

TOWN OF EAST FREMANTLE

Local Planning Scheme No. 3

Updated to include AMD 20 GG 18/11/2025



Department of Planning,
Lands and Heritage



Original Town Planning Scheme Gazettal
3 December 2004

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TOWN OF EAST FREMANTLE LPS 3 –TEXT AMENDMENTS

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
2	15/12/06	19/12/06	DH	Schedule 2 - additional use area "15. Lot 5 (No. 238) Canning Highway, East Fremantle" together with additional uses and special conditions.
4	9/2/07	14/2/07	DH	Schedule 2 - adding Additional Use site "15. Lot 630 (No 169 Canning Highway, East Fremantle". <i>Note: An additional use area 15.is already in existence.</i>
5	9/6/09	17/6/09	DH	Schedule 2 - replacing 'Description of Land' of Additional Use Site No. 14 to read "Lot 57 (No. 10) Windsor Road, East Fremantle, and Lot 5 (No. 5) Gill Street, East Fremantle".
9	31/8/12	11/9/12	NM	Replaced 'and' with 'or' after 'only the interior of a building' of clause 8.2(a). Inserted subclause (v) into clause 8.2(c). Deleted subclause (f) from clause 8.2. Deleted schedule 5 and renumbered schedules 6-13 accordingly. Inserted subclauses (f) – (j) into clause 8.2.
10	11/10/16	25/10/16	MLD	Amend the Scheme Maps by excluding 34 George Street from the Mixed Use zone and including into a new zone "Special Zone – Royal George Hotel". Amend the Scheme Maps by including a new zone in the legend "Special Zone – Royal George Hotel". Inserted in Clause 4.2 Objectives of Zones: <u>Special Zone – Royal George Hotel</u> Amended the Zoning Table Inserted New Note 1 to the Zoning table Insert New clause 5.9 Special Zone – Royal George Hotel. Amended definitions for "hotel", "natural ground level" and "tavern" in Schedule 1 Amended the Dictionary of Defined Words and Expressions. Replaced sub-clause 1.5(g). Deleted the words "Town Planning Act" in Clause 1.7.1(a) and replaced with " <i>Planning and Development Act</i> ". Deleted the words " <i>Metropolitan Region Town Planning Scheme Act 1959/WA Planning Commission Act 1985</i> " and replaced with " <i>Planning and Development Act</i> " in Clause 3.2.1. Clause 4.11 modified by deleting "Section 13 of the Town Planning Act" in the footnote and replacing with "Sections 190 and 191 of the <i>Planning and Development Act</i> ". Modified Clause 5.5.2 by deleting "Schedule 11" and "Schedule 12" and replacing with "Schedule 10" and "Schedule 11". Modified Clause 5.5.2 by deleting "Car Parking Standards" and replacing with "Required car parking in respect of any non-residential development in the Residential Zone". Modified Clause 5.7.1 by deleting "Schedule 10" and replacing with "Schedule 9". Modified Clause 5.8.5 by deleting "Schedule 11" and replacing with "Schedule 10" and by replacing Schedule 4 with Schedule 11. Clause 5.9 to 5.9.3 deleted. The Note following Clause 8.2 (j) modified by deleting the words "20D of the Town Planning Act" and replacing with "section 157 of the <i>Planning and Development Act</i> ". Inserted new clause 8.4.3: Clause 9.1.1 (h) modified by deleting "5.5" and replacing with "5.6". Clause 9.1.1 modified by deleted "Schedule 6" and replacing with "Schedule 5". Clause 9.1.2 modified by deleting "Schedule 7" and replacing with "Schedule 6". Modified note 2 following sub-clause 9.1.2 by replacing "management area" with "development control area", and <i>Swan River Trust Act 1988 with Swan and Canning Rivers Management Act 2006</i> . Replaced note 3(b) following sub-clause 9.1.2 Clause 9.4.2 deleted and replaced. Clause 9.4.4 modified by deleting "Schedule 8" and replacing

				<p>with "Schedule 7."</p> <p>Clause 10.4.1 modified by deleting "Schedule 9" and replacing with "Schedule 8".</p> <p>The heading to Clause 10.10 modified by deleting "APPEALS" and replacing with "REVIEWS".</p> <p>Clause 10.10 modified .</p> <p>Modified Part 11.</p> <p>Modified Clause 11.2.4 .</p> <p>Modified Clause 11.4(b) .</p> <p>Deleted Clauses 11.5, 11.6 and 11.7.</p> <p>Amend Schedule 1 General Definitions.</p> <p>Modified Schedule 10 by replacing "clause 5.8" with "clause 5.6" and by replacing "5.4.2 and 5.7.5" with "clauses 5.5.2 and 5.8.2" respectively.</p> <p>Modified Schedule 11 by replacing "clause 5.4.2" with "clause 5.5.2" and by replacing "clause 5.5.5" with "clause 5.5.3" wherever they appear.</p> <p>Modified Schedule 11 by replacing "Clause 5.8" with "Clause 5.6".</p>
12	08/11/16	20/12/16	GM	<p>Rezone Lot 250 (no. 18) Dalgety Street, East Fremantle from 'Public Purposes - Hospital' to 'Residential' with a corresponding density coding of 'R15'.</p> <p>Amend Scheme Maps accordingly.</p>
13	08/11/16	20/12/06	GM	<p>Deleted entry numbers 1 and 2 in Schedule 4: Special Use Zones.</p>
11	13/06/17	15/06/17	MLD	<p>Amending the density code for a portion of Richmond Precinct and Richmond Hill Precinct from R12.5 to R17.5.</p> <p>Amending the Scheme Maps to change zoning from R12.5 to R17.5 where marked on the attached Scheme Map.</p>
16	09/11/18	15/11/18	MLD	<p>Modify the Zoning Table to amend the symbols in the Residential Zone column.</p> <p>Modify the Zoning Table Footnotes.</p> <p>Modify Schedule 10 by replacing Clause '5.8.2' with '5.8.5'.</p>
15	14/02/2020	10/03/2020	MLD	<p>Modify Section 4.2 Zone Objectives for the Special Zone - Royal George Hotel by adding additional points below the existing zone objectives.</p> <p>Add a fifth column entitled 'Special Zone – Royal George Hotel' to the Zoning Table after the 'Town Centre' column and insert the use class permissibility symbol.</p> <p>Delete Clause 5.9.1(a) and Clause 5.9.1(b) and re-number Clause 5.9.1 (c) to Clause 5.9.1.</p> <p>Insert new additional clauses after Clause 5.9.1.</p>
14	05/02/2021	11/03/2021	MLD	<p>Modify PART 5: GENERAL DEVELOPMENT REQUIREMENTS by inserting new sub-clauses 5.10 Additional Site and Development Provisions and 5.11 Variations to Site and Development Requirements.</p> <p>Include a new Schedule 13 as follows: SCHEDULE 13: Additional Site and Development Requirements</p>
17	11/2/2022	21/02/22	HB	<p>Amend Schedule 2 by deleting the information for Lots 14, 15, 16, 17, 18, and 19 Canning Highway, East Fremantle, between Glyde Street and East Street, by adding new additional use and/or development and special conditions.:</p>
18	22/7/2022	28/7/2022	MLD	<p>Reclassify a portion of Lot 253 (No. 31) View Terrace, East Fremantle from Local Scheme Reserve (Public Purposes – WAWA) to Residential R17.5; and</p> <p>Amend the Scheme Map accordingly.</p>
20	18/11/2025	21/11/2025	HAB	<p>In Schedule 1: Dictionary of Defined Words and Expressions – Delete the definitions for:</p> <p>bed and breakfast; and</p> <p>motel; and</p> <p>Insert the definition for tourist and visitor accommodation as per Schedule 1 – Model Provisions.</p> <p>In the 'Zoning Table' (Clause 4.3 refers) insert in alphabetical</p>

				<p>order the following land uses and permissibility:</p> <ul style="list-style-type: none"> (i) hosted short-term rental accommodation; designate as 'P' uses in zones where a dwelling is capable of approval and 'X' uses in all other zones; (ii) unhosted short-term rental accommodation; designate as 'A' uses in zones where a dwelling is permissible and 'X' in all other zones; and (iii) tourist and visitor accommodation and designate as 'A' in (Mixed Use, Special Business, Town Centre and Special Zone – Royal George Hotel) and 'X' in all other zones (Residential). <p>In clause 4.3 'Zoning Table', delete all references to: bed and breakfast; and motel.</p> <p>In Schedule 10: Car Parking Standards (Sub-Clause 5.5.2 and 5.8.5) in the Development (Use) column delete reference to motel and replace with tourist and visitor accommodation.</p> <p>Undertake administrative and formatting edits as required.</p>
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PART 1: PRELIMINARY

1.1 CITATION

1.1.1 The Town of East Fremantle Planning Scheme No. 3 ('the Scheme') comes into operation on its Gazettal date.

1.1.2 Town Planning Scheme No. 2, Gazetted on 9 July 1982 is hereby revoked.

1.2 RESPONSIBLE AUTHORITY

The Town of East Fremantle, is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

The Scheme applies to the Scheme Area, which covers all of the local government district of the Town as shown on the Scheme Map.

1.4 CONTENTS OF SCHEME

The Scheme comprises:

- (a) the Scheme Text (including the Schedules), and *AMD 10 GG 11/10/16*
- (b) the Scheme Map

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5 PURPOSE OF THE SCHEME

The purposes of the Scheme are to:

- (a) set out the local government's planning aims and intentions for the Scheme Area, including individual Precincts;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme Area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule 7 of the *Planning and Development Act 2005*. *AMD 10 GG 11/10/16*

1.6 AIMS OF THE SCHEME

The aims of the Scheme are:

- (a) To recognise the historical development of East Fremantle and to preserve the existing character of the Town;
- (b) To enhance the character and amenity of the Town, and to promote a sense of place and community identity within each of the precincts of the Town;
- (c) To promote the conservation of buildings and places of heritage significance, and to protect and enhance the existing heritage values of the Town;

- (d) To provide for a variety of development to meet the needs of the community with regard to housing, employment and services;
- (e) To conserve and enhance the natural environmental attributes of the Town by incorporating environmental principles into public and private decision making;
- (f) To ensure the safe and convenient movement of people throughout the Town, including pedestrians, cyclists, public transport users and motorists;
- (g) To facilitate and encourage effective public involvement in planning issues of significance to the character, amenity and environmental attributes of the Town.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have:

- (a) in the *Planning and Development Act 2005*; or *AMD 10 GG 11/10/16*
- (b) if they are not defined in that Act -
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meanings of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes -

- (a) in the case of a residential development the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.

1.8 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 RELATIONSHIP WITH OTHER SCHEMES

There are no other Schemes of the Town of East Fremantle.

1.10 RELATIONSHIP TO THE METROPOLITAN REGION SCHEME

The Scheme is complementary to the Metropolitan Region Scheme and the provisions of the Metropolitan Region Scheme continue to have effect.

PART 2: LOCAL PLANNING FRAMEWORK

2.1 SCHEME DETERMINATIONS TO CONFORM WITH LOCAL PLANNING STRATEGY

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

2.2 LOCAL PLANNING POLICIES

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply —

- (a) generally or for a particular class or classes of matters; and
 - (b) throughout the Scheme area or in one or more parts of the Scheme area,
- and may amend or add to or rescind the Policy.

