

**TOWN OF EAST FREMANTLE**

**LOT 700 (NO. 2) PHILIP STREET,**  
**EAST FREMANTLE**

**LOCAL  
PLANNING  
SCHEME NO. 3**

Amendment No. 19

*Planning and Development Act 2005*

**RESOLUTION TO ADOPT AMENDMENT TO  
LOCAL PLANNING SCHEME**

**TOWN OF EAST FREMANTLE – LOCAL PLANNING SCHEME NO. 3**

**AMENDMENT NO. 19**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by

- (1) Rezoning Lot 700 (No. 2) Philip Street, East Fremantle from Residential 'R17.5' to 'R25'; and
- (2) Amend the Scheme Maps accordingly.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- (i) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (ii) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (iii) an amendment that does not result in any significant environmental, social, economic or governance impacts on the land in the scheme area; and
- (iv) any other amendment that is not a complex or basic amendment.

Dated this .....day of .....2022

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(Chief Executive Officer)

## SCHEME AMENDMENT REPORT

### INTRODUCTION

This Scheme Amendment proposes to rezone No. 2 (Lot 700) Philip Street, East Fremantle ('herein referred to as the subject site) from Residential 'R17.5' to 'R25'.

The intent of the Scheme Amendment is to facilitate subdivision on the subject site.

The proposed rezoning represents the most appropriate use for the subject site and is reflective of that within the immediate surrounding 'Residential' zoned area.

The proposed amendment is considered to be a 'standard' amendment in accordance with the descriptions set out under Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015, on the basis that it is consistent with the following criteria:

- (i) An amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve;
- (ii) An amendment that would have minimal impact on land in the scheme area that is not the subject of an amendment;
- (iii) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- (iv) Any other amendment that is not a complex or basic amendment.

### SITE DETAILS

Suburb/Location:	No. 2 (Lot 700) Philip Street, East Fremantle
Applicant:	Tuscom Subdivision Consultants
Owners:	Ante and Branka Musulin
Zoning:	Residential R17.5 – Local Planning Scheme No. 3 Urban – Metropolitan Region Scheme
Site Area:	The subject site has a total lot area of approximately 745m <sup>2</sup> , with frontages to both Philip and Gordon Streets.

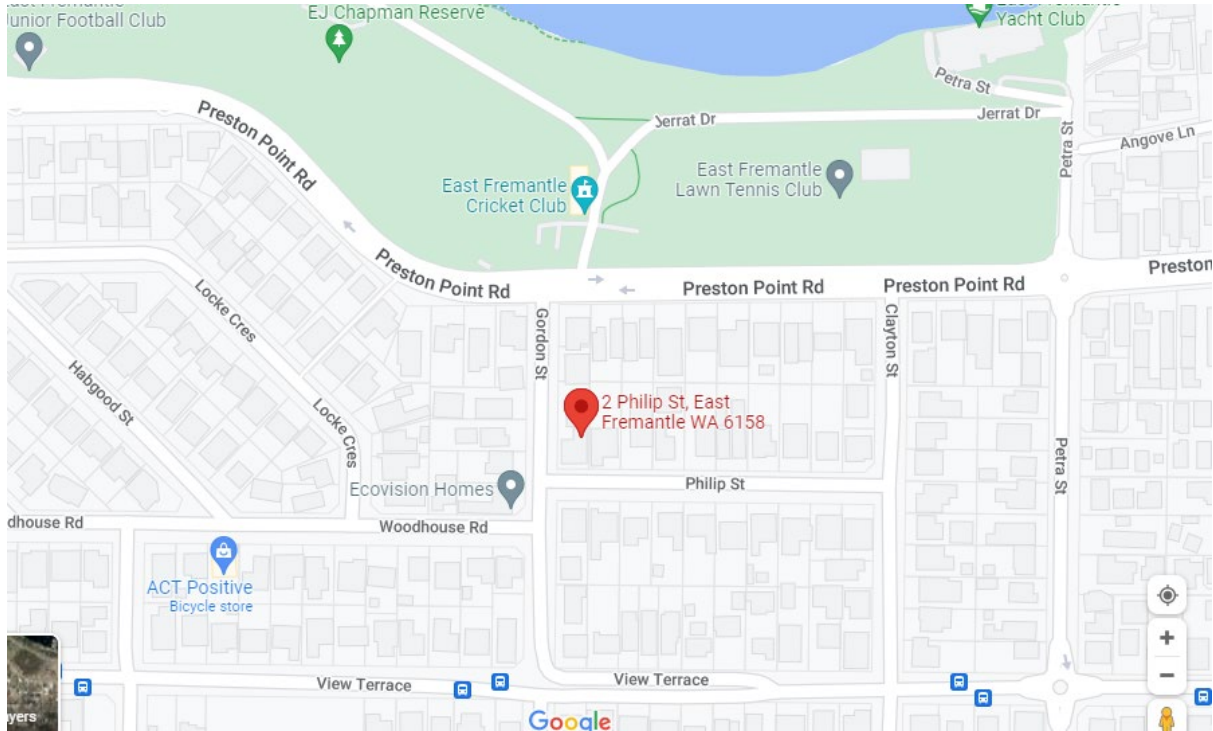


Figure 1 –Map showing No. 2 Philip Street, East Fremantle

The subject site is within 1.0km of the following amenities:

- 1.0km or 10 minutes walking distance to the Petra Street shops. The Petra Street shops comprise a district centre on the border of the Town of East Fremantle and the City of Melville, it includes, grocery shopping, various restaurants, cafes, and service shops such as hairdressers and offices;
- 400m or 6 minutes walking distance to the East Fremantle Lawn Tennis Club;
- 200m or 4 minutes walking distance to the East Fremantle Cricket Club;
- 600m or 8 minutes walking distance to the East Fremantle Yacht Club;
- 750m or 9 minutes walking distance to the Bicton Baths; and
- 450m or 6 minutes walking distance to the E J Chapman Reserve.

The subject site is well-placed in terms of proximity to public open space, sporting facilities and local shops.

**DETAILS**

The subject site currently contains one double storey dwelling. The dwelling is situated on the northern portion of the site, facing Gordon Street. The owners have intentionally situated the dwelling such that there is adequate area (approximately 368m<sup>2</sup>) to contain an additional dwelling. The new dwelling will have its frontage to Philip Street.

