with additional dwellings and commercial floor space which will contribute to the economic development of the Town Centre and the Town's dwelling target under State urban infill strategies. It is anticipated approximately 80 – 120 apartments may be constructed resulting in approximately 10% of the Town's dwelling density target being reached.

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

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

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

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

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

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

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

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

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

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

Natural Environment

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

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

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

4.1.2 *Plan for improved streetscapes parks and reserves.*

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

4.2.1 *Reduce waste through sustainable waste management practices.*

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

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

Site Inspection

March 2018

Environmental Implications

There are no known significant environmental implications associated with this proposal. The Amendment was referred to the EPA for 'Review' and the Town was advised on 1 June 2017 that the proposed Scheme Amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary for the EPA to provide any advice or recommendations.

Comment

As discussed above the submissions overwhelmingly raised objections to the Amendment provisions and also consistently noted amenity related issues of significant concern to residents. This level of objection in conjunction with the complexities of finalising a Scheme Amendment for this strategic site lead to a series of workshops with Elected Members to further discuss these concerns and how to refine the development controls for the site to address the issues raised. One of the outcomes resulted in the Town engaging an experienced urban design consultant to provide more detailed input in regard to the planning, design and development considerations for the site and inform the review of the building height and setback provisions.

The consultant was engaged to undertake a built form review of the site. The review and further workshops resulted in modifications to the development control provisions of the Amendment. The revised built form controls were arrived at through a process that considered a number of development scenarios for the site in the context of the existing Town Centre Redevelopment Guidelines Policy; the nature of the surrounding development context; the concerns of the local community; the aspirations of the landowner and emerging development trends throughout the Perth metropolitan area. The various development scenarios were modelled digitally in 3D to better understand the likely building forms and bulk and to determine the extent of overshadowing. These scenarios were explained and discussed with Elected Members at various workshops. Following the workshops further meetings were held with the applicant to discuss the submissions and explain the Town's position, as well as to discuss the preferred set of development controls and to seek their view on the proposed changes.

Further to the proposed modifications to the building height and setback provisions there were a number of other modifications to the proposed development controls listed in Schedule 13 under the 'Additional Provisions' column. The changes are noted below under the various provision subheadings. For clarity the original provision is noted in plain text followed by discussion points explaining the modifications, the modified provision is then noted in italics.

Land Use

Original provision

1. Land use permissibility within SCA 1 shall be designated for the Mixed Use zone in the Zoning Table of the Planning Scheme with the following exceptions:
 - Single House - X;
 - Ancillary Accommodation – X;
 - Grouped Dwelling - D; and
 - Aged and Dependent Persons Dwelling – D.

2. Development of the site cannot be solely for commercial purposes. A residential component is mandatory and developments shall incorporate a minimum of 60% net lettable area of residential floor space.

Under a SCA it is necessary to differentiate between those uses permitted ('P') in a Mixed Use zone which may not be viewed in the same light in a SCA with the same underlying zoning. Initially single houses, ancillary, grouped and aged and dependent persons' dwellings were not considered a suitable development option for the site given its strategic location and opportunities for increased density. The opportunity to develop the site for higher density residential development could be lost for the long term with development of single or grouped dwellings.

On further consideration it was considered extremely unlikely anything other than multiple dwellings would be developed and if the dwellings types noted above retained their 'P' (permitted) use class classification in the Zoning Table it would simplify the Scheme provision and lessen the likelihood of requiring a Scheme Amendment should a very small portion of the site be developed for a lesser density or other dwelling types. The Council/DAP will still have the discretion to refuse an application if it believed the site was not being developed to its full potential and contributing to dwelling targets set down by the State Planning Department and/or in accordance with the SCA objectives. As such it is recommended that the use class permissibility for the dwelling types noted above remain as per the Zoning Table of the LPS 3.

Also, a provision has been included which requires all development fronting St Peters Road to be residential with no commercial or vehicle parking component to be visible from or face the street. Similarly, no vehicle parking bays are permitted in the front setback area and only one access point to parking and the site is permitted from St Peters Road. This is considered to address concerns raised in submissions in relation to maintaining residential amenity and a residential character to St Peters Road. The provisions will also contribute to reducing the impact of commercial uses and development on the adjoining residential area and therefore in maintaining a greater level of residential amenity. It also addresses the issue of streetscape and that development is respectful of the existing residential area.