2.3 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval, but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2.4 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government —

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of —
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to —

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

- 2.4.3 If the local government resolves to adopt the Policy, the local government is to —
- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
 - (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.4.4 A Policy has effect on publication of a notice under clause 2.4.3(a).
- 2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 REVOCATION OF LOCAL PLANNING POLICY

A Local Planning Policy may be revoked by:

- (a) the adoption by the local government of a new Policy under clause 2.4 that is expressed to supercede the existing Local Planning Policy; or
- (b) publication of a formal notice of revocation by the local government once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area.

2.6 LOCAL PLANNING POLICIES MADE UNDER PREVIOUS SCHEME

- 2.6.1 Where a Local Planning Policy has been advertised and adopted in accordance with the provisions of Town Planning Scheme No 2, it shall continue to have effect as if it were made under the Scheme
- 2.6.2 A Local Planning Policy made under Town Planning Scheme No 2 may be amended or revoked in accordance with the provisions of clause 2.4 and clause 2.5 respectively.

Note: Recognition of Local Planning Policies made in accordance with the requirements of the previous Scheme are essential to the effective administration of the Scheme, and are necessary to fill the policy vacuum which would otherwise occur upon the Gazettal of the Scheme. Such 'savings are common when legislation is amended and where subsidiary instruments have been made under the superceded legislation, e.g. by-laws made under the Local Government Act 1960.

PART 3: RESERVES

3.1 RESERVES

Certain lands within the Scheme Area are shown on the Scheme Map and classified into either:

- (a) Regional Reserves; or
- (b) Local Reserves.

3.2 REGIONAL RESERVES

3.2.1 The land shown as 'Regional Reserves' on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map for the purposes of the *Planning and Development Act*. These lands are not reserved under the Scheme. *AMD 10 GG 11/10/16*

3.2.2 The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

Note: The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

3.3 LOCAL RESERVES

'Local Reserves' are delineated and depicted on the Scheme Map according to the legend on the Scheme Map

3.4 USE AND DEVELOPMENT OF LOCAL RESERVES

3.4.1. A person must not —

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

Note: This clause is to be read in conjunction with clause 8.1 and 8.2 under which certain development (including specified use) of local reserves is permitted and does not require the planning approval of local government.

3.4.2. In determining an application for planning approval the local government is to have due regard to —

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

3.4.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

PART 4: ZONES

4.1 ZONES

4.1.1 The Scheme Area is classified into the zones shown on the Scheme Map.

4.1.2. The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

4.2 OBJECTIVES OF THE ZONES

The objectives of the zones are -

General

- To recognise and respect the desired future character of each precinct, and to ensure future development is sympathetic with that character.
- To recognise the historical development of East Fremantle and its contribution to the identity of the Town.
- To conserve significant places of heritage value, and to preserve the existing character of the Town.
- To promote the integration of transport and land use, and to encourage the use of low energy transport modes, such as walking, cycling and public transport.
- To facilitate and encourage effective public involvement in planning issues and processes.

Residential Zone

- To provide for a range and variety of housing to meet the social and economic needs of the community, while recognising the limitations on re-development necessary to protect local character.
- To safeguard and enhance the amenity of residential areas and ensure that new housing development is sympathetic with the character and scale of the existing built form.
- To encourage high standards and innovative housing design, which recognises the need for privacy, solar access, cross ventilation, water sensitive design and provision of 'greenspace'.
- To protect residential areas from encroachment of inappropriate land uses which are likely to detract from residential amenities, but to provide for a limited range of home-based activities compatible with the locality.
- To recognise the importance of design elements such as the 'front yard' and the 'back yard' to the character, amenity and historical development of the Town and to the community.

Town Centre Zone

- To provide for a range of commercial shopping, civic and community facilities to meet the day to day needs of the community and which will contribute towards the vibrancy of the Town.
- To encourage the development of a consolidated Town Centre, which will provide a focus for the community and exhibit a high standard of urban design in keeping with the historical character of the Town.

- To enhance pedestrian connectivity to and within the Town Centre, so as to facilitate the safe and convenient movement of local residents, and enhance the viability of Town Centre businesses.
- To ensure the location and design of vehicular access and parking facilities do not detract from the character or integrity of the Town Centre or the streetscapes which define the centre.

Mixed Use Zone

- To provide for a limited range of commercial, civic and community facilities to meet the day to day needs of the community, but which will not prejudice the amenities of the neighbourhood;
- To ensure future development within each of the Mixed Use Zones is sympathetic with the desired future character of each area, and that a significant residential component is retained as part of any new development;
- To promote the coordination of development within each of the Mixed Use zones and to facilitate the safe and convenient movement of pedestrians to and within the area;
- To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.

Special Business Zone

- To provide for a limited range of commercial facilities and services to meet the day to day needs of the community;
- To promote the coordination of development within the Special Business zone and to facilitate the safe and convenient movement of pedestrians to and within the area;
- To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.

Special Zone – Royal George Hotel

AMD 10 GG 11/10/16; AMD 15 GG 14/02/2020

- To encourage the preservation and re-use of the Royal George Hotel building;
- To accommodate the redevelopment of the Royal George Hotel site in a manner which will complement the preservation of the hotel building;
- To enhance and promote George Street as a vibrant main street.

A mixed-use development on the site together with the restoration of the existing Royal George Hotel building is considered an appropriate use of the site.

Development must achieve urban design and architecture that is exemplary with respect to heritage conservation, adaptive re-use and multi-residential design. The design of any new development must:

- (a) Provide high quality, contemporary architecture and urban design that responds to and enhances the heritage value of the existing Royal George Hotel, interpreting rather than replicating existing features;
- (b) Respond to and enhance the identity, streetscapes and heritage value of George Street and the Plympton precinct;
- (c) Deliver a building that demonstrates well-considered materiality, colour, articulation and detailing;

- (d) Ensure the siting, height and built form of new buildings maintains primary views from the immediate and surrounding areas to the Royal George Hotel, including its cupola, southern, western and eastern façades;
- (e) Demonstrate sensitivity to the built form and scale of the Royal George Hotel including its grain, rhythm, order and proportions of elements and openings;
- (f) Demonstrate the careful arrangement of building massing and façade articulation to minimise the perception of bulk, create good levels of visual separation from the heritage fabric and mitigate negative impacts on the amenity and character of adjacent streets and properties;
- (g) Maximise the opportunity for the development to engage with the public realm at ground level with consideration given to providing good levels of permeability where possible;
- (h) Demonstrate well-designed layouts and internal arrangements for apartments and other residential uses that:
 - i) Achieve excellent amenity through careful consideration of optimal sun access, daylighting, natural ventilation and visual and acoustic privacy;
 - ii) Are diverse and adaptable to support different household types now and into the future; and
 - iii) Are served by excellent circulation and communal spaces.
- (i) Provide high quality, well-integrated hard and soft landscaping elements that respond to existing streetscape character;
- (j) Provide considered location of car parking to minimise negative impacts to the public realm; and
- (k) Ensure public access to and enjoyment of the interior spaces of the existing Royal George Hotel building is allowed for through a use or uses which are consistent with the buildings original function and its recognised importance as a community gathering place.

4.3 ZONING TABLE

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.
- 'X' means a use that is not permitted by the Scheme.

4.3.3. A change in the use of land from one use to another is permitted, if —

- (a) the local government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table, the proposed use falls within the same use class as that previously approved by the local government and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the previous use was subject;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot, and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the development is subject; or
- (d) the change is to an incidental use that does not change the predominant use of the land, and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the previous use was subject.

- Note:*
- 1. *The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.*
 - 2. *The local government may not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.*
 - 3. *In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.*
 - 4. *The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.*

ZONING TABLE (CLAUSE 4.3 REFERS)

AMD 10 GG 11/10/16; AMD 16 GG 9/11/18, AMD 15 GG 14/02/2020

USE CLASS	RESIDENTIAL	MIXED USE	SPECIAL BUSINESS	TOWN CENTRE	SPECIAL ZONE ROYAL GEORGE HOTEL
Advertising Sign	A	A	A	A	A
Aged or Dependent Persons Dwelling	D	P	P	A	D
Amusement Parlour	X	X	D	A	X
Ancillary Accommodation	A	P	P	A	D
Bed and Breakfast	DELETED BY AMD 20 GG 18/11/2025				
Caretaker's Dwelling	X	D	D	D	D
Child Care Premises	A	A	D	P	A
Cinema / Theatre	X	A	D	D	A
Civic Use	A	P	P	P	
Club Premises	X	A	D	D	A
Community Purposes	A	D	P	D	D
Consulting Rooms	X/A ¹	D	P	P	D
Convenience Store	X	A	D	D	A
Educational Establishment	A	A	D	A	A
Exhibition Centre	X	P	P	P	D
Family Day Care	A	D	D	A	D
Fast Food Outlet (Refer 5.8.9)	X	A	A	A	A
Funeral Parlour	X	A	A	A	A
Grouped Dwelling	D ²	P	P	P	D
Home Business	D	D	D	D	D
Home Occupation	P	D	D	D	D
Home Office	P	P	P	P	P
Home Store	D	D	D	D	D
Hospital	X	X	X	A	X
Hosted short-term rental accommodation AMD 20 GG 18/11/25	P	P	P	P	P
Hotel	X	X	X	A	A
Industry – Cottage	A	D	D	D	D
Industry – Service	X	D	D	D	D
Market	X	A	A	A	A
Medical Centre	X	A	P	P	A
Motel	DELETED BY AMD 20 GG 18/11/2025				
Multiple Dwelling	X/A ³	A	A	A	A
Night Club	X	X	X	X	X
Office	X/A ¹	D	P	P	A
Place of Worship	X	A	A	D	A
Pre-School / Kindergarten	A	D	D	P	D
Recreation – Private	X	A	D	A	A
Residential Building	X	A	D	A	A
Restaurant	X	D	P	P	A
Service Station	X	X	X	X	X
Shop	X	P	P	P	D
Showrooms	X	A	D	D	A
Single House	P	P	P	X	D
Small Bar	X	A	A	A	A
Tavern	X	A	A	A	A
Telecommunications Infrastructure	A ⁴	A ³	A ³	A ³	A
Tourist and visitor accommodation AMD 20 GG 18/11/2025	X	A	A	A	A
Unhosted short-term rental accommodation AMD 20 GG 18/11/2025	A	A	A	A	A
Veterinary Centre	X	A	P	A	A

- Consulting Rooms and Office are a 'A' use only for those residential dwellings that are located adjacent to Canning Highway.
- In areas with a density coding of R12.5, where a density bonus is sought for Grouped Dwellings on corner lots, applications shall be dealt with as an 'A' use. (Sub-clause 5.3.2)

3. In areas with a density coding of less than R40, Multiple Dwelling is an 'X' use.
4. Subject to the provisions of: the *Telecommunications Act 1997*; the *Telecommunications (Low-impact Facilities) Determination 1997* and Amendment No. 1; and the *Telecommunications Code of Practice 1997*.

4.4 INTERPRETATION OF THE ZONING TABLE

- 4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within any use class in the Table, the local government may:
 - (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
 - (b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.5 in considering an application for planning approval; or
 - (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

4.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed, in addition to any uses permissible in the zone in which the land is situated, subject to the conditions set out in Schedule 2 with respect to that land.