Whilst ‘spot rezonings’ are not generally supported by local governments, it is considered the proposed amendment warrants special consideration.

## BACKGROUND

In 2014 the Council initiated Scheme Amendment No. 10. Part of the Amendment proposed to rezone the area (Richmond Hill) to R20. At that time, the minimum lot sizes in place under the R-Codes meant that effectively no further subdivision could occur unless the lot sizes were greater than 1000m<sup>2</sup>. This approach aligned with the objectives of the draft Local Planning Strategy prepared at that time. During the period of Amendment No. 10 being considered, the WAPC amended the R-Codes. The minimum lot size required for subdivision at R20 was decreased to 900m<sup>2</sup>. The impact of the R-Code changes was considered quite significant and would have resulted in a far greater potential for subdivision in this area. This was contrary to the original intent of the draft Local Planning Strategy, as under the previous R20 density code standards, no lots in the Richmond or Richmond Hill Precincts would have been large enough for subdivision, with most lots being between 900m<sup>2</sup> and 1000m<sup>2</sup> and only three lots between 1000m<sup>2</sup> and 1100m<sup>2</sup> in the Richmond Hill Precinct.

Considering the above, it was proposed to modify the R-Code from R20 to R17.5 (minimum lot size 500m<sup>2</sup>, similar to the original R20 minimum lot size). This was considered a substantial modification, so the Town sought the views of the residents. Accordingly, the Council determined that this aspect of Scheme Amendment No. 10 should not proceed.

In March 2015 the Council, amongst other matters, resolved to:

- Endorse the modifications of draft Scheme Amendment No. 10 by the deletion of the proposed R-Code density change from R12.5 to R20 in respect to the Richmond and Richmond Hill Precincts.
- Endorse the public notification (including a mail out to all affected property owners) of Amendment No. 11 to LPS No. 3 comprising the change of R-Code density zone for the Richmond and Richmond Hill Precincts from R12.5 to R17.5.”

The subject site has a long history in terms of subdivision applications. Previously under the Town’s Local Planning Scheme No. 3 (LPS No. 3), the subject site had a density of R12.5. Clause 5.3.1 of LPS No. 3, allows corner lots to have a density bonus and permits the Local Government to approve developments up to a density of R20 where dwellings are designed to face each of the two street frontages.

Clause 5.3.1 reads as follows:

*“Density Bonus for Corner Lots: In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development.”*

Based on the provisions of the clause the Town gave subdivision approval for a two lot subdivision of the parent lot to be created in February 2018. The subdivision created two freehold lots with lot sizes of 368m<sup>2</sup> and 745m<sup>2</sup> respectively which complied with the subdivision requirements. The 368m<sup>2</sup> site is now known as No. 11 (Lot 699) Gordon Street, East Fremantle and the 745m<sup>2</sup> site is the subject of this amendment.

The Council granted approval for a corner lot subdivision on the parent lot (under the R 12.5 zoning, utilising the density bonus provisions of Clause 5.3.1) just prior to Scheme Amendment No. 11 being gazetted in June 2017 (introduction of R 17.5 zoning over the subject lot). In 2019 the original dwelling at 2 Philip Street was demolished and in 2020 a second new dwelling was constructed on the northern resubdivided lot (now 9 Gordon Street) leaving the southernmost section of the subdivided lot vacant.

In 2021, the owners of the subject site applied for further subdivision of Lot 700 by seeking to create two freehold title lots with lot sizes of 368m<sup>2</sup> and 377m<sup>2</sup> respectively. The application was considered by the Town Planning Committee on 6 April 2021 and recommended for refusal by Council and the application was subsequently refused on the 31 May 2021 by the WAPC. It is noted the Town could no longer utilise Clause 5.3.1 of the Scheme and therefore could not support the subdivision application as it did not comply with the zoning and Scheme provisions based on a density of R17.5. The Town's Officer presented two options within the report for consideration by the Council and one of the options was for the owners of the subject site to submit a Scheme Amendment to rezone the site to facilitate future subdivision. The endorsed resolution was as per the Officer's recommendation to refuse the subdivision.

The owners were then informed that should they wish to continue to pursue subdivision of the lot that a review of the WAPC decision by the State Administrative Tribunal or a Scheme Amendment would be the two available options. The matter was considered by the Tribunal at mediation, however, was subsequently withdrawn by the owners to facilitate a Scheme Amendment to be submitted to the Town.

Given the above, the owners of the subject site are submitting the subject amendment request.

## **JUSTIFICATION**

### **1. State Policy Consideration**

The Town of East Fremantle is one of the oldest suburbs in Perth. The Town is characterised by large lots around 800m<sup>2</sup> to 1,000m<sup>2</sup> with single family homes. This is the result of the traditional lower dwelling density coding prevalent throughout the Town.

The 2016 Census (latest published census) shows that 48.4% of East Fremantle's population is made up of family groups, and 38.5% of the population were couples without children. Whilst the family groups are well catered for in terms of housing choices with 66.7% of houses in the area as 'single/separate houses' only 19.3% were semi-detached, row or terrace houses.

It is clear, due to the historically lower coding, the area is heavily catered for the traditional family groups rather than the emerging ageing population or couples without children.

The Town of East Fremantle is one of the most sought after suburbs in Perth. Not only due to its proximity to Perth's famous beaches (Cottesloe, Leighton) but also the main hub of Fremantle, and connections to the Perth CBD via main arterial roads such as Canning Highway and Stirling Highway.

In light of the ideal surrounds, it is not surprising many residents (empty nesters) are keen to reside in the Town. However, given limited housing stock and even less vacant land (in 2019 the Town could only account for 55 vacant sites), the possibility of staying in familiar surrounds is not always achievable.

This Scheme Amendment aims to provide for more flexibility of housing choice within the Town and for the current owner and his family. Given the Town is also characterised by established heritage houses, the demolition of such to provide for vacant land to build new houses is not an option that should be encouraged within the Town. Subdivision of suitable lots such as the subject lot should be encouraged.