Modified Provision

1. *Land use permissibility within SCA 1 shall be designated for the Mixed Use zone in the Zoning Table of the Planning Scheme.*
2. *Notwithstanding 1. above, only residential development shall front St Peters Road. Commercial development and vehicle parking is not permitted to front St Peters Road.*
3. *The setback area on St Peters Road is only to be used for the purposes of landscaping and/or private open space.*
4. *Development of the site shall not be solely for commercial purposes. A residential component is mandatory and developments shall incorporate a minimum of 60% net lettable area of residential floor space.*



Building Height (Mass and Form)

Original provision

Building Height

All development is to be contained within the maximum building envelope shown in Figures 1 and 2 and outlined below:

Maximum Building Height:

Stirling Highway/Canning Highway:

- Walls: 30m
- Overall: 31.5m

St Peters Road:

- Overall: 10m

Sewell Street (St Peters end (31m north of St Peters Road))

- Overall: 13m

Sewell Street (Canning Highway end (40m south of Canning Highway)):

- Overall: 31.5m

Note: No habitable dwellings are permitted above the 30m building wall height. This area may accommodate external fixtures, roof gardens and shade structures which are integrated into the design of the building.

Any further development above the maximum height of 10m along St Peters Road and 13m along Sewell Street (up to a maximum height of 31.5m), shall be set back so as not to exceed the maximum winter solstice truncation line shown in Figure 1 and 2.

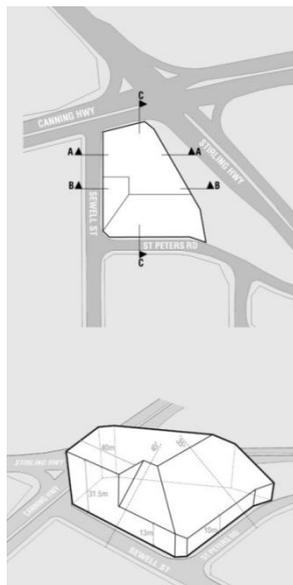


Figure 1

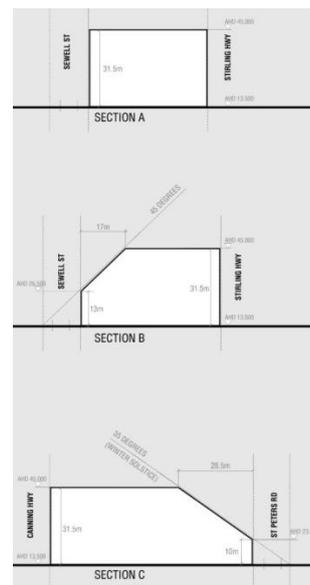


Figure 2

Since initiation of the Amendment and following consideration of submissions the Town has had cause to reconsider the building envelope illustrated above in Figure 1 and 2. Reservations with the proposed building heights and setbacks and consideration of the community's views resulted in the urban design consultant's study and the consideration of various built form options and alternate provisions to those outlined above. Over the course of workshops with the consultant, Elected Members and the applicant the Town's Officers

reached the conclusion that an alternate set of SCA provisions which modified the Amendment should be considered by Council.

The preferred built form provisions would enable the development of a mixed use building(s) between two and seven storeys in height, with the potential for Council/DAP to consider a small (reduced floor space) eighth storey as an architectural feature or building/tenant amenities area (non-habitable floor space). The modified built form provisions are considered to better respond to the differing nature of the surrounding streets with an urban form that achieves what is considered an optimal development yield, rather than a maximum development yield. In effect, the preferred built form scenario reflects the most amount of development that could be accommodated on the site and further minimises the amenity impacts for residents on, or in the vicinity of, the site.

In more detail the outcome would be a two to three storey residential building with frontage to St Peters Road, and a seven storey mixed-use address to Canning Highway, with heights that transition between the northern and southern ends of the site along Sewell Street and Stirling Highway (as outlined in Table 1 below). A potential building would 'step' back in stages along Sewell Street and Stirling Highway increasing in height as the distance increased from the residential area; the highest section of the building being on Canning Highway. Vehicle parking is proposed to be contained within a basement or a decked car park, or both. The parking would be 'sleeved' or screened from the surrounding streets by active uses which would front the roadways.

Increasing the distance between the highest sections of a building from the existing nearby residents, results in reducing the visual presence and the prominence of a building in this context. The additional building height initially considered is believed to be too much of a departure from the existing local planning framework and, if entertained, would logically require a complete review of the Town Centre Redevelopment Guidelines policy to ensure consistency across the Town Centre rather than responding to development opportunities for individual sites. A review of the Town Centre Redevelopment Guidelines policy could potentially extend the timeframe for any new planning framework for the site.