4.6 RESTRICTED USES

(There are no restricted uses which apply to the Scheme.)

4.7 SPECIAL USE ZONES

- 4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.
- 4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

4.8 NON-CONFORMING USES

- 4.8.1 Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent -
 - (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
 - (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
 - (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

4.9.1 A person must not:

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

4.10 DISCONTINUANCE OF NON-CONFORMING USE

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11 TERMINATION OF A NON-CONFORMING USE

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Sections 190 and 191 of the *Planning and Development Act 2005* enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.
AMD 10 GG 11/10/16

4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

PART 5: GENERAL DEVELOPMENT REQUIREMENTS

5.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

5.1.1 Any development of land is to comply with the provisions of the Scheme.

5.2 RESIDENTIAL DESIGN CODES

5.2.1 A copy of the Residential Design Codes, as amended, is to be kept and made available for public inspection at the offices of the local government.

5.2.2 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of those Codes.

5.2.3 The Residential Design Codes density applicable to land within the Scheme Area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas shown on the Scheme Maps as being contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Planning Code density, as being contained within the centre-line of those borders.

5.2.4 Where a site is identified as having a split density coding such as R12.5/30, the higher code may only be employed where the specific requirements identified for development or re-development of the site as set out in Schedule 2 are addressed to the satisfaction of the local government. In all other circumstances, the lower of the two codes prevails.

5.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES (VARIATIONS)

5.3.1 *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.

5.3.2 *Highway frontage dual coding:* In the case of those sites with frontage on to Canning Highway and which are designated with a dual density coding, development above the lower density coding is subject to the following requirements:

- (a) Sole vehicular access to the site is to be via a street other than Canning Highway;
- (b) Noise attenuation measures are to be included in all dwellings, which will in the opinion of the local government, reduce traffic noise to an acceptable level within all habitable rooms;
- (c) Development is to be designed to face the frontage to Canning Highway, and any other street to which the site has frontage; and
- (d) The heritage value of any place included on the heritage list under clause 7.1 of the Scheme, is to be maintained, to the satisfaction of the local government.

Note: Development of land affected by the Primary Regional Road Reserve associated with Canning Highway, is also subject to the requirements of the Metropolitan Region Scheme.

5.3.3 *Existing non-complying development:* Where a lot contains an existing authorised development which exceeds the prescribed density coding, the local government may permit redevelopment of the lot up to the same density as the existing development, or of a different form than otherwise permitted, provided that:

- (a) in the opinion of the local government, the proposed development will contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area, and the objectives for the precinct than the existing building; and
- (b) except where proposed development comprises minor alterations to the existing development which, in the opinion of the local government, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 9.4.

5.3.4 *Residential Development in Non-Residential Zones:* Subject to clause 5.3.5, where residential development is provided for in non-residential zones, a maximum density of R40 shall apply, although the local government may vary the requirements relating to bulk, form and setbacks so as to facilitate coordinated development, having regard to the local government's objectives for the Precinct.

5.3.5 *Residential Development in the Town Centre Zone:* Notwithstanding the provisions of clause 5.3.4, the local government may approve residential development at a density in excess of R40 in the Town Centre Zone, where it is satisfied that the resultant design and mix of development will be consistent with the planning proposals contained in the Local Planning Strategy and accord with any approved development plan for the centre.

5.4 RESTRICTIVE COVENANTS

5.4.1. Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.4.2. Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.5 NON-RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE

5.5.1 *General Requirements:* Unless otherwise provided for in the Scheme, development of land in the Residential Zone for purposes other than residential shall accord with the requirements of the Scheme for residential development under the relevant density code.

5.5.2 Required car parking in respect of any non-residential development in the Residential Zone 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 shall determine what standards shall apply. In its determination of the requirements for a particular use or development which is not listed in Schedule 10 of the Scheme, the local government shall take into consideration the likely demand for parking generated by the use or development.

AMD 10 GG 11/10/16

5.5.3 *Location of Car Parking:* Required car parking shall be provided on the site of the development for which it is required, or subject to the local government's approval, off-site in the immediate vicinity of the development site. Before approving any proposal for off-site parking, the local government will need to be satisfied that such off-site parking areas will continue to be available for use in conjunction with the development at such times as it might reasonably be required. The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

5.5.4 *Commercial Vehicle Parking:* Parking of Commercial Vehicles in the Residential Zones shall not be permitted except in accordance with the provisions set out in the following paragraphs of this sub-clause. A vehicle shall be considered to be parked on a lot for the purposes of this sub-clause, if it remains on that lot for more than 1 hour in aggregate in any 24 hour period, unless the vehicle is being used in connection with ongoing construction, delivery or collection operation legally being carried out on the lot.

- (a) No more than one Commercial Vehicle is parked on any lot;
- (b) The lot on which a Commercial Vehicle is parked contains only a single house (including any associated outbuildings);
- (c) The vehicle is parked entirely on the subject lot and is located on a hard standing area which is located behind the front building setback line, or alternatively the vehicle is parked within a garage;
- (d) The vehicle is used as an essential part of the lawful occupation of an occupant of the house. The foregoing requirement of this item shall not be satisfied in any case unless the owner of the vehicle or an occupier of the house within 7 days of the local government making a request, supplies to the local government full information as to the name and occupation of the person said to be using the vehicle.
- (e) The vehicle does not exceed 2.5 metres in height, 2.5 metres in width, or 8 metres in length;
- (f) The vehicle is not started or manoeuvred on site between the hours of 10 p.m. and 6 a.m. the next following day;
- (g) While on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of 5 minutes;
- (h) Any noise created by the vehicle does not exceed the standards for the relevant area set out in the *Environmental Protection (Noise) Regulations 1996*;
- (i) Only minor servicing or cleaning of the vehicle is carried out on the lot and then provided that work is carried out behind the front building setback line;
- (j) Storage of liquid fuels on the lot complies with the *Explosive and Dangerous Goods Act, 1961*;
- (k) The vehicle is not used or designed for use for the transportation of livestock or the transportation or disposal of liquid or solid wastes; and
- (l) The vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis.

- 5.5.5 *Parking of Boats, Trailers, Caravans, and the like:* A person shall not without the consent of the local government park or permit to be parked any Boat, Trailer, Caravan or like vehicle for any purpose on land within the Residential Zones unless the vehicle is parked behind the front setback line. A vehicle shall be considered to be parked on land for the purpose of this clause if it remains on the same lot for more than 4 hours in aggregate in any 24 hour period.

5.6 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 5.6.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 5.6.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 5.6.3. The power conferred by this clause may only be exercised if the local government is satisfied that —
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.7 ENVIRONMENTAL CONDITIONS

- 5.7.1. Environmental conditions to which the Scheme is, or amendments to the Scheme are subject, are incorporated into the Scheme by Schedule 9 of the Scheme.
AMD 10 GG 11/10/16
- 5.7.2. Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 5.7.3. The local government is to —
- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
 - (b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*. At the time of its Gazettal, the Scheme was not subject to any environmental conditions.

5.8 COMMERCIAL ZONES (TOWN CENTRE, SPECIAL BUSINESS AND MIXED USE)

5.8.1 *Building Setbacks:* Except as otherwise required or permitted by the local government, buildings in the Commercial Zones are to be aligned with the front property boundary, and are to be built up to any side boundary, other than a boundary which abuts the Residential Zone. In the case of a boundary which abuts land situated in the Residential Zone, the side setback standards applicable to the adjoining Residential Zoned land are to apply, unless varied in accordance with the provisions of clause 5.6 of the Scheme.

Note: In the case of a site included on the Heritage List referred to in Part 7 of the Scheme, the local government may require in any particular case, additional setbacks in order to protect the heritage value of the site.

5.8.2 *Building Height:* Except as otherwise permitted by the local government, the maximum height of buildings in the Commercial Zones are to be as follows:

(a)	Town Centre:	Walls: 8.0 metres	Overall: 10.5 metres
(b)	Special Business:	Walls: 8.0 metres	Overall: 10.5 metres
(c)	Mixed Use:	Walls: 5.5 metres	Overall: 8.0 metres

5.8.3 *Plot Ratio:* Except as otherwise permitted by the local government, the maximum plot ratio in the Commercial Zones are to be as follows:

(a)	Town Centre:	0.5:1
(b)	Special Business	0.5:1
(c)	Mixed Use:	0.5:1

5.8.4 *Design and Landscaping:* The design and landscaping of all development in the Commercial Zones are to be undertaken in accordance with a Landscape Plan to be approved by the local government, and which has regard to the requirements of any local government Policy or Design Guidelines relevant to the form and location of development proposed.

5.8.5 *Car Parking and Vehicular Access:* Car parking in respect of development in the Commercial Zones is to 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. In its determination of the requirements for a particular use or development which is not listed in Schedule 11 of the Scheme, the local government is to take into consideration the likely demand for parking generated by the use or development. AMD 10 GG 11/10/16

5.8.6 *Location of Car Parking:* Required car parking is to be provided on the site of the development for which it is required, or subject to the local government's approval, off-site in the immediate vicinity of the development site. In considering a proposal for off-site parking, applicants will need to demonstrate to the satisfaction of the local government that any off-site parking areas will continue to be available for use in conjunction with the development at such times as it might reasonably be required.

5.8.7 *On-Street Parking:* The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

5.8.8 *Cash-in-lieu of Parking:* The local government may accept or require cash-in-lieu of all or a proportion of required car parking, based on the estimated cost of providing the requisite parking, including any associated access and manoeuvre facilities. Cash-in-lieu of parking shall be paid into a trust fund and used to provide public parking in the vicinity of the development site(s) in relation to which any cash-in-lieu contributions have been received.

5.8.9 *Fast Food Outlets:* Fast food outlets within the Scheme Area shall not include a drive through facility.

Note: Drive-through fast food outlets have the potential to disrupt the continuity of commercial frontages where situated in a commercial zone, and are not compatible with the principles of 'Main Street' commercial centres of the type sought for East Fremantle.

5.8.10 *Development in the Mixed Use Zone:* The local government will generally not approve any development or re-development involving a change in use of existing residential floorspace in a Mixed Use zone, unless it is satisfied that an appropriate mix of uses, including residential, is to be maintained. No development is to be approved in a Mixed Use zone where it would prejudice the character or amenity of the locality by reason of the nature of the resultant activities, the building design or the impact of traffic or car parking.

Note: While the Mixed Use zones are intended to provide for a range of commercial facilities, residential development is an essential characteristic of these areas, and care needs to be taken to ensure preservation of a residential component.

5.9 SPECIAL ZONE – ROYAL GEORGE HOTEL

AMD 10 GG 11/10/16, AMD 15 GG 14/02/2020

5.9.1 The Council may consider innovative approaches to the development of land on which the hotel is located, if the development will lead to the on-going reuse of the hotel building for a purpose consistent with the objectives of the zone.

5.9.2 With the exception of the site and development standards specified in Clause 5.9.8 below, residential development within the Special Zone - Royal George Hotel shall be in accordance with the requirements of State Planning Policy 7.3 - Residential Design Codes - Volume 1 for single and grouped dwellings and State Planning Policy 7.3 - Residential Design Codes - Volume 2 - Apartments for multiple dwellings.