Furthermore, the *Perth and Peel @ 3.5 million* states that by 2031 an additional 520 dwellings will be required to be provided and by 2050 another 890 will be required within the Town. According to the Town's draft Local Planning Strategy (July 2021), whilst the Town may be on track to achieve these targets by 2031, in the short term (3 to 5 years), it will struggle to meet this demand. *Perth and Peel @ 3.5 million* strongly encourages urban consolidation and infill development. Both of these objectives are

contained within this Scheme Amendment. Council endorsed the Local Planning Strategy in February 2022 and included in its 'Schedule of Submissions' a recommendation to include an additional action in Part 1, Table 2:

*Planning Direction 1 that as part of the local planning scheme review process, Council may consider proposals for additional areas for infill development further to those identified in the strategy, provided they relate to groups of properties or single larger development sites (rather than multiple applications relating to individual lots) and it can be demonstrated that the capacity of service infrastructure could support this and the principles of urban consolidation are upheld. Other considerations would include effects on traffic/access; streetscape; surrounding character and transitioning density; heritage and privacy/views*

In this instance, the subject lot can be subdivided without impact to traffic/access; streetscape; surrounding character and transitioning density; heritage and privacy/views. As is demonstrated by the street montage attached it is considered the proposed subdivision and subsequent development will improve the streetscape. There will be no impact to services or infrastructure.

The State Government recognises corner properties are a good way to meet the expected population increase and utilise infill initiatives, by providing these properties with special provisions which allows subdivision, without the need to meet the average lot size requirements of the Residential Design Codes of Western Australia ('R-Codes').

The subject amendment proposes to rezone the site from R17.5 to R25 which will see the minimum lot size reduced to 300m<sup>2</sup>. It is considered the proposed density is consistent with that prevailing in the surrounding residential zone.

East Fremantle has a strong stance on preservation of heritage housing stock, hence there is no correlation to suggest that the subdivision of the subject site would encourage others to follow suit, particularly sites that contains dwellings with heritage significance.

There is still a large market that would prefer established family homes, however, this Scheme Amendment offers housing choices not common in the Town and it will assist to realise the Town's aim to provide for additional dwelling types for a changing population without the need to demolish the existing housing stock.

## **2. The Site's Uniqueness**

The subject site is unique. If subdivision approval was to be granted, this situation cannot be replicated by other properties within the vicinity. For the purpose of this Scheme Amendment, the following study area is provided.



Figure 2 – Study Area for the Scheme Amendment

The study area is largely defined by the area bound by Petra Street to the east, Preston Point Road to the west and north and View Terrace to the south. The properties that are studied in this area are all zoned R17.5.

Of the 45 corner properties in the study area, seven properties have already been subdivided, these includes:

1. No. 179 Petra Street, East Fremantle



Two lot subdivision with lot sizes of 453m<sup>2</sup> and 545m<sup>2</sup>

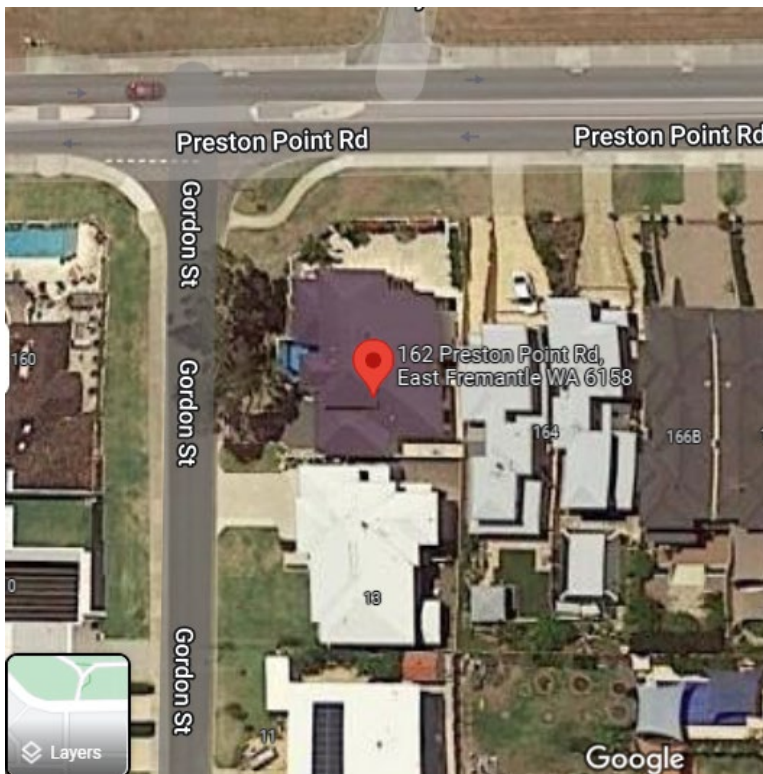


- No. 182 Preston Point Road and No. 70 Clayton Street, East Fremantle



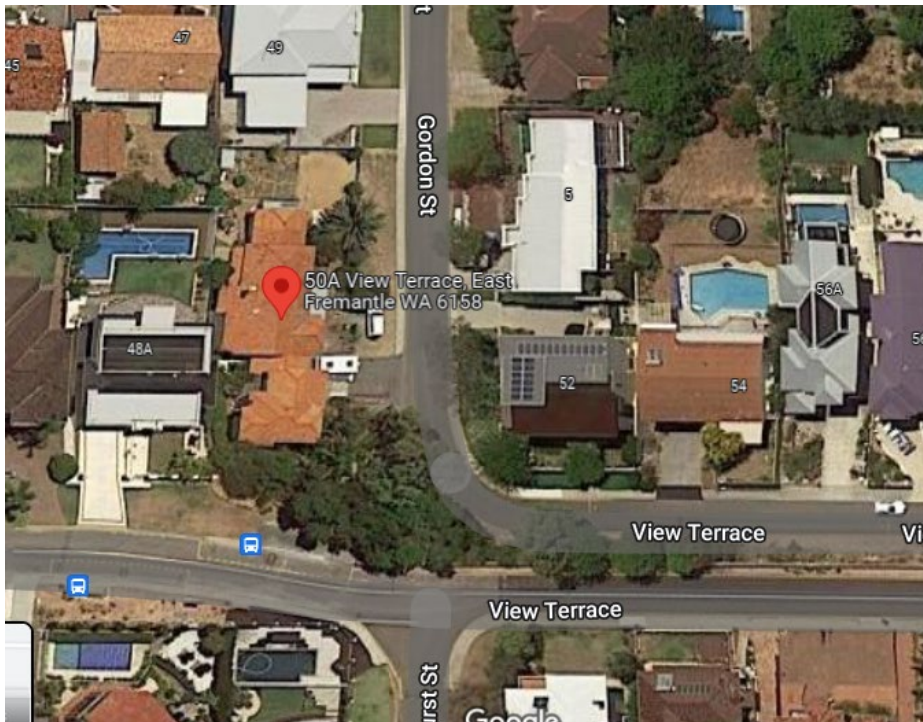
Subdivision of two lots with lot sizes of 523m<sup>2</sup> and 445m<sup>2</sup>