The preferred built form envelope is defined by a set of building heights and building setbacks from lot boundaries as expressed in Table 1 below. This is intended to allow for a degree of flexibility in the architectural design of any building on the site. Particular elements of the rationale behind the formulation of Table 1 are as follows:

- A 4 metre (landscaped) setback to St Peters Road as a response to the suburban character of the existing predominantly single storey heritage listed dwellings to the south.
- A street interface with St Peters Road with a domestic residential two storey scale, with subsequent floors set further back from the street to reduce the visual presence of the additional floors on St Peters Road.
- A three storey street interface to the remainder of the built form, with floors above set back by 3 metres to reduce the perceived scale and bulk of the taller parts of a building.
- A built form that avoids overshadowing of the residential lots to the south at 12pm in mid-winter.
- A stepping-up of the built form from the domestic residential scale of St Peters Road to the more urban mixed use scale on Canning Highway.

- An additional partial eighth floor most likely positioned on the corner of Canning Highway and Sewell Street to provide architectural emphasis to the street corner. This floor of the building could also provide amenities for the tenants.
- An allowance for the basement level to project 1 metre above the ground level to enable some natural ventilation to the basement and to raise ground floor apartments above the adjacent footpath.

The modified provisions have been prepared as a response to the surrounding context as well as the concerns of the local community and Elected Members, the aspirations of the land owner (increasing the development potential of the land beyond the current Mixed Use zone development controls).

Modified Provision

Building Height and Setbacks

1. For the purposes of measuring height and setbacks, the site is divided into two sections – “north” and “south”, as shown in Figure 1.

Figure: 1



Note: The site is divided into the North Section and South Section by a perpendicular line (i.e. drawn at a right angle) to the site’s western boundary measured at a point 27 metres from the truncation point on Sewell Street, as indicated in Figure 1.

2. Height within SCA 1 is to be measured from an Australian Height Datum level of 13.5 metres.
3. Overall maximum building height permitted:
 - i. North section – 25.5 metres; and
 - ii. South section – 18.5 metres.
4. In addition to 3. above, all development is to be contained within the maximum building heights and minimum building setbacks as specified in detail in Table 1 – Height and Setbacks.
5. Notwithstanding 3 i. above, additional maximum building height of up to 3.5 metres, to a total overall height of 29 metres, may be considered by the local government in the North section of the site:
 - i. to accommodate external fixtures, roof gardens, shade structures and/or other structures (excluding habitable dwellings) which are integrated into the design of the building to provide improved residential amenity; and
 - ii. any such development is to be contained within an area with maximum dimension of 15 metres x 30 metres, unless otherwise approved by the Local Government.

Table 1 – Building Height and Setbacks

Storey	Maximum height	South Section of Site			North Section of Site		
		Setback to St Peters Road	Setback to Sewell Street South	Setback to Stirling Highway South	Setback to Sewell Street North	Setback to Canning Highway*	Setback to Stirling Highway North**
Basement	1 m	4m	Nil	Nil	Nil	Nil	Nil
1 (ground)	4.5 m*	4m	1.5m	1.5m	Nil	Nil	1.5m
2	8m*	4m	1.5m	1.5m	Nil	Nil	1.5m
3	11.5m*	7m	1.5m	1.5m	Nil	Nil	1.5m
4	15m*	10m	4.5m	4.5m	3m	3m	4.5m
5	18.5m*	16m	4.5m	4.5m	3m	3m	4.5m
6	22m*	NA	NA	NA	3m	3m	4.5m
7	25.5m*	NA	NA	NA	3m	3m	4.5m

* Projections and external services such as, solar collectors, air conditioning units, mechanical plant rooms, lift overruns, antennae and communication masts may exceed maximum heights by up to 1.5m provided they are not visible from the street and the Local Government determines any such projections do not constitute another storey.

** Street setbacks for Canning Highway and Stirling Highway are based on the current lot boundaries. In the event that the road reserve is amended, the setbacks will apply from the new gazetted road reserve boundary/ies.

6. The difference in height between the floor level of Storey 1 and the floor level of Storey 2 shall be a minimum of 3.2 metres, with a minimum floor to ceiling clearance of 3.0 metres.
7. Where there is a difference in height requirements at street corners, the lesser height requirement shall prevail, unless otherwise approved by the Local Government.
8. Where there is a difference in setback requirements at street corners, the greater setback requirement shall prevail, unless otherwise approved by the Local Government.
9. Balconies shall not protrude forward of the building setback line.

Plot Ratio

Original provision

Maximum Plot Ratio: 3.0:1. Irrespective of the maximum building height permitted maximum plot ratio shall not be permitted to exceed 3.0:1.

A plot ratio of 3:1 has been proposed to match the plot ratio considered appropriate for development in the Town Centre Canning Highway Precinct under the Town Centre Redevelopment Guidelines. This amount of floor space was considered to result in a built form that would be reflective of a strategic location along a major transport corridor; providing a reasonable transition between larger scale development in the Town Centre and the domestic scale of adjacent residential development. This combined with modulating and stepping the building mass, with appropriate setbacks is believed to create visual interest and reduces the perceived scale of larger developments and the physical prominence of a building. It is therefore considered this plot ratio, in conjunction with the building height and setback limits now proposed, should still be applied to the site. So the provision regarding plot ratio will remain unchanged as outlined above.

