CITY OF Fremantle

Local Planning Scheme No. 4

Scheme Text

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PLANNING AND DEVELOPMENT ACT 2005

CITY OF FREMANTLE

LOCAL PLANNING SCHEME NO. 4

Scheme Text

8 March 2007

Amended 10 November 2026

This is a copy of the Local Planning Scheme produced from the Government Gazette 8 March 2007 and subsequent gazetted amendments to the Scheme. Whilst all care has been taken to accurately portray the current Scheme provisions, please advise the City of Fremantle of any errors or omissions to this document.

AMENDMENTS TO CITY OF FREMANTLE LOCAL PLANNING SCHEME NO.4

Amendment No.	Summary of Amendment	Date of Gazettal
5	• Minor Development Permitted without Planning Approval (fences) • Addition of Schedule 15	11 January 2008
1	• Amend scheme map for a portion of Reserve 43440 from 'Open Space' to 'Development Area 8'	18 March 2008
2	• Amend Clause 5.8.2 to allow variations of Scheme Provisions Other Than Height Requirements	18 March 2008
7	• Amend Zoning table to designate Noxious Industry as an 'A' use in Industrial zone	18 April 2008
3	• Insert of Clause 7.6 – Archeological Provisions	23 May 2008
6	• Minor Development Permitted without Planning Approval (minor structures). Add into Sch 15: outbuildings, swimming pools, shade structures, external fixtures, flag poles, outdoor hard surfaces	21 November 2008
10	• Amend scheme map to rezone 2-6 Dixon St, 1/A Deering St, 1, 3 & 3/A Edmondson Street and Annie Street from 'Residential R20' to 'Residential R20/R25'	21 November 2008
11	• Amend Scheme Map to rezone Lot1354 Knutsford Street from 'Development Zone' to 'Residential' with a density coding of R35 (northern portion) and R60 (southern portion) • Delete Development Plan 21 from Schedule 14, Scheme Map and Schedule 11 text • Amend Schedule 12 Local Planning Area 2 – Fremantle to introduce a specific height control for Lot 1354	13 December 2008
14	• Amend clause 7.17 and 7.2.9 to clarify provisions relating to inclusion of places on the Heritage List and precincts or areas as Heritage Areas, respectively.	16 January 2009
4	• Include definition of short stay dwelling in land use definitions Schedule 1 • Amend definition of Tourist Accommodation • Amend Table 2 – Zoning to include the class use of Short Stay Dwelling	6 February 2009
16	• Introduce Small Bar use class to reflect statutory changes to liquor control	6 February 2009
8	• Amend clause 6.2 relating to Development Areas • New clause 6.3 Development Contribution Areas	3 March 2009
9	• Amend to correct typographical errors • introduce definitions, for 'Home Store' and 'Service Station' into Schedule 12.1	3 March 2009

Amendment No.	Summary of Amendment	Date of Gazettal
17	• Amend addresses an Addition of R60 residential density coding on Scheme Map for Lot 303 McCombe Avenue, Samson, an amendment to clause 4.2.1 (d) and amend maximum wall height requirement in Schedule 12 in Local Planning Area 9 - Samson from 5m to 6m in the Neighbourhood Centre Zone	3 March 2009
15	Amend the Scheme Map to: • Rezone the former Married Quarters, Queen Victoria Street from 'Public Purposes - Commonwealth Government' Metropolitan Region Scheme reservation and unzoned land to 'Residential' with a density coding of R20 • Rezone Gun House and Rifle Cottage, Tuckfield Street from 'Open Space' Local Scheme reservation to 'Residential' with a density coding of R10 • Rezone the Signal Station and surrounds from 'Public Purposes - Commonwealth Government' Metropolitan Region Scheme reservation to 'Open Space' Local Scheme reservation	07 April 2009
21	• Amend Clause 8.2 (h) to include the words 'or application of render' • Please note that typographical error has resulted in two sub clause (h). Further scheme amendment to rectify is in progress	14 August 2009
18	• Amend scheme map to apply a residential density coding of R60 to the land zoned Residential at Lot 217 Mathieson Avenue, North Fremantle and to apply Local Reserve - Open Space Reserve to two parcels zoned Residential • Amend clauses 12.12 Schedule 12 of the Local Planning Scheme text regarding Local Planning Areas (Height Requirements) Local Planning Area 3 - North Fremantle; Sub Area: 3.3.1 Rocky Bay , to apply a maximum building height of 10 metres (external wall height or roof ridge height) to any development on Lot 217 Mathieson Avenue, and a maximum building height of 7 metres external wall height/ 10 metres to roof ridge as measured from ground level to the remainder of sub area: 3.3.1 Rocky Bay	25 September 2009
19	• Amend the scheme by adding 'office' as an additional use for the subject property in Schedule 2 – Additional Uses of clause 12.2 of the scheme to facilitate office use at the existing dwelling at No. 120 Hampton Road	25 September 2009

