

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT Town of East Fremantle

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 14

Ref: TPS/2063

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Town of East Fremantle Local Planning Scheme amendment on 27 January 2021 for the purpose of:

1. Delete the proposed Special Control Area No. 1 provisions.
2. Modify **PART 5: GENERAL DEVELOPMENT REQUIREMENTS** by inserting the following:

5.10 ADDITIONAL SITE AND DEVELOPMENT PROVISIONS

- 5.10.1 Schedule 13 sets out the requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.
- 5.10.2 To the extent that a requirement referred to in Schedule 13 is inconsistent with a requirement in the R-Codes, activity centre plans, local development plans or State or local planning policy the requirement referred to in Schedule 13 prevails.

5.11 VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS

- 5.11.1 In this clause 'additional site and development requirements' means requirements set out in Schedule 13.
- 5.11.2 Except to the extent that a provision within Schedule 13 states that the provision is not open to variation, the local government may approve an application for a development approval that does not comply with an additional site and development requirement.
- 5.11.3 An approval under subclause 5.11.2 may be unconditional or subject to any conditions the local government considers appropriate.
- 5.11.4 If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean

that development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoin the site of the development the local government must;

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

5.11.5 The local government may only approve an application for development approval under this clause if the local government is satisfied that;

- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

3. Delete proposed Schedule 13.

4. Include a new Schedule 13 as follows:

SCHEDULE 13: Additional Site and Development Requirements

(Clause 5.10)

No.	Description of Land	Requirement
1	Lot 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street	<p><u>Exemption from variations</u></p> <p>1. Provisions relating to height, additional height, setback, plot ratio and overshadowing in this schedule are not open to variation through any provision of this scheme or any other mechanism.</p> <p><u>Design objectives</u></p> <p>1. Development must achieve urban design and architecture that is exemplary with respect to mixed</p>

use and multiple dwelling design. The design of development must:

- (i) ensure height, built form and façade design considers and makes a positive contribution to vistas toward the site from the surrounding locality; and
- (ii) demonstrate careful arrangement of building massing and height to minimise negative impacts on the amenity of adjoining properties.

Land use and density

- 1. Only residential development shall front St Peters Road, and commercial development and vehicle parking are not permitted to front St Peters Road.
- 2. Vehicle parking is not permitted to front Canning Highway.
- 3. Clause 5.3.4 of the scheme does not apply to development on this site.

Plot ratio

- 1. The maximum plot ratio of development within the site is 3.0:1.

Building height and setback

- 1. Development is to be contained within the building envelope shown in Figures 1 and 2 of this schedule.
- 2. Non-habitable resident amenities such as roof terraces, gardens and shade structures may project outside the building envelope where suitably integrated with the architecture of the development.
- 3. Solar collectors, air conditioning units, mechanical plant rooms and lift overruns setback within a 45 degree plane taken from the edge of the building may project outside the building envelope where suitably screened from view and integrated with the architecture of the development.

Additional height

- 1. The height of development on the site may exceed the building envelope shown in Figures 1 and 2 of this schedule up to a maximum of 76.5m AHD where:
 - (i) the building envelope permits development to a height of 45.0m AHD;

		<p>(ii) Lot 81 St Peters Road and Lot 423 King Street, or an area of a similar size and location, are transferred to the local government free of cost, for the purpose of public open space, or subject to appropriate measures to ensure the public is granted permanent and unrestricted access at all times;</p> <p>(iii) the land subject to (ii) above is to be upgraded and landscaped to a standard suitable for public open space purposes to the satisfaction of the local government, and if not ceded to the Local Government maintained by the owner of the open space;</p> <p>(iv) a tree protection and management plan which ensures that trees identified for retention on the land subject to (ii) above are protected, is provided to the satisfaction of the local government;</p> <p>(v) overshadowing of adjoining residential properties does not exceed the maximum permitted under the deemed to comply requirements of the R Code applying to the impacted land;</p> <p>(vi) development incorporates dwellings, private open space or communal open space at ground level overlooking and contiguous with the land subject to (ii) above; and</p> <p>(vii) in the opinion of the local government, having regard to the advice of its nominated design review panel, development achieves and demonstrates design consistent with the design objectives.</p> <p>2. Land subject to 1(ii) above shall continue to be considered as part of the site for the purposes of calculating the maximum plot ratio area.</p> <p><u>Figures 1 and 2</u></p>
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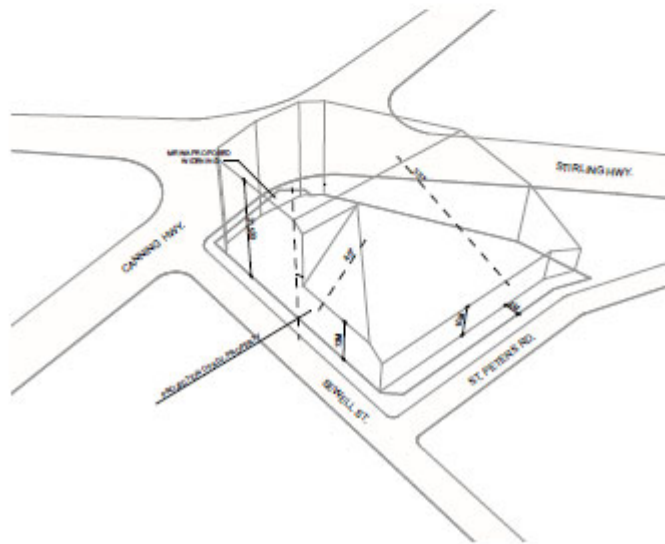
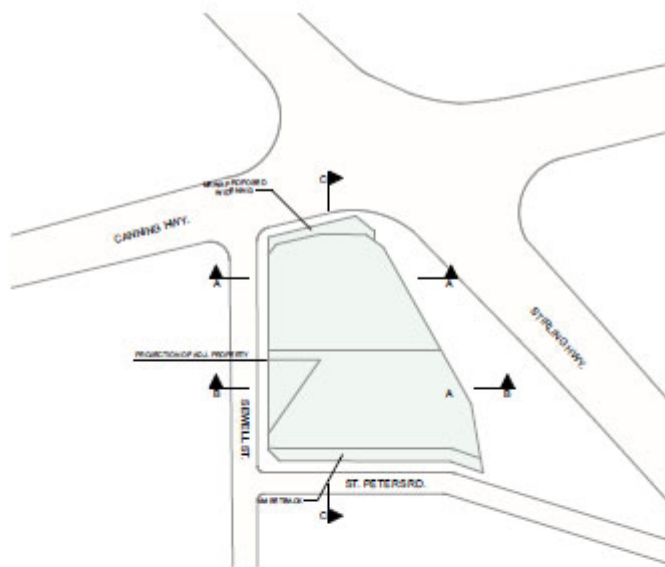