Modified Provision

Maximum Plot Ratio: 3.0:1. Irrespective of the maximum building height permitted and minimum building setbacks required, maximum plot ratio shall not be permitted to exceed 3.0:1.

Car Parking

Original provision

Car Parking

Car parking for commercial uses shall be provided in accordance with the standards set out in Schedule 10 of the Scheme and the specifications in Schedule 11 of the Scheme. Where there are no standards for a particular use or development the local government is to determine what standards are to apply:

1. Car parking for residential development shall be provided in accordance with State Planning Policy 3.1 - Residential Design Codes - Part 6.
2. If the local government determines that demand for parking may be lessened due to alternative modes of transport, reciprocal or shared parking arrangements the local government may consider reducing the requirement for car parking spaces to a maximum of 20% of the requirements under Schedule 10 of the Scheme where the residential component accounts for at least 60% of the total plot ratio area and it can be demonstrated to the satisfaction of the local government that:
 - (i) The peak demand for parking by two or more uses will not occur at the same time;
 - (ii) The combined supply of car parking is sufficient to meet the estimated peak combined demand;
 - (iii) The arrangements are secured and that any future change will not result in a shortfall; and
 - (iv) Parking arrangements are detailed in a parking management plan.

The above car parking provisions were based on the requirement for developments to supply parking in accordance with current Scheme and R-Code provisions for both residential and commercial uses. The applicant also requested parking concessions be considered with mixed use developments so a more detailed set of provisions was proposed that addressed this matter. The provisions proposed reducing the requirement for car parking spaces to a maximum of 20% of the requirements under Schedule 10 of the Scheme, where the residential component accounts for at least 60% of the total plot ratio area and it can be demonstrated to the satisfaction of the local government that reciprocal and shared parking, if proposed, would not result in a shortfall that would impact on the surrounding residential area and Town Centre.

As noted above these arrangements need to be carefully considered and if applied enforceable by the adoption of a parking management plan as part of any development approval for the site. However, the submissions received indicated significant concern with the parking concession provisions given the already high demand for on-street parking by residents in the Plympton Precinct and shortage in the George Street area. The Town also had reservations about concessions if they were to result in an overall parking shortfall in the Town and the demand for parking was not managed by the developer (i.e. there were 2 car bays proposed for every dwelling unit and insufficient residential visitor bays proposed). The potential impact on the surrounding residential area if parking concessions were to be granted and the documented shortage of parking in the George Street area has lead the Town to reconsider the vehicle parking provisions and require that the development fully comply with LPS 3 requirements and those of the R-Codes for both commercial

and residential development. Parking must also be screened from the street and there is to be no parking in the St Peters Road setback. The modified provision is outlined below.

Modified provision

1. *Vehicle parking for commercial and other non-residential uses shall be provided in accordance with the provisions of the Scheme and the standards set out in Schedule 10 of the Scheme and the specifications in Schedule 11 of the Scheme.*
2. *Vehicle parking for residential development shall be provided in accordance with State Planning Policy 3.1 - Residential Design Codes.*
3. *Vehicle parking shall be located either behind street front tenancies or dwellings, below ground level when viewed from the street, or otherwise suitably screened from view from the street to the satisfaction of the Local Government.*
4. *All vehicle parking for the residential component of the development shall be provided on-site in accordance with a traffic and parking management plan, to the Local Government's satisfaction, being submitted and approved at Development Approval application stage.*
5. *No vehicle parking is permitted within the building setback to St Peters Road.*

Residential Development

Original provision

Residential Development

With exception of plot ratio, building height and building setbacks residential development shall be in accordance with State Planning Policy 3.1 - Residential Design Codes - Part 6 for multiple dwellings and Part 5 for grouped and aged and dependent persons' dwellings (dependent on the form of dwelling type for aged and dependent persons' dwellings Part 6 may be applied).

The dwelling density on the site will be primarily controlled by the plot ratio, building height and setbacks. The 60% mandatory residential floor space component, as well as other constraining development requirements such as the need to meet vehicle parking bay standards and the minimum floor space for each dwelling will also constrain development potential. The remainder of the development standards for residential development will be required to be in accordance with State Planning Policy 3.1 – R-Codes - Part 6 for multiple dwellings, which in addition to specifying a requirement for diversity in dwellings types and sizes for buildings with more than 12 dwellings, also specifies that a residential development cannot contain any dwelling less than 40m² plot ratio area.