5.9.3 Any development application for the site shall be subject to review by the State Design Review Panel prior to determination of that application.

5.9.4 In assessing any application for development within the zone, the decision maker and State Design Review Panel shall have due regard to all the zone objectives provided in Section 4.2 of the scheme.

5.9.5 When considering a development application on which advice has been provided by the State Design Review Panel the decision-maker shall have due regard to that advice.

5.9.6 In respect of any part of the zone other than the Royal George Hotel building itself, development 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.

5.9.7 Clause 5.3.4 of the Scheme does not apply to development within this zone.

5.9.8 The following site and development standards apply to development in the Special Zone - Royal George Hotel:

Maximum Plot Ratio

5.9.8.1 The maximum plot ratio of development within the zone is not permitted to exceed 2.0:1.

5.9.8.2 The maximum plot ratio excludes:

- (a) The floor space of the existing Royal George Hotel Building; and
- (b) Any areas used exclusively for the parking of wheeled vehicles below the ground floor level of the existing Royal George Hotel Building.

5.9.8.3 Clause 5.9.8.1 is not open to variation through any provision of this scheme or any other mechanism.

5.9.8.4 Development up to the maximum plot ratio permitted on the site shall only be approved where the decision maker, having due regard to the advice of the State Design Review Panel, is satisfied the development meets all the objectives of the Special Zone - Royal George Hotel.

Building Height and Setbacks

5.9.8.5 The maximum height of development within the zone is not permitted to exceed 43 metres AHD, with the exception of appropriately screened minor projections required for plant and equipment associated with the development.

5.9.8.6 Clause 5.9.8.5 is not open to variation through any provision of this scheme or any other mechanism.

5.9.8.7 Development up to the eaves height of the existing Royal George Hotel building may have a nil setback to all boundaries.

5.9.8.8 Notwithstanding Clause 5.9.8.7, development shall be sufficiently setback from the existing Royal George Hotel building to the satisfaction of the decision maker in consultation with the Heritage Council of WA and having regard to the zone objectives provided in Section 4.2 of the scheme and advice of the State Design Review Panel.

5.9.8.9 Development above the eaves height of the existing Royal George Hotel building, including balconies and other projections, is to be well articulated and located to maintain primary views from the immediate and surrounding locality to the Royal George Hotel building, including its cupola.

5.9.8.10 In considering the height and setbacks of proposed development, the decision maker shall have due regard to the advice of the State Design Review Panel and the zone objectives provided in Section 4.2 of the scheme.

Vehicle Parking

5.9.8.11 Parking for non-residential development within the Special Zone – Royal George Hotel shall be in accordance with the requirements provided for Commercial Zones in Clauses 5.8.5, 5.8.6, 5.8.7 and 5.8.8 of the scheme.

5.9.8.12 Notwithstanding Clause 5.9.8.11, parking requirements for non-residential uses in the existing Royal George Hotel building may be reduced to zero bays where it has been demonstrated to the satisfaction of the decision maker, having regard to the advice of the State Design Review Panel, that the provision of the required parking would result in an undesirable built form outcome.

5.10 ADDITIONAL SITE AND DEVELOPMENT PROVISIONS

AMD 14 GG 05/02/2021

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

AMD 14 GG 05/02/2021

- 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.

PART 6: SPECIAL CONTROL AREAS

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

PART 7: HERITAGE PROTECTION

7.1 HERITAGE LIST

- 7.1.1. The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.
- 7.1.2. In the preparation of the Heritage List the local government is to —
- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
 - (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.
- 7.1.3. In considering a proposal to include a place on the Heritage List the local government is to —
- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
 - (c) carry out such other consultations as it thinks fit; and
 - (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 7.1.4. Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.
- 7.1.5. The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.
- 7.1.6. The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.
- Note:
- 1. The purpose and intent of the heritage provisions are —
 - (a) to facilitate the conservation of places of heritage value; and
 - (b) to ensure as far as possible that development occurs with due regard to heritage values.
 - 2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.
- 7.1.7. Notwithstanding the provisions of clauses 7.1.2 to 7.1.3, the local government may establish the Heritage List by adopting any or all of the places that were incorporated in Appendix v – Schedule of Places Heritage Value in Town Planning Scheme No. 2 shall after the revocation of that scheme have the status for all relevant purposes of a Heritage List.

7.2. DESIGNATION OF A HERITAGE AREA

7.2.1. If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

7.2.2. The local government is to —

- (a) adopt for each heritage area a Local Planning Policy which is to comprise —
 - (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area;

and

- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3. If a local government proposes to designate an area as a heritage area, the local government is to —

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by —
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;

and

- (c) carry out such other consultation as the local government considers appropriate.

7.2.4. Notice of a proposal under clause 7.2.3(b) is to specify —

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- (c) in what form and in what period (being not less than 21 days from the day the notice is published, or the sign is erected, as the case requires) submissions may be made.

7.2.5. After the expiry of the period within which submissions may be made, the local government is to —

- (a) review the proposed designation in the light of any submissions made; and
- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6. If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7. The local government may modify or revoke a designation of a heritage area.

7.2.8. Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3. HERITAGE AGREEMENTS

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

- Note:
1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
 2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4. HERITAGE ASSESSMENT

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5. VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA

Where desirable to —

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.2.

PART 8: DEVELOPMENT OF LAND

8.1. REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Note:
1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement and display of any advertisements.
 3. Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme.

8.2. PERMITTED DEVELOPMENT

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Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government —

- (a) the carrying out of any building or work which affects only the interior of a building or which does not materially affect the external appearance of the building except where the building is —
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) a home office;
- (c) the demolition of any building or structure except where the building or structure is —
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
 - (v) included on the municipal inventory under clause 7.1.2(a). AMD 9 GG 31/8/12
- (d) minor filling or excavation of land, provided there is no more than 500 mm change to the natural ground level;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) the undertaking of any development or change of use that is 'exempt from the requirement for a planning approval' as designated by a Local Planning Policy adopted pursuant to Clause 2.4;

- (g) the erection of shade sails which do not contain solid or non-permeable roof elements and are located within a side or rear setback area (excluding secondary street setback areas) and located more than 1 metre from any boundary, no greater than 2.7 metres in height;
- (h) the demolition of an outbuilding not of masonry construction or attached to a dwelling, walls and fences not of masonry construction, minor structures such as patios, car ports, air conditioners, water tanks, private swimming pools and spas, except where the building or structure is –
 - (i) Located in a place that has been entered in the Register of Places under the *heritage of Western Australia Act 1990*;
 - (ii) The subject of an order under part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) Included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) Located within a heritage area designated under the Scheme;
- (i) the carrying out of any work by the Town of East Fremantle or by a public authority for the 'routine maintenance or repair'* of public infrastructure; and
 - * 'routine maintenance or repair' means work for the purpose of repair, maintenance or upkeep but does not include any new construction or alteration.
- (j) the construction of outdoor hard surfaces and decks, where the finished level of the surface is no more than 350mm above natural ground level and located within a side or rear setback area (excluding secondary street setback areas) and located more than 1 metre from any boundary.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157 of the *Planning and Development Act 2005*. AMD 10 GG 11/10/16

8.3. AMENDING OR REVOKING A PLANNING APPROVAL

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4. UNAUTHORIZED EXISTING DEVELOPMENTS

- 8.4.1. The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
- 8.4.2. Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.
- 8.4.3 Subclauses 8.4.1 and 8.4.2 do not affect the provisions of Part 13 of the *Planning and Development Act 2005* in respect of development commenced or carried out before approval has been granted. AMD 10 GG 11/10/16

- Note:
- 1. Applications for approval to an existing development are made under Part 9.
 - 2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

PART 9: APPLICATIONS FOR PLANNING APPROVAL

9.1. FORM OF APPLICATION

9.1.1. An application for approval for one or more of the following —

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.6;
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- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1;
and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 5 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

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9.1.2. An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 6.

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- Note:
- 1. Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within a regional reserve is to be referred by the local government to the Commission for determination. No separate determination is made by the local government.
 - 2. An application for planning approval in respect of land which is wholly within the development control area of the Swan River Trust is to be referred by the local government to the Swan River Trust for determination by the Minister responsible for the *Swan and Canning Rivers Management Act 2006*.
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 - 3. An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is —
 - (a) affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme;
 - (b) within or partly within a planning control area declared under Part 7 of the *Planning and Development Act 2005*.
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- (c) partly within the management area of the Swan River Trust or which abuts waters that are in that area; or
- (d) affected by a notice of delegation published in the Gazette by the Commission under section 20 of the Western Australian Planning Commission Act 1985 and is not of a type which may be determined by the local government under that notice,

is to be referred by the local government to the Commission in accordance with the requirements of the Metropolitan Region Scheme and notice of delegation. Separate determinations are made by the local government under the Scheme and the Commission under the Region Scheme.

- 4. This clause prescribes the form of application, and does not necessarily include all proposals which may be the subject of an application for planning approval. No application is required where development is exempt from the requirements for planning approval under clause 8.2.

9.2. ACCOMPANYING MATERIAL

Unless the local government waives any particular requirement every application for planning approval is to be accompanied by —

- (a) a plan or plans to a scale of not less than 1:500 showing —
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground and floor levels over the whole of the site, and their relationship with those of the adjoining sites, including, where required by the local government, levels relative to the Australian Height Datum (AHD);
 - (iii) the location and type of existing vegetation, and identification of any trees or other significant vegetation proposed to be removed;
 - (iv) the location and type of all existing structures on the site and the identification of those structures proposed to be retained, modified or removed;
 - (v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (vi) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (vii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (viii) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (ix) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (x) the nature and extent of any open space and landscaping proposed for the site;
 - (xi) proposals for drainage of the site, and disposal of stormwater run-off, either on-site or off-site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;

- (c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

9.3. ADDITIONAL MATERIAL FOR HERITAGE MATTERS

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application —

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the site, and the location, type and height of all existing structures including existing structures and vegetation proposed to be removed, to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the site and on each lot immediately adjoining the development site; and
- (d) A heritage assessment as provided for under clause 7.4 of the Scheme.

9.4. ADVERTISING OF APPLICATIONS

9.4.1. Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is —

- (a) an 'A' use as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2. Where an application is made for a purpose other than a purpose referred to in clause 9.4.1, the local government may require notice to be given in accordance with clause 9.4.3.

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9.4.3. The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways —

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;

- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.
- 9.4.4. The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 7 with such modifications as are considered appropriate by the local government. *AMD 10 GG 11/10/16*
- 9.4.5. Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.
- 9.4.6. After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 10: PROCEDURE FOR DEALING WITH APPLICATIONS

10.1. CONSULTATION WITH OTHER AUTHORITIES

- 10.1.1 In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.
- 10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.
- 10.1.3 (a) In the case of land within Area 2 of the Fremantle Inner Harbour Buffer Area as depicted on the Supplementary Scheme Map, the local government is to refer applications for development of any sensitive use (excluding residential development incorporating less than 5 dwellings), or any other application for development that will result in a concentration of people within Area 2, to Fremantle Ports for comment prior to determination of the application.
- (b) Should the local government seek to amend the Scheme in a manner that could result in an increase in the development of sensitive uses within Area 2 or Area 3 of the Fremantle Inner Harbour Buffer Area as depicted on the Supplementary Scheme Map, the local government is to notify Fremantle Ports of its intention to do so as soon as practicable.
- (c) For the purposes of this clause, the term 'sensitive use' includes residential development, major recreational areas, childcare facilities, aged persons facilities, prisons, hospitals schools and other institutional uses involving accommodation and any other use that the Council considers may be affected by proximity to the inner harbour of the Port of Fremantle.