- No. 162 Preston Point Road and 13 Gordon Street, East Fremantle



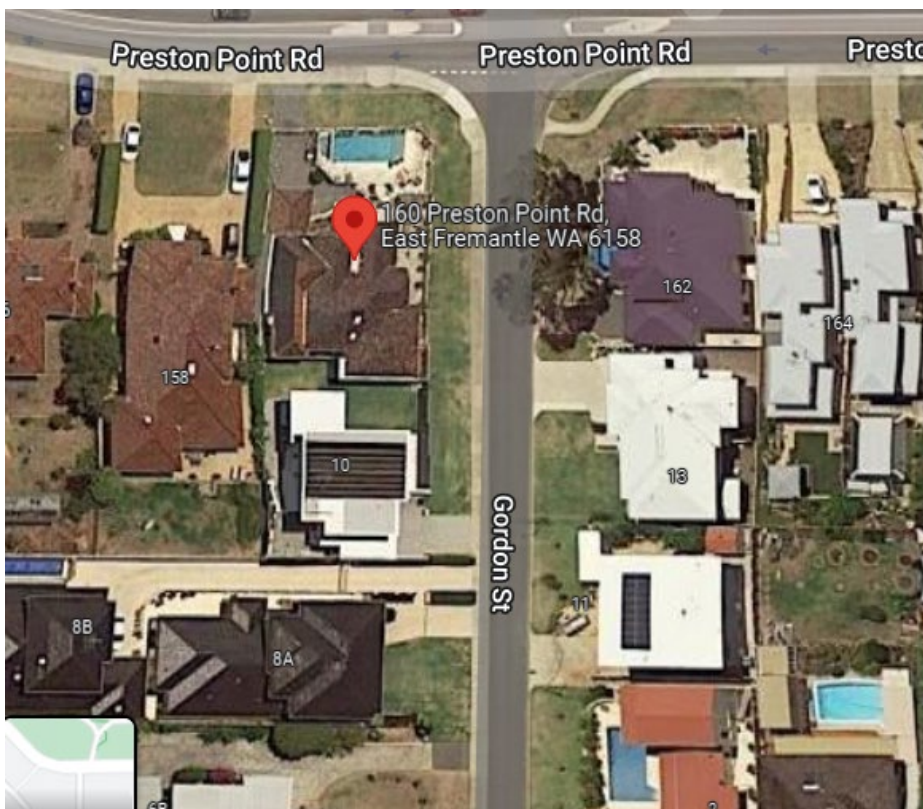
Subdivision of two lots with lot sizes of 538m<sup>2</sup> and 440m<sup>2</sup>

4. No. 50A View Terrace, East Fremantle



Two lot subdivision with lot sizes of 629m<sup>2</sup> and 291m<sup>2</sup>

5. No. 160 Preston Point Road and 10 Gordon Street, East Fremantle



Two lot subdivision with lot sizes of 593m<sup>2</sup> and 454m<sup>2</sup>

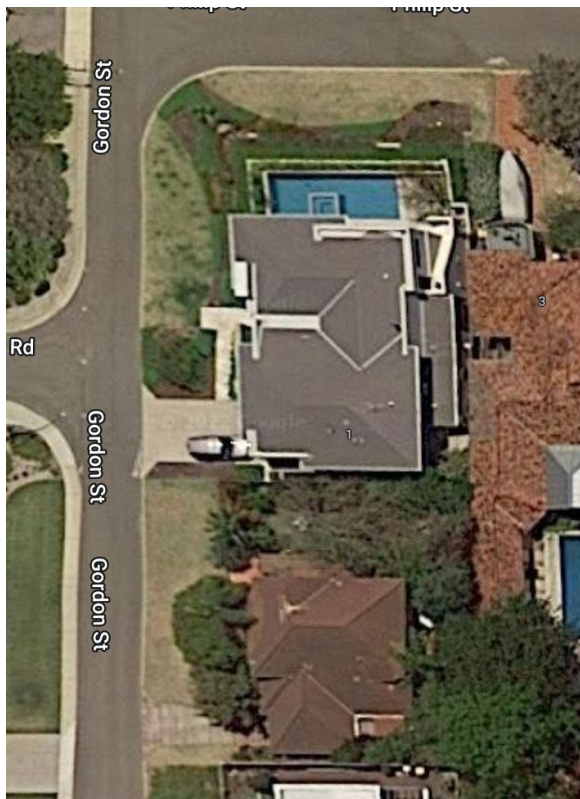


6. No. 20 Philip Street and No. 59 Clayton Street, East Fremantle



Subdivision of two lots with lot sizes of 539m<sup>2</sup> and 556m<sup>2</sup>

7. No. 1 Philip Street and No. 7 Gordon Street, East Fremantle



Strata lot with lot size of 1062m<sup>2</sup>

The other 36 properties are either too small to be considered for further subdivision (even if they were afforded the R25 coding) or currently contain significant dwellings that are very unlikely be demolished or modified in the foreseeable future to facilitate further subdivision.