Similarly, for grouped and aged and dependent persons' dwellings Part 5 or Part 6 of the R-Codes would be applied to residential development. The R-Codes state that any application that involves a mix of both grouped and multiple dwellings is to be assessed against a combination of Parts 5 and 6 of the R-Codes with the land apportioned to each dwelling type to calculate the minimum site area per dwelling and plot ratio. Given the above development standards that would be applied to the site are akin to Table 4 of the R-Codes a density control was not considered necessary. However, because the matter of dwelling density is not specified it is necessary to add an additional clause to ensure that Clause 5.3.4 of the Scheme that requires that a density of R40 be applied to all residential development in non-residential zones be disapplied. The additional and supplemented provisions below are therefore recommended for inclusion in the SCA schedule.

Modified provisions

Residential Development

With exception of the Additional Provisions contained within this Schedule, residential development shall be in accordance with State Planning Policy 3.1 – Residential Design Codes.

Residential Density

Clause 5.3.4 of the Scheme is disapplied in relation to development within SCA 1.

Public Art

Original provision

Public art shall be incorporated in the development or on public land within the vicinity of the development (the location to be determined by the local government and the applicant) to the value of 1% of the construction value or another amount as cash in lieu of public art as agreed to by the local authority.

Since the initiation of Amendment No. 14 the Council has adopted a Percent for Public Art Policy (Policy 3.1.9) so the requirement for this provision in the Scheme Text is no longer required. Accordingly the provision has been deleted from the proposed Amendment.

Public Art provision deleted.

Landscaping and Public Plaza

Original provision

Landscaping and Public Spaces

Landscape and street furnishings in the public domain shall use signage, materials, plants and street furniture that have been agreed as acceptable by the local government.

For all mixed use developments with a commercial nett lettable area equivalent floor space of more than 5,000m² a publicly accessible open space* with a combined area of at least 150m² shall be provided.

* May include arcade type spaces that are partially open to the elements, but shall not include fully enclosed internal floor space.

Initially this provision was included to ensure these components of design were given adequate consideration in a development site of this size and scale. However, in the overall scheme of long term development and rejuvenation of the Town Centre it would not be appropriate or in keeping with the Town Centre Redevelopment Guidelines to foster larger public meeting places outside the Town Centre where parking, pedestrian access and links to the Town Centre were not adequately developed or provided. Accordingly the provision has been deleted from the Amendment.

Landscaping and Public Spaces provision deleted.

General Planning Considerations

Under the *Local Planning Schemes Regulations 2015* matters for a local government to consider in determining development approval applications are listed in clause 67 of the Deemed Provisions. These matters refer to the broader policy objectives of the Town, State planning matters and numerous other factors which have the potential to impact the orderly and proper planning of a site. The following provision is therefore recommended for inclusion in the SCA schedule so that Council has the capacity to comprehensively apply sound site specific and regional planning principles and objectives in its consideration and assessment of a development approval application for the site.

This provision has not been modified.

General

In addition to the matters referred to in Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 the Local Government shall have regard to the objectives set out in the preceding column when:

- i. determining an application for planning approval; or*
- ii. making a recommendation on an application for subdivision approval in relation to land within SCA 1.*

Additional provisions

A number of additional provisions have been included in the modified Scheme Amendment as a response to comments received by State government departments during the submission period and by residents in submissions. The provisions proposed are self-explanatory and are outlined below.

Noise

- 1. In considering a development approval application within SCA 1, the Local Government shall have regard to the direct interface of any development with Canning Highway and Stirling Highway. The developer shall submit to the Local Government a Noise Management Plan for approval as an additional detail of a Development Approval application. The approved Noise Management Plan shall be implemented to the satisfaction of the Local Government, having regard to any advice from relevant State government authorities.*
- 2. All development is to comply with WAPC State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' and its implementation guidelines.*

Note: The Local Government may consider requiring notifications on Certificates of Title as per Draft State Planning Policy 5.4 – Road and Rail Noise.

Access

- 1. No vehicular access is permitted to or from Canning Highway and/or Stirling Highway.*
- 2. No vehicular access is permitted to or from Sewell Street within 30 metres of the truncation of Canning Highway and Sewell Street, unless otherwise approved by the Local Government in consultation with Main Roads Western Australia.*
- 3. Only one vehicular access is permitted to or from St Peters Road, unless otherwise approved by the Local Government.*

Additional or supplemented administrative modifications

Addition of lot numbers to Schedule 13

The pro forma schedule for Special Control Areas as outlined in the Model Provisions for Local Planning Schemes does not include a column for the description of the land. Although the Special Control Area is indicated on the map and the Scheme Map is referred to in the Amendment documentation it was considered helpful for an official description of the land to be included in Schedule 13 as such the following has been added to the first column of proposed Schedule 13.

