



Town of East Fremantle

Local Planning Scheme No. 3

Amendment No. 18

Lot 253 (No. 31) View Terrace, East Fremantle

September 2021

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Town of East Fremantle Local Planning Scheme No. 3

Amendment No. 18

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act, 2005* amend the above Local Planning Scheme by:

- (i) reclassifying a portion of Lot 253 (No. 31) View Terrace, East Fremantle from Local Scheme Reserve (Public Purposes - WAWA) to Residential R17.5; and
- (ii) amending the Scheme Map 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 land in the scheme area; and
- (iv) any other amendment that is not a complex or basic amendment.

Dated this 21st day of September 2021



(Chief Executive Officer)

SCHEME AMENDMENT REPORT

1.0 Introduction

Scheme Amendment No. 18 proposes to reclassify a 228m² former portion of Lot 311 (No. 43) View Terrace, East Fremantle from its current Local Scheme Reserve ('Public Purpose: Water Authority of Western Australia') to an appropriate 'Residential R17.5' zoning under the Town's Local Planning Scheme No. 3. This will formalise the existing use of this land for residential purposes following its amalgamation with the adjoining residential zoned lot.

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 the 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.

2.0 Background

The proposed Scheme Amendment seeks to formalise the existing and ongoing use of the subject land as garden space by the adjoining Lot 253 (No. 31) View Terrace, East Fremantle. To facilitate this, a subdivision application (WAPC Ref: 161001) was approved on 20 September 2021 by the Western Australian Planning Commission (WAPC). The subdivision approval effectively amalgamates a 228m² portion of the Water Corporation's Lot 311 with the adjoining privately owned landholding, being Lot 253 View Terrace.

Location

The proposed Amendment involves land located within Lot 311 (No. 43) View Terrace, and adjacent to Lot 253 (No. 31) View Terrace, East Fremantle.

Site Area

The proposed Amendment relates to a 228m² portion of land (the subject land) that currently forms part of the north western portion of Lot 311, which is owned by the Water Corporation and forms part of a much larger landholding that contains essential service infrastructure that services the wider area. The subject land immediately abuts Lot 253 which is held in private ownership.

Current and Surrounding Land Uses

The subject land has been utilised on an informal basis as an extension of the garden space by Lot 253 for a considerable length of time, with no infrastructure related to Lot 311 located within the subject land. Other than the Water Corporation's Lot 311 the surrounding land use is entirely residential, typified by single and two storey residential dwellings and associated gardens.

Physical Characteristics

The subject land broadly consists of lawn, a path, a small shed and a collection of terraced garden beds.

Infrastructure

The subject land currently contains no public or residential infrastructure that would require any additional services.

3.0 LOCAL PLANNING CONTEXT

State and Regional Planning Context

Under the provisions of the Metropolitan Region Scheme, the subject land is zoned 'Urban', which is appropriate to facilitate the proposed scheme amendment.

The following other state planning legislation and policy documents are considered relevant to the proposal.

- Planning and Development Act, 2005
- Planning and Development (Local Planning Schemes) Regulations, 2015
- State Planning Policy 7.3 – Residential Design Codes Vol. 1 (R-Codes)

Local Planning Strategy

The Town's draft Local Planning Strategy (LPS), currently being advertised for public comment, states that the new local planning scheme will be prepared to align with the LPS once finalised.

Residential zoned areas that are not within a planning area are expected to continue to provide additional dwellings (although on a lesser scale) through development of vacant land and on properties where full permitted density potential has not yet been reached. In addition, ancillary accommodation is expected to continue as a source of additional and varied residential development as an alternative to subdivision.

The zoning proposed reflects the existing low density residential context (as identified in the LPS) and the use of the land as a residential garden. It is also noted that at this density, the additional land area will not add to the subdivision potential of the lot. The subject land is within a residential zoned area that is not proposed to increase in density.

The 'Residential' zoning, as proposed by this scheme amendment will correct an existing anomaly and ensure that the appropriate land use controls are applied consistently across the entirety of the subject land into the future. As such, the proposed scheme amendment is seen as consistent with the Town's draft LPS.

Strategic Community Plan 2020 – 2030

The Strategic Community Plan 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.
 - 3.1.3 Plan for improved streetscapes.
- 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 within resource capabilities.

3.3.2 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.

The proposed scheme amendment is seen as consistent with the Town's Strategic Community Plan.