These include:

1. No. 61 Clayton Street, East Fremantle



2. No. 19 Philip Street, East Fremantle – house is unlikely to be demolished, in addition the site has already been subdivided





3. No. 53 View Terrace, East Fremantle



4. No. 49 Woodhouse Road, East Fremantle



5. No. 2 Gordon Street, East Fremantle (Ecovision House)

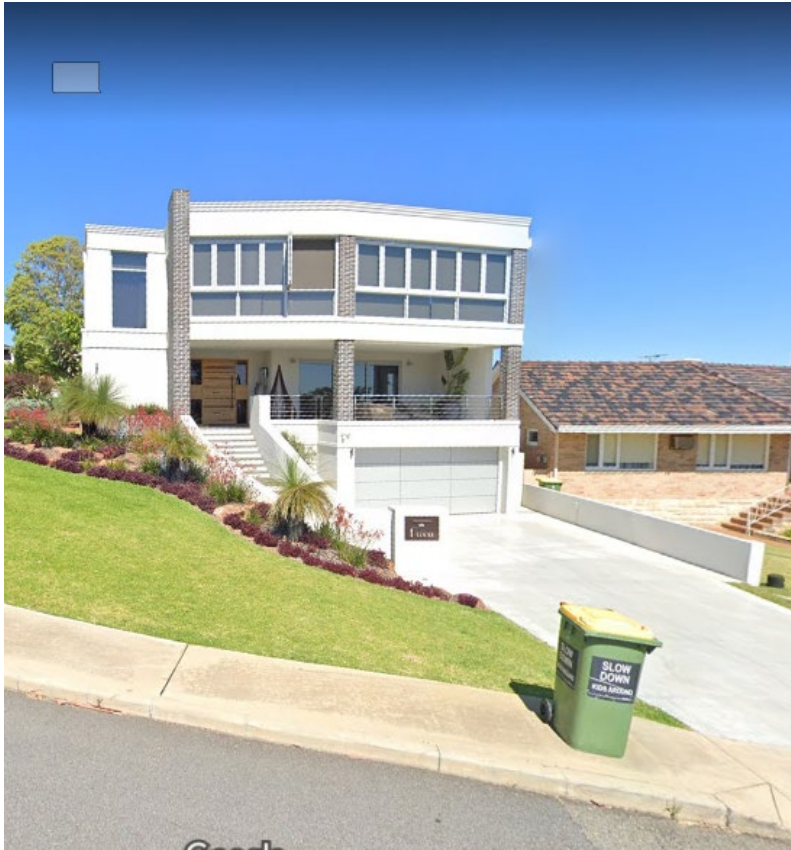


6. No. 2 Locke Crescent, East Fremantle





7. No. 1 Locke Crescent, East Fremantle



8. No. 27 Easton Street, East Fremantle



9. No. 25 Woodhouse Road, East Fremantle

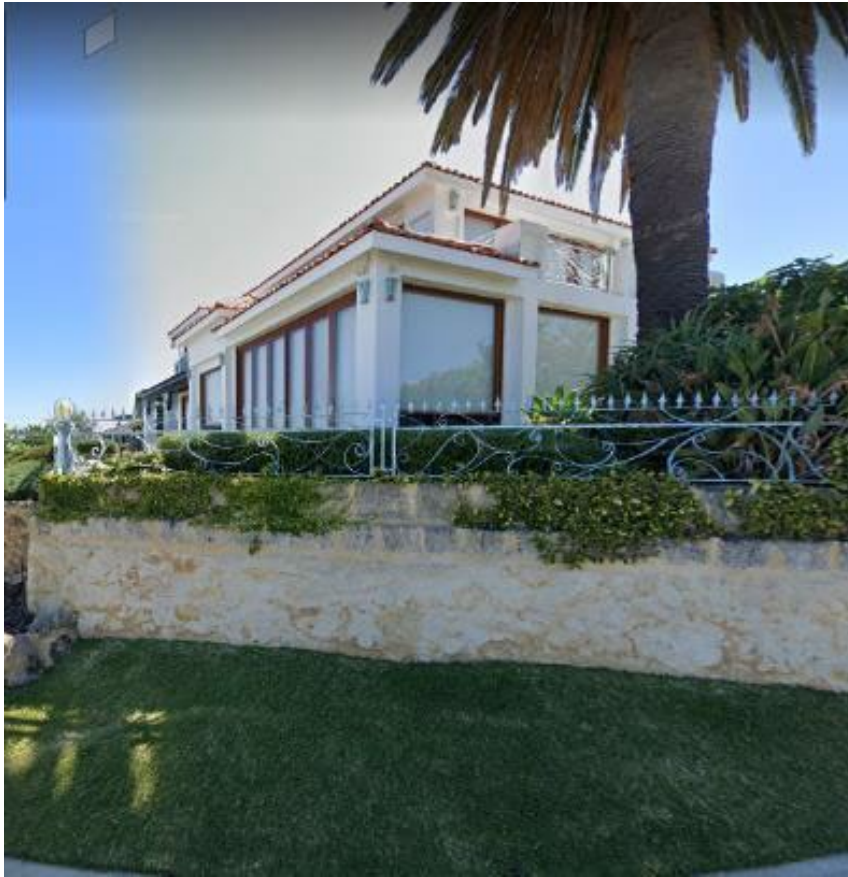


10. No. 28 View Terrace, East Fremantle

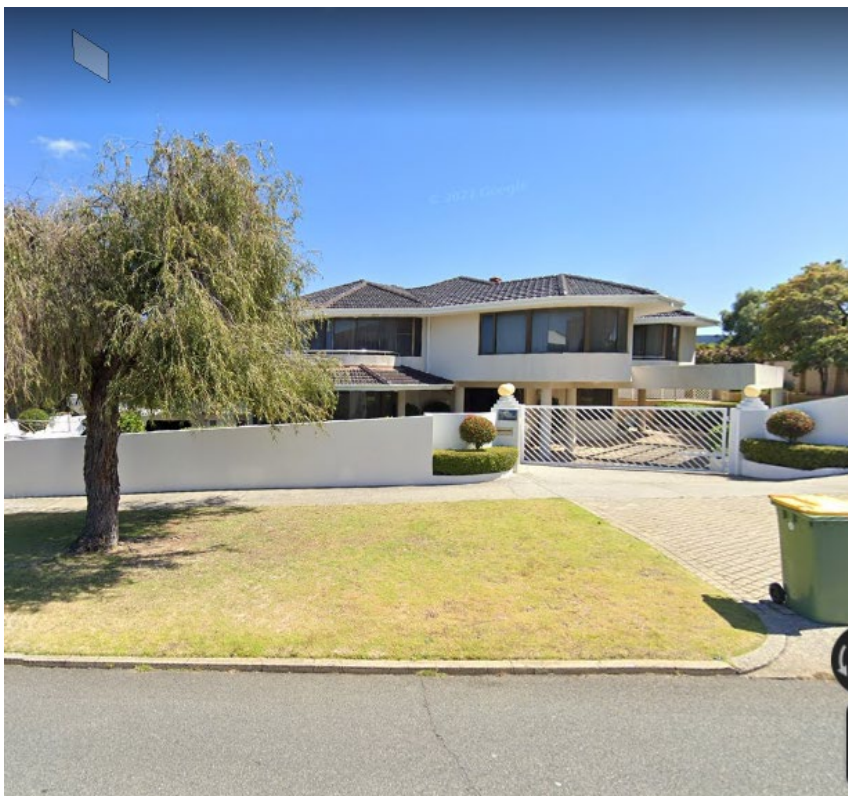




11. No. 35 Locke Crescent, East Fremantle



12. No. 2 View Terrace, East Fremantle



13. No. 19 Parker Street, East Fremantle



14. No. 1 Woodhouse Road, East Fremantle





15. No. 1C Woodhouse Road, East Fremantle



16. No. 26 View Terrace, East Fremantle



17. 11 Munro Street, East Fremantle



18. No. 18 Munro Street, East Fremantle





19. No. 104 Preston Point Road, East Fremantle



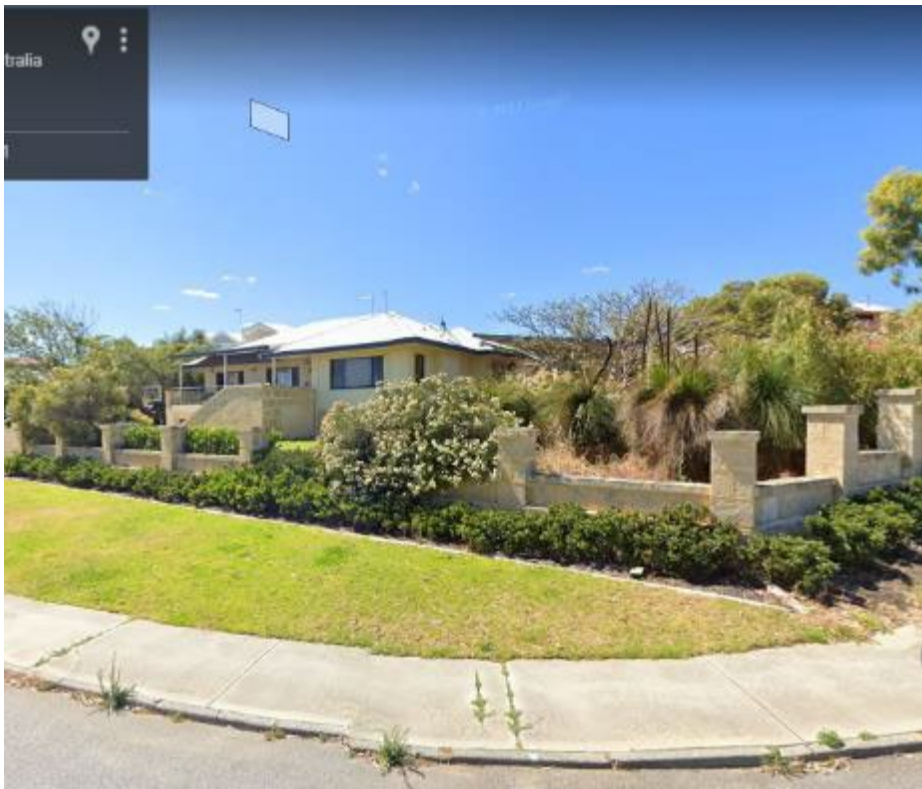
20. No. 122 Preston Point Road, East Fremantle



21. No. 27 Locke Street, East Fremantle



22. No. 25 Locke Street, East Fremantle





23. No. 23 Locke Street, East Fremantle



24. No. 124 Preston Point Road, East Fremantle