Amendment No.	Summary of Amendment	Date of Gazettal
13	• Amend clause 12.12 Schedule 12 of the Local Planning Scheme text regarding Local Planning Areas Local Planning Area 7 Hilton- Specific Development Controls for Sub area 7.3.1 • Rezone properties in the Hilton Commercial centre in South Street, Carrington Street, Hughes Street, Victor Street and Lee Avenue from Development Area (DA11) to Neighbourhood Centre and introduce specific development controls to apply in this area • Rezone properties at 194 and 196 Carrington Street, 3, 3a, 4 and 4b Paget Street and 5 and 5a Lee Avenue from Development Area (DA11) to Residential R60 • Rezone properties at 2, 4 and 6 Hughes Street from Development Area (DA11) to Residential R40 • Make the use of 277 South Street as a Tavern an "Additional Use" under Schedule 2 of Local Planning Scheme No. 4	17 November 2009
20	• Amend the Scheme Map to apply a Neighbourhood Centre zone to land zoned Residential at Number 232 (Lot 1341) South Terrace, South Fremantle • Amend the Scheme Map to apply a Local Centre zone to land zoned Residential at Number 63 (Lot 1) Wray Avenue, Beaconsfield • Amend the Scheme Map to apply a Commercial zone to land zoned Residential at Number 229 (Lot 31) Jarvis Street, O'Connor • Amend the Scheme Map to apply a Mixed Use zone to land zoned Residential at Number 103 (Lot 400) Hampton Road, South Fremantle • Amend the Scheme Map to apply a Mixed Use zone for land zoned Residential at Numbers 109A and 109B (Lot 401) Hampton Road, South Fremantle	17 November 2009
26	• Amend clauses 5.15 and 12.15 Schedule 15 of the Local Planning Scheme text regarding the inclusion of statutory provisions relating to the demolition of buildings and structures	12 March 2010
28	• Amend the wording for 'External fixtures' in 12.15 Schedule 15 – Minor Development Permitted Without Planning approval	12 March 2010
29	• Amend the text to include a provision into clause 12.15 Schedule 15 - Minor Development Permitted Without Planning Approval for Patios and Single Storey (ground level) Additions or Extensions to a Single House	01 April 2010
27	• Clarify provisions relating to the Mixed Use and Commercial zones by amending Table 2 – Zoning for the Commercial and Mixed Use zone, amending clause 5.2.5 and clause 5.5.1 and deleting clause 5.5.2 and adding a 'Mixed Use' definition into Part 12 Schedule 1	28 May 2010

Amendment No.	Summary of Amendment	Date of Gazettal
25	• Amend Scheme map to include an R80 density coding over the land designated Local Centre zone in South Street, O'Connor; and • Amend Scheme text clause 12.12 Schedule 12 - Local Planning Area 8 – O'Connor to include an 11 metre wall height for Local Centre zoned land and an additional sub area (Sub Area 8.3.2) for the R80 coded land	27 August 2010
23	• Amend the Scheme Map to apply a residential density coding of R25 to the land zoned Residential for properties bound by Clontarf Street, Clontarf Hill, Healy Road and Hampton Road	31 August 2010
34	• Delete clauses 3.5, 3.6, 3.7, 3.8 and 3.9 and the table titled 'Table 1- Local Reserves' following clause 3.9.1 from the Scheme text	5 October 2010
35	• Omnibus amendment for minor changes to the Local Planning Scheme text	5 April 2011
24	• Exempt further forms of signage from the need to gain planning approval	7 June 2011
38	• Amend clause 12.12 of Local Planning Area 2 by amending clause 2.3. • Amend scheme map to mixed use zone with an R-AC 3 density and boundary of the Mixed Use Zone extending over part of the current Beach Street road reserve	1 July 2011
30	• Amend clause 12.12 Sch12 LPA (Height Requirements) Local Planning Area 2 – Fremantle to include under clause 2.3 new sub area 2 for 199 (Lot 1) High Street & No. 26 (Lot 440), 18 (Lot 35) Parry Street	4 November 2011
46	• Amend Table 2 – zoning and 3 Vehicle parking to include 'small secondary dwelling' • Amend clause 5.3 by adding clause 5.3.5 Small secondary dwellings • Amend clause 5.4.1 subdivision • Amend clause 5.8.2 – Variation to other requirements by adding clause 5.8.2.2 • Amend clause 8.2 by adding new clause 8.2(o) 'a small secondary dwelling' • Introde definition of 'small secondary dwelling' into clause 12.1 Schedule 1 – Dictionary of Defined Words and Expressions, Land Use Definitions • Amend the definition of 'grouped dwelling' in clause 12.1 Schedule 1 - Dictionary of Defined Words and Expressions, Land Use Definitions • Amend the definition of 'single house' in clause 12.1 Schedule 1 - Dictionary of Defined Words and Expressions, Land Use Definitions • Add clause 11.11 'Notices in relation to small secondary dwellings'	6 December 2011