Figure 1

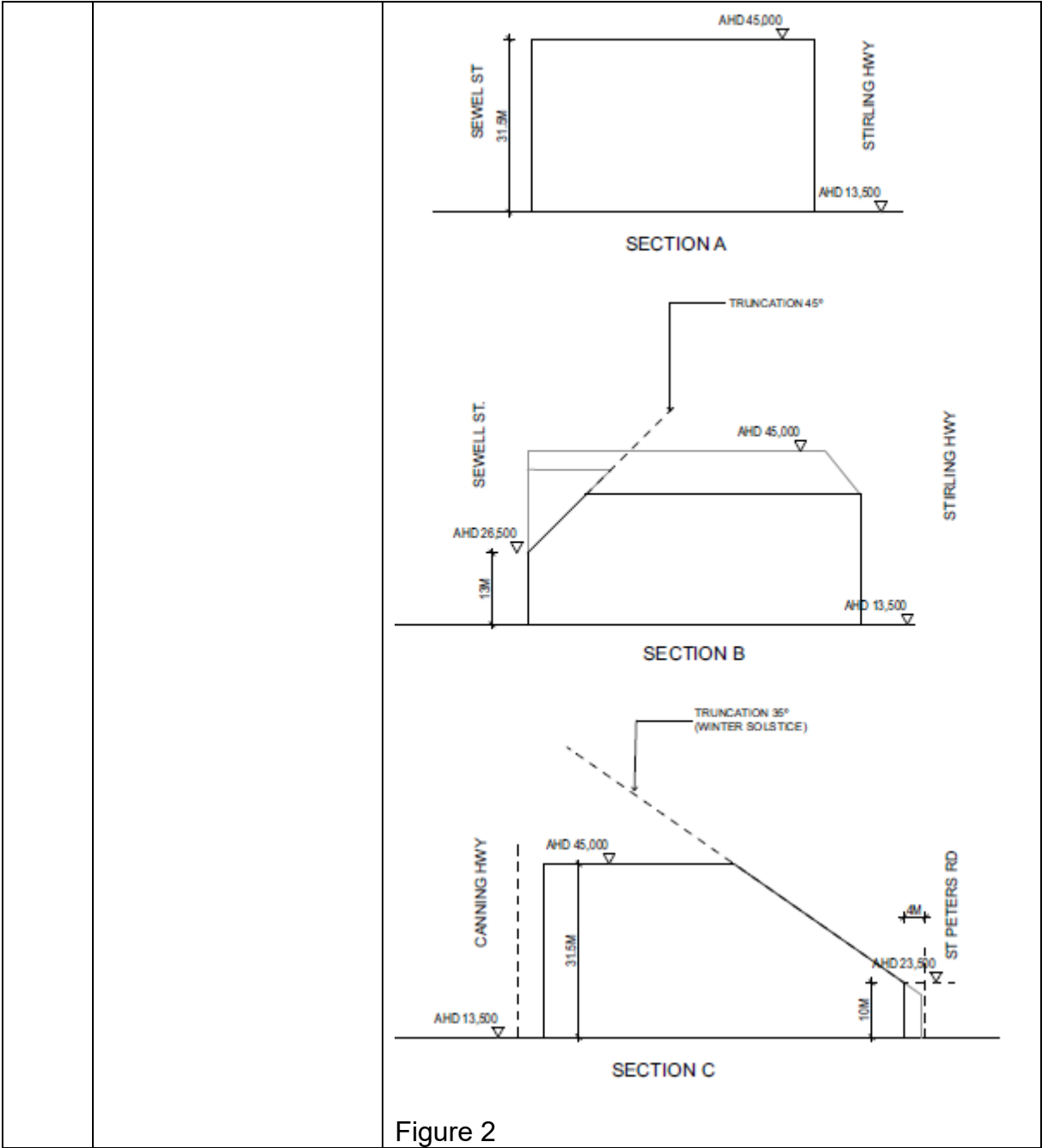


Figure 2

J O'NEILL
MAYOR
G CLARK
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