Local Planning Policies

Local Planning Policy 3.1.1 – Residential Design Guidelines (LPP 3.3.1) is applicable to the proposed scheme amendment. The land the subject of this amendment is within the Richmond Hill Precinct and the proposed residential zoning is in accord with the objectives and provisions of LPP 3.1.1.

4.0 PROPOSAL

The proposed scheme amendment seeks to formalise the existing and ongoing use of the subject land as garden space by Lot 253. To facilitate this, a subdivision/amalgamation application (WAPC Ref: 161001) was submitted and has recently been approved by the WAPC resulting in the amalgamation of a 228m² portion of Water Corporation land (previously part of Lot 311) with the adjoining privately owned landholding, being Lot 253.

To ensure that the subject land is zoned appropriately for its ongoing use as garden space, the initiation of an amendment to rezone the subject land from its existing 'Public Purposes: Water Authority of Western Australia' reservation to a 'Residential' zoning with a prescribed density of R17.5 is required to align with the existing zoning that applies to Lot 253 and the locality generally.

Planning Justification

The proposed Amendment is simply a formalisation of the current and intended future use of the land and will result in the appropriate zoning being applied to the land (as it is no longer part of the Water Corporation site). In addition, the Amendment is seen to be entirely consistent with the relevant State and local planning frameworks.

The Amendment will not result in any change to the use of the land, or the development potential and is only required to reflect the existing and ongoing use of the subject land.

Opportunities, Constraints and Issues

The proposed amendment will result in Lot 253 having a larger land area of 1,055m². Notwithstanding, a review of the resultant lot size indicates that the required average lot size of 571m² within the applicable R17.5 density coding cannot be achieved through subdivision of the subject land. Additionally, even with the maximum 5% dispensation to average lot size that may be granted by the WAPC, the minimum parent lot size required to facilitate subdivision is 1,084.9m²; 29.9m² larger than the proposed amended lot area of Lot 253. On this basis, any potential future subdivision application would not meet the requirements of State Planning Policy 7.3. Residential Design Codes Volume 1 (R-Codes), and specifically the minimum and average lot size requirements of Table 1.

Notwithstanding, in the Council's response to the WAPC in respect to the subdivision/amalgamation application, it was recommended that the applicant be advised that the Town would not support a

future subdivision of Lot 253 under the R17.5 coding should it be contemplated. This recommendation was included as an advice note in the WAPC subdivision approval notice.

5.0 CONCLUSION

Proposed Amendment No.18 to the Town of East Fremantle Local Planning Scheme No. 3 will allow for the 228m² portion of land that has been amalgamated with Lot 253 to be rezoned from its current 'Public Purpose: Water Authority of Western Australia' local scheme reservation to a more suitable 'Residential' zone with an associated coding of 'R17.5'. This reflects the existing low density residential context and will ensure that the appropriate land use controls are applied to the land into the future.

This report has demonstrated that the proposed scheme amendment is consistent with the principles of orderly and proper planning and will result in the desirable management of existing and future residential development within the Town. It is therefore recommended Council adopts (initiates) Scheme Amendment No. 18 for the purpose of advertising.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Town of East Fremantle Local Planning Scheme No. 3