Note: The local government is to produce and maintain a Port Buffer Policy in accordance with clause 2.4 of the Scheme to guide its deliberations when determining development applications or amending the Scheme in relation to land within the Fremantle Inner Harbour Port Buffer Area. The local government is to notify Fremantle Ports when preparing and/or amending its Port Buffer Policy and shall, prior to finalising the policy or any amendment, have due regard to any comment or advice provided by Fremantle Ports.

10.2. MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application —

- (a) the aims, objectives and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);
- (b) the provisions of the Local Planning Strategy, including the aims and objectives, the strategy for the relevant sector and any planning proposals for the particular precinct
- (c) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (d) any approved statement of planning policy of the Commission;
- (e) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (f) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;

- (g) any Local Planning Policy adopted by the local government under clause 2.4 or effective under clause 2.6, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (h) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (i) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (j) the compatibility of a use or development with its setting;
- (k) any social issues that have an effect on the amenity of the locality;
- (l) the cultural significance of any place or area affected by the development;
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (n) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (o) the preservation of the amenity of the locality;
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) whether adequate provision has been made for access by disabled persons;
- (w) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;

- (z) any relevant submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 10.1.1;
- (zb) any other planning consideration the local government considers relevant;
- (zc) whether the proposal is consistent with the principles of water sensitive urban design.

10.3. DETERMINATION OF APPLICATIONS

In determining an application for planning approval the local government may —

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

10.4. FORM AND DATE OF DETERMINATION

10.4.1. As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 8 and the date of determination is to be the date given in the notice of the local government's determination. *AMD 10 GG 11/10/16*

10.4.2. Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

10.5. TERM OF PLANNING APPROVAL

10.5.1. Where the local government grants planning approval for the development of land —

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination;
- and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2. A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6. TEMPORARY PLANNING APPROVAL

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future. A *temporary* planning approval is different to the *term* of the planning approval, which is the period within which the development must commence.

10.7. SCOPE OF PLANNING APPROVAL

Planning approval may be granted —

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8. APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

- 10.8.1. Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.
- 10.8.2. In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.
- 10.8.3. Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9. DEEMED REFUSAL

- 10.9.1. Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.
- 10.9.2. An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.
- 10.9.3. Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10. REVIEWS

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An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may seek a review under Part 14 of the *Planning and Development Act 2005*.

PART 11 ADMINISTRATION AND ENFORCEMENT

11.1. POWERS OF THE LOCAL GOVERNMENT

11.1.1. The local government in implementing the Scheme has the power to —

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the *Planning and Development Act 2005*; and
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- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
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11.1.2. An employee of the local government authorized by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2. REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS

11.2.1. Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2. Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to —

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- (b) remove the advertisement.

11.2.3. For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify —

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4. A person on whom notice is served under this clause may seek a review under Part 14 of the *Planning and Development Act 2005* against the determination of the local government.
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11.3. DELEGATION OF FUNCTIONS

- 11.3.1. The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 11.3.2. The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.
- 11.3.3. The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.
- 11.3.4. Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

11.4. PERSON MUST COMPLY WITH PROVISIONS OF SCHEME

A person must not —

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area —
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 218 of the *Planning and Development Act 2005* provides that a person who —
AMD 10 GG 11/10/16

- (a) contravenes or fails to comply with the provisions of a town planning scheme; or
- (b) commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,

is guilty of an offence.

Penalty: \$50 000, and a daily penalty of \$5 000.

SCHEDULE 1: Dictionary of Defined Words and Expressions

(Clause 1.7)

1. General Definitions

In the Scheme —

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“amenity” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“building envelope” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“commercial zones” means the Town Centre Zone, Special Business Zone and the Mixed Use Zone.

“Commission” means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985*.

“conservation” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“cultural heritage significance” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“dual coding” means the designation on the Scheme map of land with a dual density code, such as “R12.5/40”.
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“floor area” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“frontage”, when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“Gazettal date”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87 of the *Planning and Development Act 2005*;
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“height” when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above;

“heritage building” means a building included in the Heritage List or the Municipal Inventory.
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“incidental use” means a use of premises which is ancillary and subordinate to the predominant use;

“local government” means the Town of East Fremantle;

“Local Planning Strategy” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

“lot” has the same meaning as in the *Planning and Development Act 2005* but does not include a strata or survey strata lot;
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“minerals” has the same meaning as in the *Mining Act 1978*;

“Municipal Inventory” means the inventory of buildings compiled and maintained by the local government pursuant to section 45 of the *Heritage of Western Australia Act 1990*.
AMD 10 GG 11/10/16

“natural ground level” has the same meaning as in the Residential Design Codes.
AMD 10 GG 11/10/16

“net lettable area (nla)” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas —

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

“non-conforming use” has the same meaning as it has in section 172 of the *Planning and Development Act 2005*;
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“owner”, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity —

- (a) is entitled to the land for an estate in fee simple in possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

“place”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“Planning and Development Act” means the *Planning and Development Act 2005*
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“plate height” means the full height of a wall required in order to attach to it a wall plate.

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“plot ratio - non-residential development”, has the same meaning as ‘plot ratio’ in the Residential Design Codes but with the deletion of the phrase ‘amenities common to more than one dwelling’;

“precinct” means a definable area where particular planning policies, guidelines or standards apply;

“predominant use” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

“premises” means land or buildings;

“preservation” in relation to a place of heritage significance, means maintaining the fabric of the place in its existing state and retarding deterioration;

Note: This definition has been taken from the Burra Charter.

“reconstruction” in relation to a place of heritage significance, means returning a place as near as possible to a known earlier state, and is distinguished by the introduction of materials (old or new) into the fabric;

Note: This definition has been adapted from the Burra Charter.

“region scheme” means a regional planning scheme made under the *Planning and Development Act 2005*, as amended from time to time;

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“Region Scheme - Metropolitan” means the Metropolitan Region Scheme within the meaning of the *Metropolitan Region Town Planning Scheme Act 1959*;

“Residential Design Codes” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;

“restoration” in relation to a place of heritage significance, means returning the existing fabric of the place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material;

Note: This definition has been taken from the Burra Charter.

“retail” means the sale or hire of goods or services to the public;

“small bar” means premises *the subject of a small bar licence granted under the Liquor Control Act 1988*.

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“substantially commenced” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

“wholesale” means the sale of goods or materials to be sold by others;

“zone” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land Use Definitions

In the Scheme —

“agriculture - extensive” means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;

“agriculture - intensive” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (d) aquaculture;

“agroforestry” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;

“amusement parlour” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

“animal establishment” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre;

“animal husbandry - intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

“bed and breakfast” - DELETED BY AMD 20 GG 18/11/2025

“betting agency” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

“caravan park” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

“caretaker’s dwelling” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

“carpark” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

“child care premises” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;

“cinema/theatre” means premises where the public may view a motion picture or theatrical production;

“civic use” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;

“club premises” means premises used by a legally constituted club or association or other body of persons united by a common interest;

“community purpose” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;

“consulting rooms” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;

“convenience store” means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300 square metres net lettable area;

“corrective institution” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

“educational establishment” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

“exhibition centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

“family day care” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;

“fast food outlet” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

“funeral parlour” means premises used to prepare and store bodies for burial or cremation;

“home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ any person not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home office” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not —

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

“home store” means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“hotel” means premises the subject of a hotel licence other than a small bar or tavern license granted under the *Liquor Control Act 1988* including any betting agency on the premises.

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“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for:

- (a) the storage of goods;
 - (b) the work of administration or accounting;
 - (c) the selling of goods by wholesale or retail; or
 - (d) the provision of amenities for employees,
- incidental to any of those industrial operations;

“industry - cottage” means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which —

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

“industry - extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;

“industry - general” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“industry - light” means an industry —

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“industry - mining” means land used commercially to extract minerals from the land;

“industry - rural” means —

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry - service” means —

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“lunch bar” means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

“marina” means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;

“marine filling station” means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

“market” means premises used for the display and sale of goods from stalls by independent vendors;

“medical centre” means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

“motel” – DELETED BY AMD 20 GG 18/11/2025

“motor vehicle, boat or caravan sales” means premises used to sell or hire motor vehicles, boats or caravans;

“motor vehicle repair” means premises used for or in connection with —

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“motor vehicle wash” means premises where the primary use is the washing of motor vehicles;

“night club” means premises —

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Control Act 1988*; AMD 10 GG 11/10/16

“nursing home” means any premises in which persons who do not require constant medical attention are received as residents for the purposes of medical supervision and nursing care;

“office” means premises used for administration, clerical, technical, professional or other like business activities;

“park home park” has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

“place of worship” means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

“plantation” has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

“reception centre” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

“recreation - private” means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

“residential building” has the same meaning as in the Residential Design Codes;

“restaurant” means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988*; AMD 10 GG 11/10/16

“restricted premises” means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“rural pursuit” means any premises used for —

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture—extensive or agriculture—intensive;

“service station” means premises used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“showroom” means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“storage” means premises used for the storage of goods, equipment, plant or materials;

“tavern” means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*.
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“telecommunications infrastructure” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

“tourist and visitor accommodation” –

- (a) means a building or a group of buildings forming a complex that –
 - (i) is wholly managed by a single person or body; and
 - (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and
 - (iii) may include on-site services and facilities for use by guests; and
 - (iv) in the case of a single building – contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;

and

- (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but
- (c) does not include any of the following –
 - (i) an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);
 - (ii) a caravan park;

- (iii) hosted short-term rental accommodation;
- (iv) a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);
- (v) a park home park;
- (vi) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1);
- (viii) a road house;
- (viii) workforce accommodation.

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“trade display” means premises used for the display of trade goods and equipment for the purpose of advertisement;

“veterinary centre” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

“warehouse” means premises used to store or display goods and may include sale by wholesale;

“winery” means premises used for the production of viticultural produce and may include sale of the produce.