25. No. 36 Locke Street, East Fremantle



26. No. 21 Locke Street, East Fremantle





27. No. 1 Habgood Street, East Fremantle



28. No. 2 Chauncy Street, East Fremantle



29. No. 1 Chauncy Street, East Fremantle



30. No. 2 Munro Street, East Fremantle





31. No. 1 Munro Street, East Fremantle



32. No. 29 View Terrace, East Fremantle



33. No. 1 Philip Street, East Fremantle – the house is unlikely to be demolished in the foreseeable future and it has already been subdivided



34. No. 1 View Terrace, East Fremantle





35. No. 19 Locke Crescent, East Fremantle



36. No. 56 Locke Crescent, East Fremantle



There are only two other properties in the study area that have not been subdivided and contain what are in the applicant's view, dilapidated dwellings – No. 27 View Terrace, East Fremantle and No. 38 Locke Street, East Fremantle. No. 27 View Terrace is located approximately 450m from the subject site and has a lot area of approximately 1,348m<sup>2</sup>.

One could argue that should the subject Scheme Amendment be supported, No. 27 View Terrace could potentially seek a similar higher coding thereby having the potential to create three lots. Notwithstanding, there is a significant difference between the two lots, No. 27 View Terrace, East Fremantle sits on a very high limestone hill. Please refer to Photo 1 below.