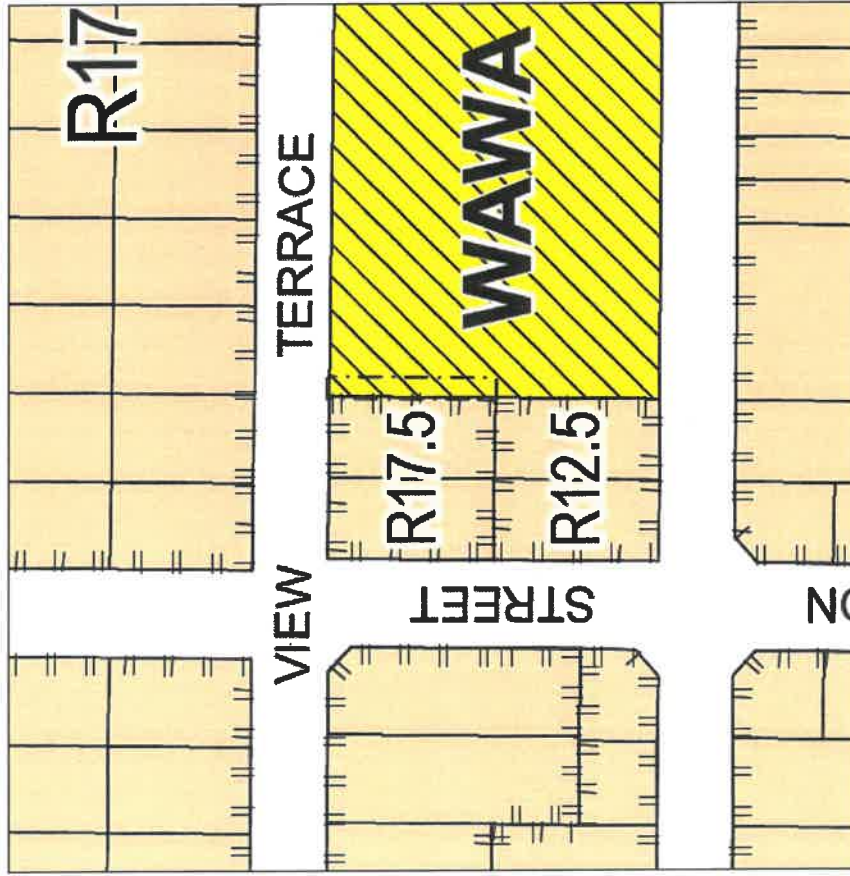
Amendment No. 18

That Council:

- A. In accordance with section 75 of the *Planning and Development Act, 2005* amend the above Local Planning Scheme by:**
- i. reclassifying a portion of Lot 253 (No. 31) View Terrace, East Fremantle from Local Scheme Reserve (Public Purposes - WAWA) to Residential R17.5; and**
 - ii. amending the Scheme Map accordingly; and**
- B. 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;**
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 - (iv) any other amendment that is not a complex or basic amendment.**

EXISTING SCHEME MAP

AMENDED SCHEME MAP



Existing Zoning

LEGEND

LOCAL SCHEME RESERVES

Local Roads

Public Purposes Water Authority of WA

LOCAL SCHEME ZONES

Residential

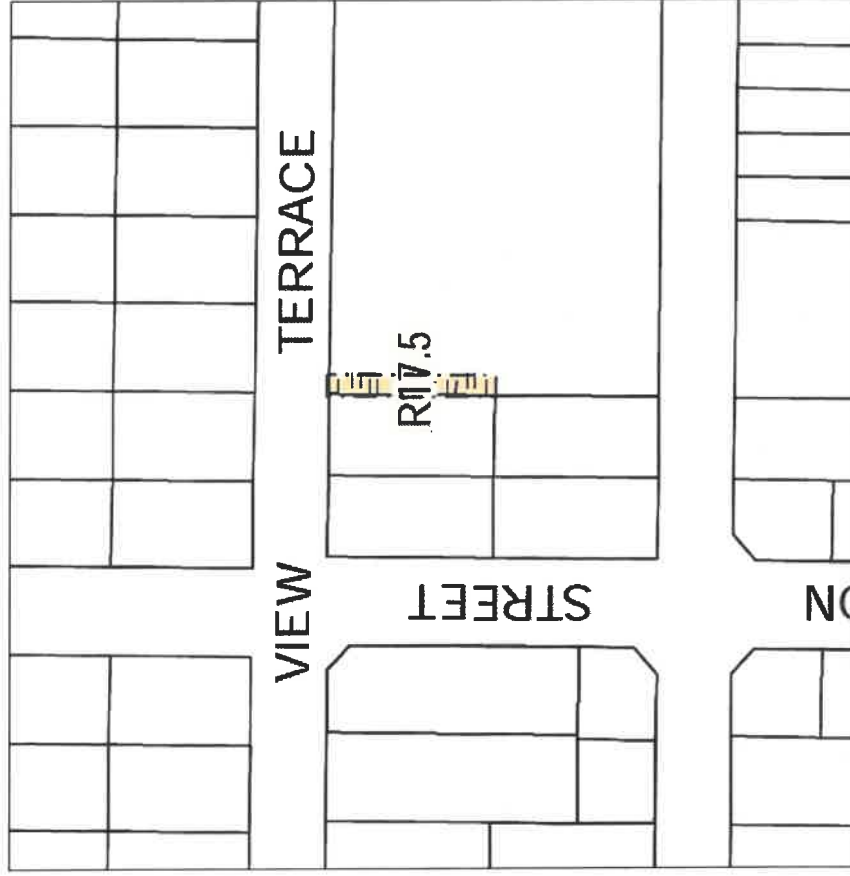
OTHER

RES

R17.5

R12.5

Scheme Amendment Boundary



Proposed Zoning



TOWN of
EAST FREMANTLE

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 21st day of September 2021.

.....
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 21st day of September 2021, 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 theday of 20..... 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

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....