SCHEDULE 2: Additional Use Sites And Requirements

(Clause 4.5)

No.	Description of Land	Additional Use and/or Development	Special Conditions
A 1	Lots 5,6 and 12 north-east corner Staton Road and Canning Highway	Service Station excluding Convenience Store	
A 2	Part Lot 3 (No 75) Alexandra Road and Strata Lots 1 and 2 on Strata Plan 3487 (No 77) Alexandra Road, (Cnr Wolsley Road)	Car parking for Hospital (Kaleeya)	Subject to local government approval in accordance with the requirements for 'A' uses under the Scheme. Design (including access, location, landscaping and screening) to be such as to minimise any adverse impact on the amenity of adjacent properties.
A 3 A 4 A 5 A 6 A 7 A 8	Lot 1 north-east corner Marmion and East Streets Lot 170 north west corner Marmion and Hubble Streets Lot 344 north west corner Marmion and King Streets Pt Lot 67 north west corner Fletcher and Dalgety Streets Pt Lot 288 north west corner Fletcher and Oakover Streets Pt Lot 485 south west corner Wolsley and Osborne Roads	Consulting Rooms, Home Business and/or Shop - subject to local government approval in accordance with procedures for 'A' uses (Clause 9.4)	(a) Floor area of non-residential activity not to exceed 100m ² . (b) Buildings to be reconstructed, restored and/or preserved to the satisfaction of the local government prior to any change of use. The extent of works required, will be based on assessment of the heritage value of the existing building, the extent to which the proposed additional use will affect any heritage value. Note: Any requirements for reconstruction, restoration and/or preservation will be imposed as conditions of planning approval.
A 9	Lots 14, 15, 16, 17, 18 and 19 Canning Highway, between Glyde Street, and East Street AMD 17 GG 11/02/2022	(i) A maximum of R80 residential development, i.e., development above the base density code of R20. (ii) Any dwelling development within this Additional Use area shall be used for residential dwelling purposes only, and shall not be used for any other purpose. Note: To qualify for the foregoing additional use, the requirements (Special Conditions) in column 4 applicable to the area, are to be met.	The use of the land for the Additional Use is conditional on development of and compliance with the following: 1. Local Development Plan approved by the local government depicting coordinated development of Lots 14, 15, 16, 17, 18 and 19. 2. The Local Development Plan shall address the following to the satisfaction of the local government: (i) Building massing, height and setbacks to minimise the amenity, overlooking and overshadowing impact to surrounding properties; (ii) Vehicle parking, access and egress

SCHEDULE 2: Additional Use Sites and Requirements (Cont'd)

No.	Description of Land	Additional Use and/or Development	Special Conditions
			<p>arrangements with vehicular access and egress prohibited to/from Canning Highway;</p> <p>(iii) Noise mitigation measures pursuant to the Fremantle Inner Harbour Buffer Definition Study requirements;</p> <p>(iv) Building, landscaping and access interface measures;</p> <p>(v) Development to provide an active edge to all street frontages and provide pedestrian access;</p> <p>(vi) Landscape buffer to the southern boundary of all lots and the eastern boundary of part of Lot 15 Canning Highway;</p> <p>(vii) Boundary setbacks;</p> <p>(viii) A transport assessment that identifies the impacts and any appropriate mitigation measures in accordance with the WAPC's Transport Impact Assessment Guidelines (2016). This includes identifying future access locations to and from Glyde Street and/or East Street that do not compromise future road and intersection treatments within the 'proposed MRS reservation';</p> <p>(ix) An earthworks plan demonstrating that any works in the future road reservation are the same as existing ground levels for the applicable section of Canning Highway. This plan is to be provided to the satisfaction of Main Roads, in consultation with the local government; and</p>

SCHEDULE 2: Additional Use Sites and Requirements (Cont'd)

No.	Description of Land	Additional Use and/or Development	Special Conditions
			<p>(x) An acoustic report prepared by a qualified acoustic consultant in accordance with the requirements of the WAPC's State Planning Policy No. 5.4 – Road and Rail Noise and submitted to the satisfaction of the local government in consultation with Main Roads and implemented thereafter.</p> <p>3. No development on the site is to exceed a maximum height of 25.5 metres AHD or 4 storeys or whichever is the lesser, including all roof top services, plant equipment, amenities and the like.</p> <p>4. Development should not exceed a maximum height of:</p> <p>(a) 21.0 metres AHD or 3 storeys or whichever is the lesser, within 8 metres of the southern boundary; and</p> <p>(b) 17.5 metres AHD or 2 storeys or whichever is the lesser, within 5 metres of the southern boundary.</p> <p>5. Development should not exceed a maximum height of 17.5 metres AHD or two storeys whichever is the lesser on the whole of Lot 19 Canning Highway.</p> <p>6. The special conditions for this Additional Use are not open to variation through any provision of this Scheme or any other mechanism.</p> <p>7. No development approval is to be granted for a development above the base density code of R20 unless a Local Development Plan is</p>

SCHEDULE 2: Additional Use Sites and Requirements (Cont'd)

No.	Description of Land	Additional Use and/or Development	Special Conditions
			prepared and approved by the local government.
A 10	Lots 217, 218, 219, 256, 257 and 218 Bounded by View Terrace, Penshurst Street and Pier Street	R30 residential development, i.e. development above the base density code of R 12.5	<p>(a) Refurbishment of the existing heritage listed house in accordance with a formal heritage assessment under Clause 6.4 of the Scheme;</p> <p>(b) Existing heritage house to be retained on a lot with grounds appropriate to the heritage value of the property;</p> <p>(c) Local government approval to an overall development plan to ensure coordinated development of the site.</p>
A 11	Lot 185 (No 235) Canning Highway (Cnr Irwin Street)	<p>Shop, Consulting Rooms and/or Home Business</p> <p>Subject to local government approval in accordance with procedures for 'A' uses (Clause 9.4)</p>	<p>(a) Floor area of non-residential activity not to exceed 100m².</p> <p>(b) Building to be reconstructed, restored and/or preserved to the satisfaction of the local government prior to any change of use.</p>
12	Lot 4 Pier Street	12 Special Purpose Dwellings	Subject to local government approval in accordance with the requirements for 'D' uses under the Scheme.
A 13	Lots 93 and 94 (No 22) Wolsely Road (Pilgrim Hostel)	Hostel and ancillary uses	<p>Any change in the nature of use or occupancy requires the approval of the local government.</p> <p>Note: A change from an <i>aged care facility</i> to a <i>refuge</i> is an example of a change which would require approval.</p>
A 14	<p>Lot 57 (No. 10) Windsor Road, East Fremantle, and Lot 5 (No. 5) Gill Street, East Fremantle</p> <p>AMD 5 GG 9/6/09</p>	Nursing Home	<p>Any change in the nature of use or occupancy requires the approval of the local government.</p> <p>Note: A change from <i>nursing home</i> to a <i>psychiatric hospital</i> is an example of a change which would require approval.</p>
A 15	<p>Lot 5 (No. 238) Canning Highway, East Fremantle</p> <p>AMD 2 GG 15/12/06</p>	Recording Studio	<p>1. Maximum floor space of 300m².</p> <p>2. Recording Studio is incidental to Residence.</p>

SCHEDULE 2: Additional Use Sites and Requirements (Cont'd)

No.	Description of Land	Additional Use and/or Development	Special Conditions
A 15	Lot 630 (No 169) Canning Highway, East Fremantle <i>AMD 4 GG 9/2/07</i>	Office	The office use shall not occupy more than 180m ² net lettable area.

SCHEDULE 3: Restricted Uses

[cl. 4.6]

No.	Description of Land	Restricted use	Conditions

SCHEDULE 4: Special Use Zones

[cl. 4.7]

<u>No.</u>	<u>Description of Land</u>	<u>Special use</u>	<u>Conditions</u>
1	Lot 102 Diagram 84181, Staton Road (Cnr Woolsley Road and Coolgardie Avenue)	<i>Deleted by AMD 13 GG 08/11/16</i>	
2	Part Lot 2 Alexandra Road	<i>Deleted by AMD 13 GG 08/11/16</i>	

SCHEDULE 5: Application For Planning Approval (Form)

(Clause 9.1)

OWNER DETAILS:

Name

Address Post Code

Phone (work) (home) Fax E-Mail

Contact Person

Signature Date

Signature Date

The signature of the land owner(s) is required on all applications.

APPLICANT DETAILS:

Name

Address Post Code

Phone (work) (home) Fax E-Mail

Contact Person for correspondence

Signature Date

N.B. In signing the application, the applicant agrees to the Town of East Fremantle providing to members of the public, any documents (including plans) which the local government would be required to provide under the Local Government Act 1995 in respect of documents before the local government.

PROPERTY DETAILS:

Lot No House/Street No. Location:

Diagram or Plan No. Certificate of Title Volume: Folio:

Title Encumbrances (e.g. easements, restrictive covenants)

Street Name Suburb

Nearest Street Intersection

DEVELOPMENT DETAILS:

Description of proposed development and/or use

.....

Nature of any existing buildings and/or use

.....

Approximate cost of proposed development Estimated time of completion

OFFICE USE ONLY

Acceptance Officer's Initials: Date Received: Local Government Reference No:

SCHEDULE 6: Additional Information For Advertisements

(Clause 9.1)

TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM

Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....
.....

Details of Proposed Sign:

(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):

.....

(b) Height: Width: Depth:

(c) Colours to be used:

(d) Height above ground level - (to top of advertisement):

- (to underside):

(e) Materials to be used:

Illuminated: Yes / No.

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

.....

Period of time for which advertisement is required:

Details of signs (if any) to be removed if this application is approved:

.....
.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.

Signature of Advertiser(s):
(if different from land owners)

Date:

SCHEDULE 7: Notification Of Development Proposal

(Clause 9.4)

*Planning and Development Act 2005
AMD 10 GG 11/10/16*

Town of East Fremantle

NOTICE OF DEVELOPMENT PROPOSAL

The local government has received an application to use and/or develop land for the following purpose and comments are invited from affected members of the public.

LOT No:STREET No:

STREET: LOCALITY:

PROPOSAL:

.....
.....

Details of the proposal, including plans, are available for inspection at the local government office.

Comments on the proposal may be submitted to the local government in writing on or before theday
of

Signed

Dated:

for and on behalf of the Town of East Fremantle

SCHEDULE 8: Notice Of Decision On Application For Planning Approval

(Clause 10.4.1)

Planning and Development Act 2005
AMD 10 GG 11/10/16

Town of East Fremantle

DECISION ON APPLICATION FOR PLANNING APPROVAL

LOCATION:

.....

LOT No: PLAN/DIAGRAM:

CERTIFICATE OF TITLE Volume: Folio:

Application Date: Received on:

Description of proposed development:

.....

.....

The application for planning approval is:

- granted subject to the following conditions:
- refused for the following reason(s):

CONDITIONS / REASONS FOR REFUSAL:

.....

.....

.....

.....

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this decision there may be a right of appeal pursuant to the provisions of either the Scheme (Clause 7.14) or the *Planning and Development Act 2005*. In accordance with the Rules and Regulations made under the *Planning and Development Act 2005*, any appeal must be lodged within 60 days of the local government's decision.

Signed:

Dated:

for and on behalf of the Town of East Fremantle

SCHEDULE 8A: Revocation Or Amendment Of Planning Approval

(Clause 8.3)

Planning and Development Act 2005
AMD 10 GG 11/10/16

Town of East Fremantle

REVOCATION OR AMENDMENT OF PLANNING APPROVAL

LOCATION:

.....

LOT No:

PLAN/DIAGRAM:

CERTIFICATE OF TITLE Volume: Folio:

Application Date: Approved on:

Description of proposed development:

.....

.....

The planning approval is:

- revoked:
- amended:

REASONS FOR REVOCATION / AMENDMENT:

.....

.....

.....

.....

Signed:

Dated:

for and on behalf of the Town of East Fremantle

SCHEDULE 9: Environmental Conditions

(Clause 5.7)

The following are environmental conditions imposed by the Minister for the Environment.

Scheme or Amendment No	Gazettal Date	Environmental Conditions

(There are no environmental conditions applicable to the Scheme as at the time of its initial adoption.)