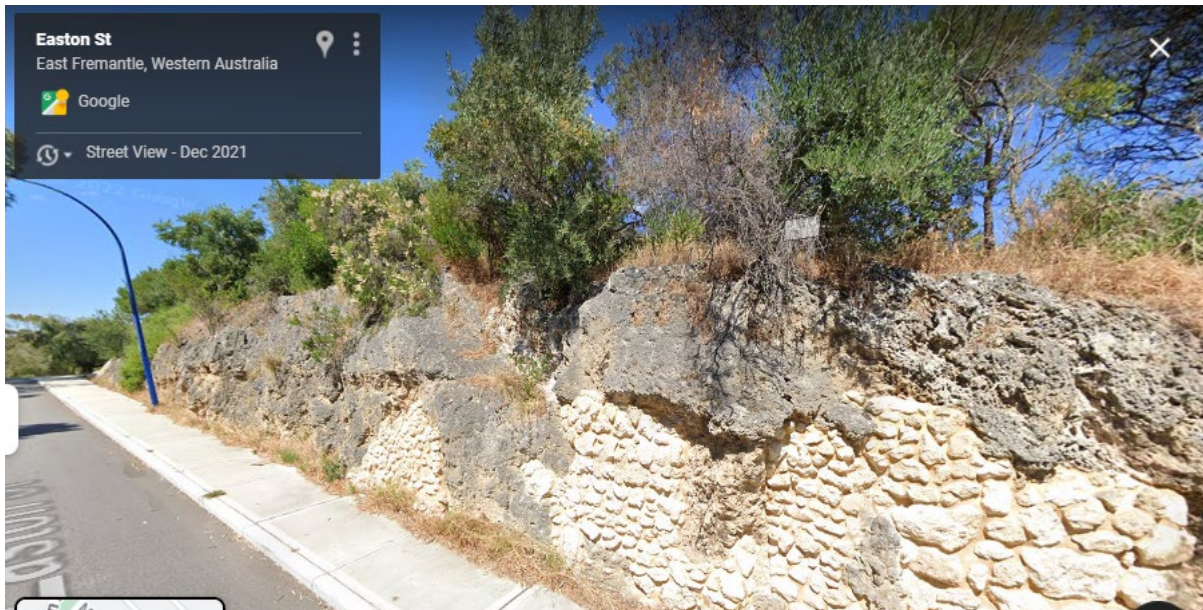


Photo 1 – No. 27 View Terrace, East Fremantle

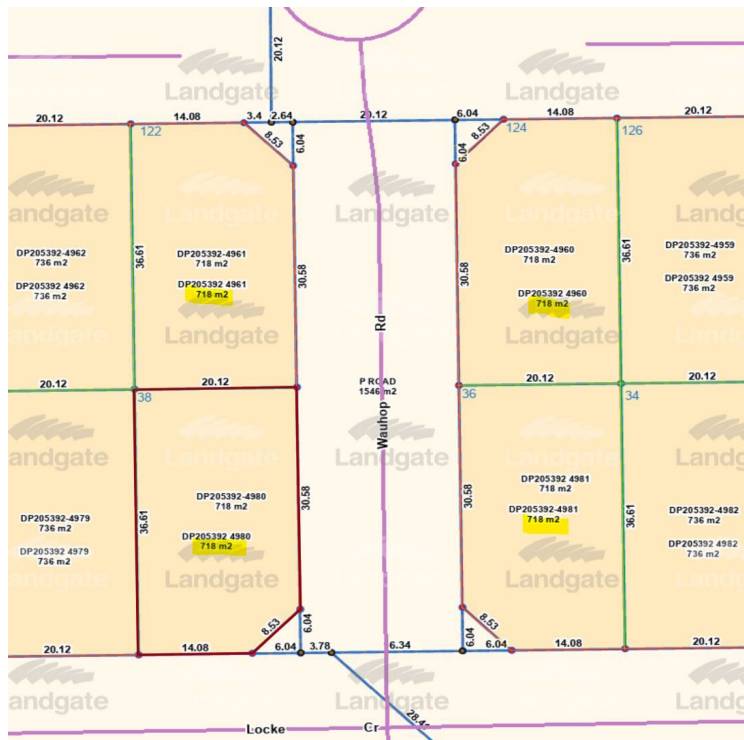
Any future dwellings constructed on this site will be in an elevated position on the hill and will have no direct relationship with the street (Easton Street). At present, access to the site is via View Terrace, should further subdivision be contemplated, additional access will need to be from Easton Street. Access from this street is unlikely due to the height of the existing limestone hill. Consequently, whilst No. 27 View Street has the potential for further subdivision 'on paper', in reality the physical constraints of the site will be an encumbrance and as such it is not comparable with the subject site.

The subject site has no site constraints in terms of access and if approved, the relationship between the houses and the street will be enhanced as the proposed dwelling on the corner will have a view to the street and this will be an improvement on the overall amenity for the street.

No. 38 Locke Crescent, East Fremantle is located approximately 500m from the subject site. It has a lot area of approximately 718m<sup>2</sup> and contains a simple single storey dwelling bound by Locke Crescent and Wauhop Road. Should No. 38 Locke Crescent seek and be given approval for the R25 code to be applied there is potential for an additional lot to be created. No. 38 Locke Crescent, however, is unlike the subject site, it belongs to a group of four corner lots including No. 36 Locke Crescent, No's 122 and 124 Preston Point Road. All four corner lots have lot sizes of 718m<sup>2</sup>. No. 38 Locke Crescent is the only corner lot that does not have a substantial, recently constructed dwelling. Therefore, if No. 38 Locke Crescent was to be subdivided it would be out of character with the existing streetscape as the resultant lot sizes would be incomparable with the prevailing lot sizes. It would be unlikely that the rezoning of No. 38 Locke Crescent would be supported on the basis that it is out of character with the surrounding developments. As detailed above and included in the Study Area Plan, six (6) properties in close proximity to the subject



lot have already been subdivided, including four (4) on Philip Street itself which are battle axe subdivisions that do not lend themselves to improving the streetscape, as proposed by these proposed subdivisions and development.



Other than the above properties that are located on the corner of streets, the streetscape of Philip Street is also characterised by existing subdivisions, particularly properties on the northern side of the street. Please refer to the below map showing properties that are already subdivided.



Figure 3 – Properties on Philip Street that have been subdivided

### 3. Future Development on the Subject Site

If the scheme amendment is supported, the owners intend to construct a two-storey dwelling on the 368m<sup>2</sup> site. Please refer to Figure 4 below for the proposed design of the future dwelling. The layout of the future dwelling will be designed to address both Philip and Gordon Streets, by way of large windows and balconies, this will not only enhance the amenity of the existing streetscape but also increase passive surveillance of both Philip and Gordon Streets. The two adjoining dwelling are designed to be consistent and to provide a high-quality streetscape, that will include substantial vegetation and quality materials.