“SCA 1 comprises Lot 418 and Lot 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Streets.”

Text changes

Some minor wording changes are required due to either the deletion of provisions or to strengthen provisions. These changes indicated below are not considered to change the intent of the provisions but are noted as modifications to the Amendment.

- Schedule 13: objective (a) insert the word ‘*promote*’ and delete ‘*takes advantage of*’;
- Schedule 13: objective (d) delete ‘*Facilitate the creation of a public plaza area accessible to existing and future residents*’; and
- Land Use: cl. 2. Insert term ‘*shall not*’ and delete ‘*cannot*’.

Conclusion

Amendment No. 14 proposes to introduce a SCA over four Mixed Use zoned lots on the south west corner of Canning and Stirling Highway. The intent of the Amendment is to formulate a planning framework to guide the future redevelopment of the site for high density mixed use purposes. The Amendment comprises Scheme provisions and development controls relevant to any development approval application.

The provisions proposed by the Scheme Amendment are generally aligned with the key provisions and objectives of the Local Planning Strategy and the Town Centre Redevelopment Guidelines. Since the initiation of the Amendment and advertising the Town has had cause to reconsider the development controls and the impact on adjoining residential amenity following feedback received in the submissions to more suitably align with the draft Local Planning Strategy and the Town Centre Redevelopment Guidelines.

An experienced urban design consultant was engaged to review the development controls and prepare a study to examine the impact of various built form outcomes for the site and wider locality. Subsequent to this being completed, workshops and discussions with the Elected Members and the applicant to consider the consultant’s urban design input and consideration of submissions has resulted in proposed modifications. In the main the changes have impacted the development controls for building height and setbacks. However, it is considered these modified provisions remain in line with the broader vision for mixed use development and higher dwelling densities on this site and with the Town Centre Redevelopment Guidelines.

The Town’s officers also considered it necessary for a number of the SCA provisions to be supplemented and some additional provisions introduced to the Schedule, primarily in response to the issues raised in submissions and to ensure a more comprehensive set of development controls would apply to adequately safeguard the community’s expectations in regard to amenity and the heritage character of the area and to achieve a high standard of design for this prominent site. The provisions supplemented include vehicle parking (traffic management), access, noise, residential development/density and land use.

Primarily because the modifications proposed work towards addressing the concerns raised in community submissions and by government departments, readvertising the modifications is not considered necessary.

The overall height, scale and bulk of the building has been reduced through lowered maximum building heights and increased setbacks, particularly for the southern part of the site which is closest to the existing residential area. In combination with other provisions restricting access points and the location of parking as well as compliance with vehicle parking bay standards the above modifications are considered to give due consideration to the amenity concerns expressed by residents.

Whilst the modifications do not accede to the preferred development outcome noted in the submissions for a building of a much lesser height and massing, the changes proposed are considered to facilitate redevelopment at a reasonable scale and dwelling density that the surrounding community are more comfortable with and which respects their amenity, as opposed to the site remaining blighted and undeveloped into the foreseeable future. The remaining concerns raised in submissions are matters that would be addressed through the development approval assessment process and subsequent application of conditions of development and building approval. It is noted that further advertising may either be required by the Department of Planning and/or the Minister for Planning at a later stage in the process where it may transpire the Amendment may be further modified.

In light of the above it is recommended the Council resolve to support the Amendment to LPS 3 with the proposed modifications without further advertising as outlined in the Report and the Officer's Recommendation.

The Presiding Member noted correspondence for this meeting, relating to Item 12.1.1 Amendment 14 had been received from Creative Design & Planning and Mr & Mrs J & T Moore, 76 Sewell Street East Fremantle

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040418

Moved Cr Collinson, seconded Cr M McPhail

That Council:

A. pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 41(3)(b) of the Local Planning Schemes Regulations 2015 resolve to support Amendment No. 14 to Local Planning Scheme No. 3 with proposed modifications as outlined below:

(i) Modifying Part 6: Special Control Areas of the Scheme Text by deleting the following:

“There are no special control areas which apply to the Scheme.”;

(ii) Modifying Part 6: Special Control Areas of the Scheme Text by introducing "Special Control Area No. 1" and inserting the following:

“6.1 OPERATION OF SPECIAL CONTROL AREAS

6.1.1 List of Special Control Areas

Special Control Areas have been identified as areas requiring comprehensive planning and for which specific controls to guide and co-ordinate subdivision and development are needed. The following Special Control Areas are shown on the Scheme Map:

1. Special Control Area No. 1 – The site is generally bound by Canning Highway to the north, Stirling Highway to the east, St Peters Road to the south and Sewell Street to the west in the suburb of East Fremantle.

Special Control Areas are marked on the Scheme Map according to the legend on the Scheme Map and are included in Schedule 13. The purpose, objectives, and additional provisions that apply to each special control area are set out in Schedule 13.