SCHEDULE 10: Car Parking Standards

(Sub-Clause 5.5.2 and 5.8.5)

AMD 10 GG 11/10/16; AMD 16 GG 09/11/18

The following are the minimum standards for car parking in respect of the types of development listed, except as provided for under Clause 5.6 of the Scheme, *Variations to Development Standards*. Where there are no standards for a particular development or use, the local government shall determine what standards shall apply in accordance with the provisions of sub-clause 5.5.2 or sub-clause 5.8.5.

Development (Use)	Parking Standard (Number of Bays)
Aged or Dependent Persons' Dwellings	As prescribed by the <i>Residential Design Codes</i>
Ancillary Accommodation	As provided for in the <i>Residential Design Codes</i>
Auction Mart	1 space per 20m ² of land and/or buildings used for auction purposes
Banks, Building Societies, Post Offices and the like	1 space for every 20m ² net lettable area.
Betting Agency	1 space for every 20m ² of net lettable area
Boating Sales Premises	1 space for every 100m ² display area, plus 1 space for every employee. Minimum 4 spaces
Bowling Green (Club)	4 spaces per rink
Car Sales Premises	1 space for every 100m ² display area, plus 1 space for every employee Minimum 4 spaces
Caretaker's Residence	As prescribed by the <i>Residential Design Codes</i> for Single House
Child Care Premises	1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Cinema or Theatre	1 space for every 5 seats or 1 space for every 5 persons the facility is designed to accommodate, whichever is the greater.
Club Premises	1 space for every 5 seats or 1 space for every 5 persons the facility is designed to accommodate, whichever is the greater.
Community Purposes	1 space for every 5 persons the facility is designed to accommodate
Consulting Rooms	2 spaces for every consulting room, plus 1 space for every staff member.
Convenience Store	1 space for every 20m ² net lettable area, plus Service Station requirements

Development (Use)	Parking Standard (Number of Bays)
Dry Cleaning Premises	1 space per 20m ² net lettable area
Educational Establishment - Pre-Primary - Primary School - Secondary School - Tertiary Institution	1 space for every staff member, plus 1 space for every 2 students 1 space for every staff member, plus 14 drop-off spaces for every 100 students (may include on-street spaces) 1 space for every staff member, plus 7 drop-off spaces for every 100 students (may include on-street spaces) 1 space for every staff member, plus 1 space for every 5 students
Exhibition Centre	1 space per 30m ² of exhibition area, plus 1 space for every staff member present at any one time
Fast Food Outlet	1 space for every 2.5m ² queuing area with a minimum of 4 spaces, plus 1 space for every 5m ² seating area
Funeral Parlour	1 space for every 5 persons for which any assembly area is designed, plus 1 space for every staff member. Minimum 4 spaces
Grouped Dwelling	As prescribed by the <i>Residential Design Codes</i>
Home Office	As prescribed by the <i>Residential Design Codes</i> for Single House
Home Occupation	As prescribed by the <i>Residential Design Codes</i> for Single House 2 spaces per dwelling
Homestore	1 space for every 20m ² net lettable area Minimum 4 spaces in addition to residential requirements
Hospital	1 space for every 5 patients beds, plus 1 space for each staff member on duty at any one time
Hotel	1 space for every 2.5m ² of bar area, plus 1 space for every 5m ² of lounge or beer garden area; and 1 space for every 5 seats which an eating area is designed to provide or 1 space for every 5m ² of eating area, whichever is the greater; and 1 space for every 5 seats provided in assembly area; and 1 space for each bedroom or residential unit.

Development (Use)	Parking Standard (Number of Bays)
Indoor Recreation - Gymnasium - Health Studio - Bowling Alley - Cricket - Skating Rink - Swimming Pool - Squash Courts - Spectator Seating - Dining/Drinking - Staff	1 space for every 10m ² net floor area 1 space for every 10m ² net floor area 4 spaces for every lane 10 spaces per court 1 space for every 20m ² skating area 1 space for every 20m ² pool area 2 spaces for every court 1 space for every 5 seats provided 1 space for every 5m ² floorspace available for tables and chairs 1 space for every staff member present during peak operation
Industry – Service	1 space for every 50m ² floor area or open space used for such purposes, plus 1 space for each employee Minimum 4 spaces per tenancy or unit
Industry – Cottage	1 space for every staff member not living on the premises, plus 1 space per 25m ² of any display area, with a minimum of 2 spaces, plus 2 spaces per dwelling if undertaken in conjunction with a residence - as prescribed by the <i>Residential Design Codes</i> for Single House
Laundromat	1 space per 20m ² gross floor area
Library	1 space per 30m ² of public floor area, plus 1 space for every staff member present at any one time
Liquor Store	1 space per 20m ² gross floor area
Lodging House	1 space per bed (in the case of communal accommodation) or 1 space per bedroom unit
Lunch Bar	1 space for every 20m ² gross leasable area Minimum 4 spaces
Motel	DELETED BY AMD 20 GG 18/11/2025
Motor Vehicle Repair	4 spaces for each working bay, or 1 space for every 50m ² gross floor area, whichever is the greater, plus 1 space for every person employed on site
Multiple Dwelling	As prescribed by the <i>Residential Design Codes</i>
Night Club	1 space for every 2.5m ² of public bar area, plus 1 space for every 5m ² of lounge/garden area
Nursing Home	1 space per 5 beds, plus 1 space for every staff member present at any one time
Office (excluding Bank, Building Society, Post Office or other such uses)	1 space for every 30m ² net lettable area, Minimum 3 spaces per tenancy or office unit. (N.B. Offices with intensively used public areas require additional parking. Refer Banks, etc.)
Open Air Display (not elsewhere specified)	1 space for every 100m ² display area, plus 1 space for every employee Minimum 3 spaces per tenancy or unit

Development (Use)	Parking Standard (Number of Bays)
Place of Worship	1 space for 5 seats or 1 space for every 5 persons the facility is designed to accommodate, whichever is the greater
Reception Centre	1 space for every 5 seats, or 1 space for every 5 persons the facility is designed to accommodate, or 1 space for every 5m ² dining area, whichever is the greater
Residential Building (Institutional Home)	1 space for every 5 persons the building is designed to accommodate, plus 1 space for every staff member present at any one time
Restaurant (includes Café)	1 space for every 5 seats or 1 space for every 5 persons the building is designed to accommodate, or 1 space for every 5m ² seating area, whichever is the greater, plus 1 space for every staff member present at any one time
Service Station	4 spaces for every working bay, plus 1 space for every person employed on site
Shop	1 space for every 20m ² net lettable area (5 spaces per 100m ² NLA) Minimum 4 spaces
Showroom	1 space for every 50m ² gross leasable floor area Minimum of 4 spaces per tenancy or unit
Single Bedroom Dwelling	As prescribed by the <i>Residential Design Codes</i>
Single House	As prescribed by the <i>Residential Design Codes</i>
Swimming Pool	1 space for every 20m ² pool area, plus 1 space for every 5 seats provided for spectators (if applicable)
Tavern	1 space for every 2.5m ² of bar area, plus 1 space for every 5m ² of lounge or other seating area, including eating areas
Tennis Courts	3 spaces for every court plus 1 space for every 5 seats provided for spectators (if applicable)
Tourist and visitor accommodation <i>AMD 20 GG 18/11/2025</i>	1 space for each unit, plus 1 space for every staff member present at any one time, plus 1 space for every 4 persons any restaurant is designed to accommodate, or 1 space for every 4m ² dining area, whichever is greater.
Veterinary Centre	2 spaces per veterinary practitioner based on maximum capacity, plus 1 space for every staff member present at any one time
Marina	1 space for every 2 boat pens, and 1 space for every 2 hard standing boat bays (other than maintenance areas)

SCHEDULE 11: Car Parking And Manoeuvre Specifications

(Sub-clause 5.5.2 and 5.8.5)

AMD 10 GG 11/10/16

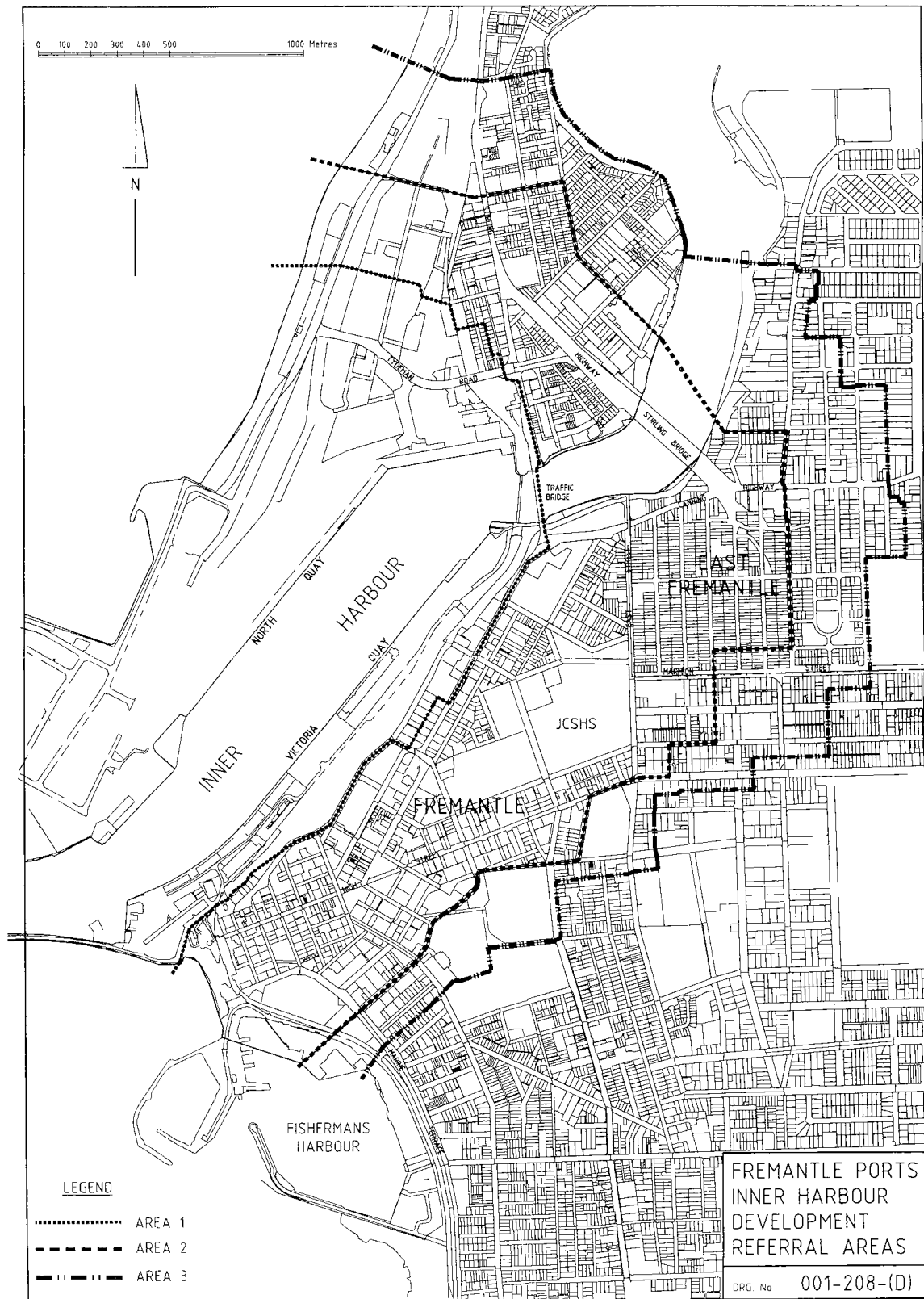
Where car parking is required or provided in conjunction with the use or development of land, the following specifications shall be met except as provided for under Clause 5.6 of the Scheme, *Variations to Development Standards*.