Figure 4 – Artist impression of the future development on No. 2 Phillip Street, East Fremantle

### CONCLUSION

Approval of a Scheme Amendment to the Town of East Fremantle Local Planning Scheme No. 3 by rezoning No. 2 (Lot 700) Philip Street, East Fremantle from Residential 'R17.5' to 'R25' is requested for the following reasons:

- The amendment represents the most optimal use of the land;
- The subject site is unique; approval of a higher dwelling density code will not create an undesirable precedent;
- The amendment will provide for a range of housing types for a changing population; and
- The amendment will provide a vacant site that can be developed for an additional dwelling which will assist the Town in achieving its target 520 additional dwellings by 2031..



**Planning and Development Act 2005**

**RESOLUTION TO AMEND LOCAL PLANNING SCHEME**

**TOWN OF EAST FREMANTLE LOCAL PLANNING SCHEME NO. 3**

**Amendment No. 19**

That Council:

- A. In accordance with section 75 of the Planning and Development Act, 2005 amend the above Local Planning Scheme by:
  - (i) rezoning Lot 700 (No. 2) Philip Street, East Fremantle from Residential 'R17.5' to 'R25'; and
  - (ii) amending the Scheme Map accordingly; and
  
- B. The Amendment is a standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations, 2015* for the following reasons:
  - (i) An amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve;
  - (ii) An amendment that would have minimal impact on land in the scheme area that is not the subject of an amendment;
  - (iii) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - (iv) Any other amendment that is not a complex or basic amendment.

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Town of East Fremantle at the Ordinary Meeting of the Council held on the.....day of .....2022

.....  
.....MAYOR

.....  
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Town of East Fremantle at the Ordinary Meeting of the Council held on the .....day of .....2022, proceed to advertise this Amendment.

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the Town of East Fremantle, at the Ordinary Meeting of the Council held on the.....day of..... 2022 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:

.....  
..... MAYOR

.....  
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....  
DELEGATED UNDER S. 16 OF  
THE PLANNING AND DEVELOPMENT ACT, 2005

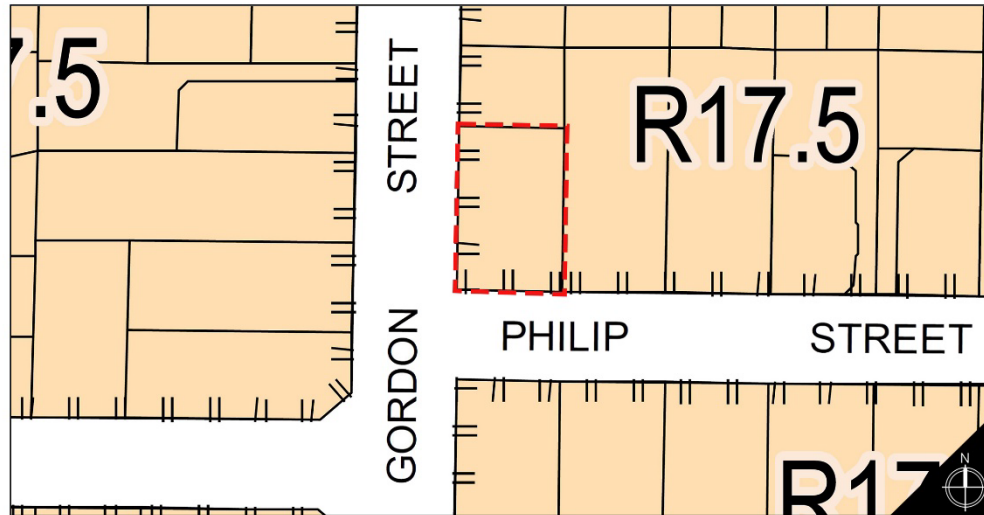
APPROVAL GRANTED

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DATE

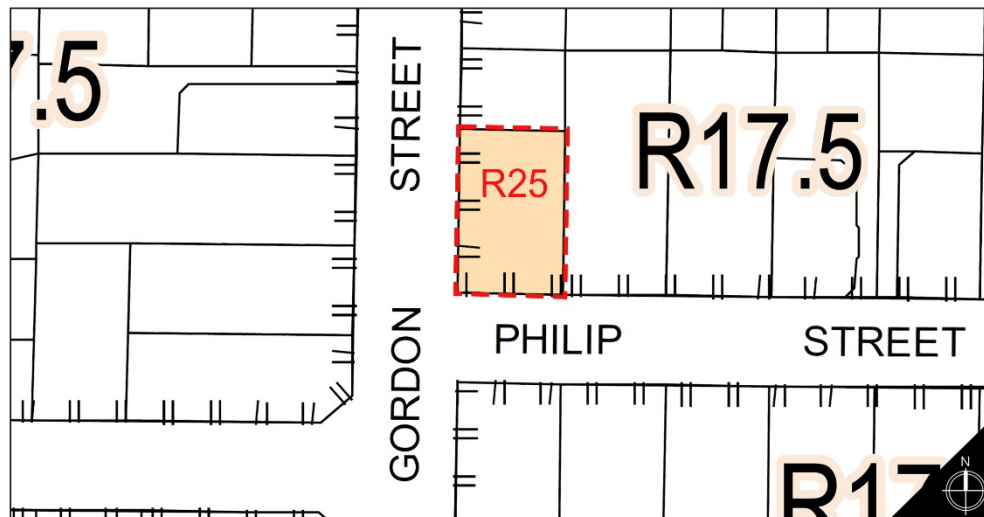
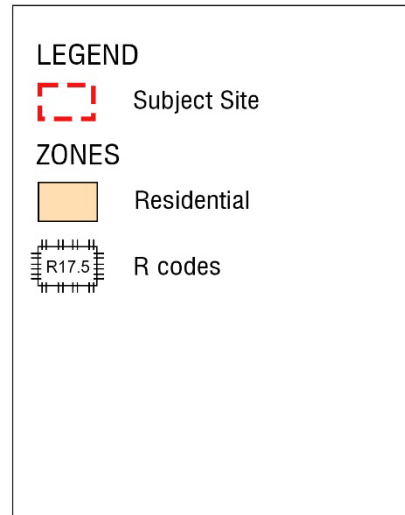
.....  
.... MINISTER FOR PLANNING

.....  
DATE.....

Town of East Fremantle  
Local Planning Scheme No.3  
Amendment No.19



Existing Zoning



Proposed Zoning