6.1.2 Special Control Area Provisions Additional

Subject to any Scheme provision to the contrary, the provisions of Part 6 which apply to a Special Control Area are in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.”

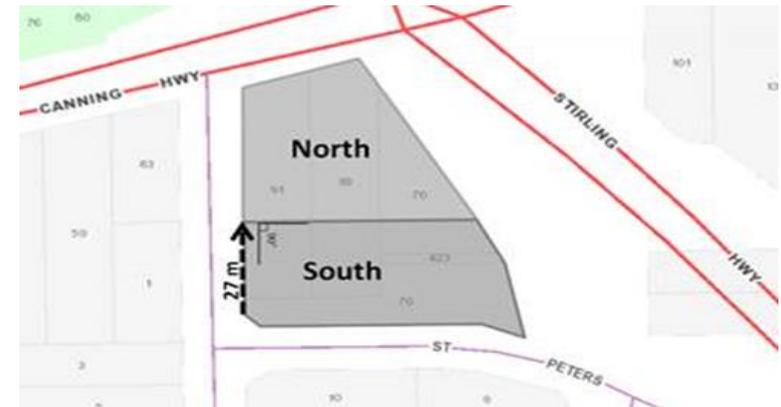
6.1.3 Conflict with other Provisions of the Scheme

Where a provision of this clause 6 is inconsistent with any other provision of the Scheme, the provisions of this clause shall prevail to the extent of the inconsistency”;

(iii) Modifying the “Schedules” section of the Scheme Text by introducing a new Schedule 13 into the Scheme Text to follow Schedule 12 as outlined below:

Name of Area	Purpose	Objectives	Additional Provisions
<p>SCA 1 (SCA 1 comprises Lot 418 and Lot 419 Canning Highway, East Fremantle Highway, Lot 81 St Peters Road and Lot 423 King Streets.)</p>	<p>To facilitate detailed site planning for the redevelopment of No. 91 – 93 Canning Highway, East Fremantle for mixed use purposes incorporating high density residential dwellings.</p>	<p>(a) Provide opportunities for a high density mixed use development, which encourages the inclusion of multiple dwellings and promotes the site’s strategic location;</p> <p>(b) Respond to the infill dwelling targets for the Town of East Fremantle through the development of mixed use buildings comprising small scale commercial activities at ground floor with predominantly residential uses above;</p> <p>(c) Encourage a site responsive and well integrated development, which suitably interfaces with the surrounding established residential area; and</p> <p>(d) Ensure the provision of parking and management of traffic takes into account the proximity of the established residential area and results in a safe and secure movement system that minimises any conflict with the surrounding uses, pedestrians and cyclists.</p>	<p>The following site and development standards apply to all development in SCA 1:</p> <p><u>Land Use</u></p> <ol style="list-style-type: none"> 1. Land use permissibility within SCA 1 shall be designated for the Mixed Use zone in the Zoning Table of the Planning Scheme. 2. Notwithstanding 1. above, only residential development shall front St Peters Road. Commercial development and vehicle parking is not permitted to front St Peters Road. 3. The setback area on St Peters Road is only to be used for the purposes of landscaping and/or private open space. 4. Development of the site shall not be solely for commercial purposes. A residential component is mandatory and developments shall incorporate a minimum of 60% net lettable area of residential floor space. <p><u>Building Height and Setbacks</u></p> <ol style="list-style-type: none"> 1. For the purposes of measuring height and setbacks, the site is divided into two sections – “north” and “south”, as shown in Figure 1.

Figure 1



Note: The site is divided into the North Section and South Section by a perpendicular line (i.e. drawn at a right angle) to the site’s western boundary measured at a point 27 metres from the truncation point on Sewell Street, as indicated in Figure 1.

2.Height within SCA 1 is to be measured from an Australian Height Datum level of 13.5 metres.

3. Overall maximum building height permitted:

- i. North section – 25.5 metres
- ii. South section – 18.5 metres

4. In addition to 3. above, all development is to be contained within the maximum building heights and minimum building setbacks as specified in detail in Table 1 – Height and Setbacks.

5. Notwithstanding 3 i above, additional maximum building height of up to 3.5 metres, to a total overall height of 29 metres, may be considered by the local government in the North section of the site:

- i. to accommodate external fixtures, roof gardens, shade structures and/or other structures (excluding habitable dwellings) which are integrated into the design of the building to provide improved residential amenity; and
- ii. any such development is to be contained within an area with maximum dimension of 15 metres x 30 metres, unless otherwise approved by the Local Government.