The following specifications apply to non-residential development; parking and manoeuvre specifications for residential development are to conform with the requirements of the Residential Design Codes.

Parking Angle	Width of Bay	Depth Of Bay	Aisle Width		Distance Along Kerb	Kerb Overhang	Total Depth	
			1 way	2 way			1 way	2 way
90°	2.5m	5.4m	6.2m	6.2m	2.5m	0.7m	11.6m	11.6m
	2.7m	5.4m	5.8m	5.8m	2.7m	0.7m	11.2m	11.2m
	2.9m	5.4m	5.4m	5.8m	2.9m	0.7m	10.8m	11.2m
60°	2.5m	5.7m	4.6m	5.8m	2.9m	0.6m	10.3m	11.5m
	2.7m	5.7m	4.2m	5.8m	3.1m	0.6m	9.9m	11.5m
	2.9m	5.7m	4.0m	5.8m	3.3m	0.6m	9.7m	11.5m
45°	2.5m	5.3m	3.7m	5.8m	3.5m	0.5m	9.0m	11.1m
	2.7m	5.3m	3.3m	5.8m	3.8m	0.5m	8.6m	11.1m
	2.9m	5.3m	2.9m	5.8m	4.1m	0.5m	8.2m	11.1m
30°	2.5m	4.4m	2.9m	5.8m	5.0m	0.3m	7.3m	10.2m
	2.7m	4.4m	2.9m	5.8m	5.4m	0.3m	7.3m	10.2m
	2.9m	4.4m	2.9m	5.8m	5.8m	0.3m	7.3m	10.2m
0°	2.5m	2.5m	3.0m	5.8m	6.3m	0.0m	5.4m	8.3m
	2.5m	2.5m	3.3m	5.8m	6.1m	0.0m	5.8m	8.3m
	2.5m	2.5m	3.6m	5.8m	5.9m	0.0m	6.1m	8.3m

1. Bays situated adjacent to walls or other obstructions which affect door opening, shall be increased in width by 0.3m on the side of the obstruction.
2. The length of parallel parking bays may be reduced to 5.4m for end bays where free access is available.
3. For blind aisles, an aisle extension of 2m shall be provided to facilitate access.
4. Where access aisles intersect, adequate truncations shall be provided to facilitate the movement of vehicles (Refer AS 2890.1 - 85 percentile vehicle swept path with 300mm clearances each side).

SCHEDULE 12: Supplementary Scheme Map



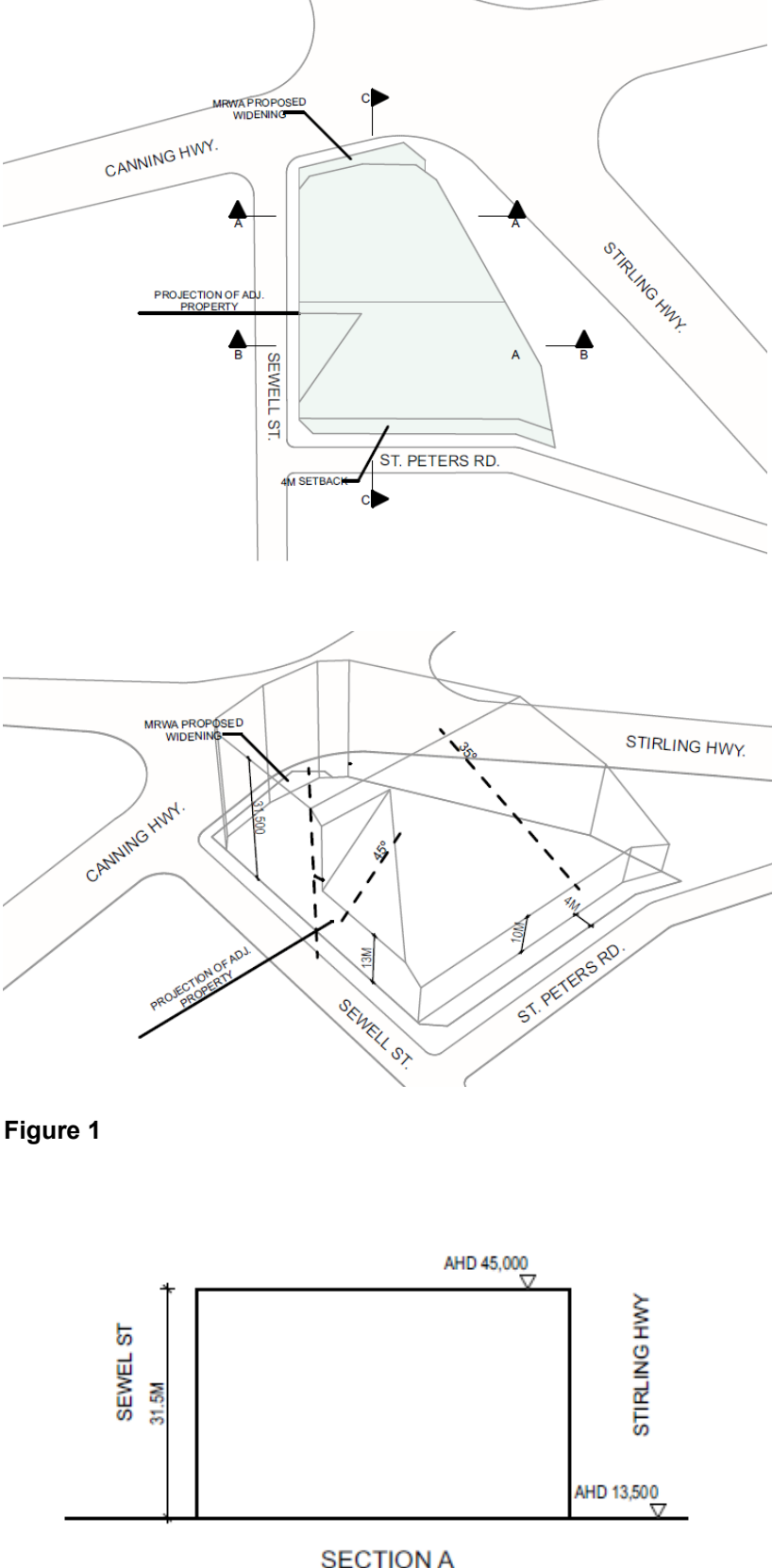
SCHEDULE 13 - ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

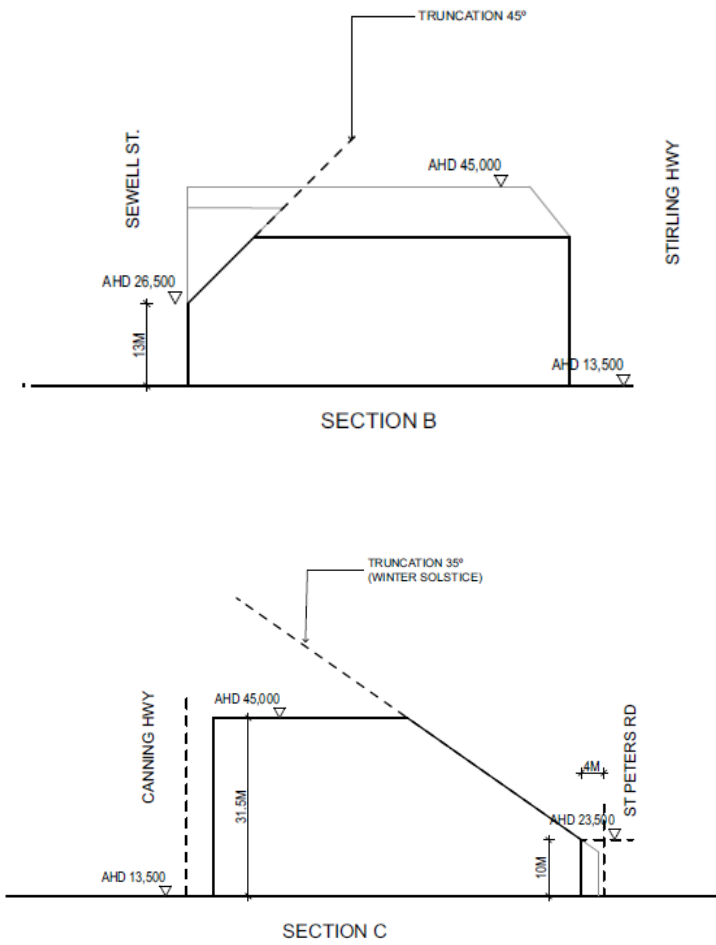
(Clause 5.10)

AMD 14 GG 05/02/2021

No.	Description of Land	Requirement
1	Lots 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 use and multiple dwelling design. The design of development must:</p> <ul style="list-style-type: none"> (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. <p><u>Land use and density</u></p> <p>1. Only residential development shall front St Peters Road, and commercial development and vehicle parking are not permitted to front St Peters Road.</p> <p>2. Vehicle parking is not permitted to front Canning Highway.</p> <p>3. Clause 5.3.4 of the scheme does not apply to development on this site.</p> <p><u>Plot ratio</u></p> <p>1. The maximum plot ratio of development within the site is 3.0:1.</p> <p><u>Building height and setback</u></p> <p>1. Development is to be contained within the building envelope shown in Figures 1 and 2 of this schedule.</p> <p>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.</p> <p>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.</p> <p><u>Additional height</u></p> <p>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:</p>

No.	Description of Land	Requirement
1	Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street (Cont'd)	<p>(i) the building envelope permits development to a height of 45.0m AHD;</p> <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>

No.	Description of Land	Requirement
1	Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street (Cont'd)	 <p>Figure 1</p> <p>SECTION A</p>

No.	Description of Land	Requirement
1	Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street (Cont'd)	 <p data-bbox="582 1288 694 1332">Figure 2</p>

ADOPTION OF SCHEME

THIS SCHEME WAS ADOPTED BY RESOLUTION OF THE COUNCIL OF THE TOWN OF EAST FREMANTLE AT ITS MEETING ON THE TWENTY-FIRST DAY OF DECEMBER 1999.

MAYOR

DATE

CHIEF EXECUTIVE OFFICER

DATE

FINAL APPROVAL OF SCHEME

1. ADOPTED BY RESOLUTION OF THE COUNCIL OF THE TOWN OF EAST FREMANTLE AT ITS MEETING ON THE _____ DAY OF _____ 20____ AND THE SEAL OF THE MUNICIPALITY WAS PURSUANT TO THAT RESOLUTION HEREUNTO AFFIXED IN THE PRESENCE OF :

MAYOR

DATE

CHIEF EXECUTIVE OFFICER

DATE

2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL BY THE WESTERN AUSTRALIAN PLANNING COMMISSION.

DELEGATED UNDER S.20 OF WAPC ACT 1985

DATE

3. FINAL APPROVAL GRANTED BY MINISTER FOR PLANNING & INFRASTRUCTURE

MINISTER FOR PLANNING & INFRASTRUCTURE

DATE