

Local Planning Scheme No. 3
Amendment No. 14 - Schedule of Modifications
SW Corner of Canning and Stirling Highway

Council's Amendment No. 14
(endorsed by Council 17 April 2018)

Schedule of Modifications to
Amendment No. 14
(advertised for public comment)

(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.”

1. Replace Council's Resolution with the following:

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

- i. Modifying Part 5: General Development Requirements of the Scheme Text by inserting the following new clauses 5.10 and 5.11*

5.10 Additional Site and Development Requirements

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.

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
SCA 1 (SCA 1 comprises Lot 418 and Lot 419 Canning Highway, East Fremantle for mixed use purposes incorporating high density residential dwellings.)	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>(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>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. <div data-bbox="846 963 1435 1342" data-label="Figure"> </div> <p><i>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.</i></p> <ol style="list-style-type: none"> 2. Height within SCA 1 is to be measured from an Australian Height Datum level of 13.5 metres.

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

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 adjoining 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

(c) Encourage a site responsive and well integrated development, which suitably interfaces with the surrounding established residential area; and

(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.

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	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.

(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.

(ii) *Modifying the Schedules section of the Scheme Text by introducing a new Schedule 13 into the Scheme Text to follow Schedule 12 as follows:*

Schedule 13: Additional Site and Development Requirements (Clause 5.10)

No.	Description of Land	Requirement
1	Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot	Exemption from Variations 1) The height, setback, plot ratio and overshadowing

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
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.

Vehicle Parking

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
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.

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.

423 King Street

provisions of this schedule are not open to variation through any provision of this scheme or any other mechanism with the exception of additional height provisions below.

Design Objectives

- 1) Development must achieve urban design and architecture that is exemplary with respect to mixed-use and multi-residential design. The design of any new 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

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.

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.

- ii) Demonstrate careful arrangement of building massing and height to minimise negative impacts to the amenity of adjacent properties.

Land Use and Density

- 1) Only residential development shall front St Peters Road. 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 maximum building envelopes shown in Figures 1 and 2 of this schedule.
- 2) Non-habitable resident amenities such as roof terraces, gardens and shade structures may project above the maximum 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 above the maximum 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 maximum building envelope shown in Figures 1 and 2 of this schedule where:
 - i) The maximum building envelope permits development to a height of 45.0m AHD;
 - ii) Lot 81 St Peters Road and Lot 423 King Street, or an area of a similar size and location, are transferred to

			<p>the local government free of cost for the purpose of public open space or is to be maintained as gardens and landscaped communal open space for the use of occupants of the development;</p> <p>iii) Where land is ceded to the local government it is to be upgraded and landscaped to a standard acceptable to the local government;</p> <p>iv) A Tree Management Plan, which ensures that mature trees are identified for retention within the area of land identified consistent with Clause (ii) above are protected</p>
--	--	--	--

			<p>through the construction process, is provided to the satisfaction of the local government;</p> <p>v) Overshadowing of residential properties does not exceed the maximum permitted under the R-Codes Deemed to Comply requirements applying to impacted properties;</p> <p>vi) Development incorporates residential dwellings, private open space or communal open space at ground level overlooking the area identified consistent with Clause (ii) above; and</p> <p>vii) In the opinion of the local government, having regard to</p>
--	--	--	---

the advice of its nominated design review panel, development demonstrates design consistent with the sites design objectives.

2) Where an area is identified consistent with Clause 1 (ii) above the area shall continue to be considered part of the site for the purposes of calculating the maximum plot ratio area permitted for development.

Figures 1 and 2

Insert revised Figures 1 & 2 (as advertised) modified to;

- (i) Provide a 4m setback from the St Peters Road reserve;*
- (ii) Re-draw the winter solstice recession plane (35 degrees) from a point 10m directly above the 4m setback from the St Peters Road reserve; and*
- (iii) Re-draw the building envelope to set development back from Canning Highway*

consistent with the additional future road widening requirement for this site as shown on Main Roads WA Drawing 201232 -01591.

PLEASE SEE OVER PAGE FOR FIGURES
(figures are also attached under separate cover)