Table 1 – Building Height and Setbacks

Storey	Max height	South Section of Site			North Section of Site		
		Setback to St Peters Rd	Setback to Sewell St South	Setback to Stirling Hwy South	Setback to Sewell St North	Setback to Cng Hwy**	Setback to Stirling Hwy North**
Basement	1 m	4m	Nil	Nil	Nil	Nil	Nil
1 (Grd)	4.5 m*	4m	1.5m	1.5m	Nil	Nil	1.5m
2	8m*	4m	1.5m	1.5m	Nil	Nil	1.5m
3	11.5m*	7m	1.5m	1.5m	Nil	Nil	1.5m
4	15m*	10m	4.5m	4.5m	3m	3m	4.5m
5	18.5m*	16m	4.5m	4.5m	3m	3m	4.5m
6	22m*	NA	NA	NA	3m	3m	4.5m
7	25.5m*	NA	NA	NA	3m	3m	4.5m

* Projections and external services such as, solar collectors, air conditioning units, mechanical plant rooms, lift overruns, antennae and communication masts may exceed maximum heights by up to 1.5m provided they are not visible from the street and the Local Government determines any such projections do not constitute another storey.

** Street setbacks for Canning Highway and Stirling Highway are based on the current lot boundaries. In the event that the road reserve is amended, the setbacks will apply from the new gazetted road reserve boundary/ies.

				<p>6.The difference in height between the floor level of Storey 1 and the floor level of Storey 2 shall be a minimum of 3.2 metres, with a minimum floor to ceiling clearance of 3.0 metres.</p> <p>7.Where there is a difference in height requirements at street corners, the lesser height requirement shall prevail, unless otherwise approved by the Local Government.</p> <p>8.Where there is a difference in setback requirements at street corners, the greater setback requirement shall prevail, unless otherwise approved by the Local Government.</p> <p>9.Balconies shall not protrude forward of the building setback line.</p> <p><u>Plot Ratio</u> Maximum Plot Ratio: 3.0:1. Irrespective of the maximum building height permitted and minimum building setbacks required, maximum plot ratio shall not be permitted to exceed 3.0:1.</p> <p><u>Vehicle Parking</u> 1.Vehicle parking for commercial and other non-residential uses shall be provided in accordance with the provisions of the Scheme and the standards set out in Schedule 10 of the Scheme and the specifications in Schedule 11 of the Scheme.</p> <p>2.Vehicle parking for residential development shall be provided in accordance with State Planning Policy 3.1 - Residential Design Codes.</p> <p>3.Vehicle parking shall be located either behind street front tenancies or dwellings, below ground level when viewed from the street, or otherwise suitably screened from view from the street to the satisfaction of the Local Government.</p> <p>4.All vehicle parking for the residential component of the development shall be provided on-site in accordance with a traffic and parking management plan, to the Local Government’s satisfaction, being submitted and approved at Development Approval application stage.</p> <p>5.No vehicle parking is permitted within the building setback to St Peters Road.</p> <p><u>Residential Development</u> With exception of the Additional Provisions contained within this Schedule, residential development shall be in accordance with State Planning Policy 3.1 – Residential Design Codes.</p> <p><u>Residential Density</u></p>
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				<p>Clause 5.3.4 of the Scheme is disapplied in relation to development within SCA 1.</p> <p>Noise</p> <p>1. In considering a development approval application within SCA 1, the Local Government shall have regard to the direct interface of any development with Canning Highway and Stirling Highway. The developer shall submit to the Local Government a Noise Management Plan for approval as an additional detail of a Development Approval application. The approved Noise Management Plan shall be implemented to the satisfaction of the Local Government, having regard to any advice from relevant State government authorities.</p> <p>2. All development is to comply with WAPC State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' and its implementation guidelines.</p> <p><i>Note: The Local Government may consider requiring notifications on Certificates of Title as per State Planning Policy 5.4 – Road and Rail Noise.</i></p> <p>Access</p> <p>1. No vehicular access is permitted to or from Canning Highway and/or Stirling Highway.</p> <p>2. No vehicular access is permitted to or from Sewell Street within 30 metres of the truncation of Canning Highway and Sewell Street, unless otherwise approved by the Local Government in consultation with Main Roads Western Australia.</p> <p>3. Only one vehicular access is permitted to or from St Peters Road, unless otherwise approved by the Local Government.</p> <p>General</p> <p>In addition to the matters referred to in Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 the Local Government shall have regard to the objectives set out in the preceding column when:</p> <ul style="list-style-type: none"> i. determining an application for planning approval; or ii. making a recommendation on an application for subdivision approval in relation to land within SCA 1.
<p>B. resolve that the submissions made be received and those who made a submission be notified of this decision; and</p> <p>C. resolve that the Scheme Map be amended accordingly. (CARRIED UNANIMOUSLY)</p>				