Amendment No.	Summary of Amendment	Date of Gazettal
44	• Amend clause 9.4.5 • Amend clause 9.4.6 • Renumbering clause 9.4.6 to 9.4.7 • Amend clause 12.6 Schedule 6 by inserting new paragraph under the 'Applicant Details' section, above the 'Contact person for correspondence' line • Insert new clause '9.5 Public Inspection of Applications' and 9.5.1after 9.4.6	27 January 2012
41	• Rezone lots 602, 904, 9 and 700 (No. 125, 147, 149 and 177) South Terrace, Fremantle from the Residential zone to the Mixed Use zone.	11 April 2012
33	• Rezone properties within the residential area bounded by Hines Road and Victor, Clarke, and South Street from 'Development Area 11' (DA11) to 'Residential' and a density coding of R30 • Introduced a new Sub area into Schedule 12 (Sub Area 7.3.2) with allows for higher density development up to R60 on corner Lots and Lots facing South Street where certain criteria are meet. Subdivision on vacant land based on the density coding R60 will not be supported	13 July 2012
32	• Amend the Scheme map to rezone the Hilton commercial centre from 'Neighbourhood Centre' to 'Local Centre' • Amend clause 12.12 Schedule 12: Local Planning Area 7 – Hilton – Specific Development Controls to include new provisions for Area A of Sub Area 7.3.1	13 July 2012
45	• Delete clause 5.4.5 Energy Efficiency in its entirety	12 September 2012
39	• Introduce a new definition for 'Maintenance and Repair' into Schedule 1; • Refine the current clause 8.2 internal works and maintenance and repair scheme provisions; • Include additional works into clause 8.2, relating to non-heritage listed properties, that should be exempted from requiring planning approval including interior works, re-roofing, external cladding and external window modification; • Extend the period for 'Temporary Development'; and • Minor modification to Schedule 15 provisions regarding 'additions and alterations to dwellings'	9 November 2012
51	• Amend the Scheme map to rezone 8 (Lot 857), 12 (Lot 2), 14 (Lot 1), 16 (Lot 1) and 18 (Lot 2) James Street, Fremantle from 'Residential' zone to 'Mixed Use' zone • Amend clause 12.12, Schedule 12 to include under clause 2.3, a new Sub Area 3 with provisions relevant to 8, 12, 14, 16 and 18 James Street	7 December 2012

Amendment No.	Summary of Amendment	Date of Gazettal
49	• Modify development standards relating to 12 key sites within the inner east end are of the City Centre zone • Create Sub area 1.3.2 • Modify the boundaries of Sub area 1.3.1 West End • Introduce residential diversity requirements to apply Scheme wide • Introduce discretionary parking criteria for Residential development to apply Scheme wide • Introduce provisions relating the Design Advisory Committee and matters associated with design quality of development • Introduce definitions for 'visible from the street' and 'affordable housing'	18 January 2013
52	• 8.2(s) Permitted use of an existing building in the City Centre zone for Shop, Office, Restaurant, Small Bar and Consulting Rooms, regardless of zoning or vehicle parking table • 8.2(t) Permitted change of use from Restaurant to Small Bar or vice versa in the Mixed Use or Local Centre	19 April 2013
12	• Change the zoning from 'Industrial' to 'Development Zone' for No. 130, 136 and 138 Stirling Highway and No. 2-4 McCabe Street, North Fremantle • Replace existing provisions in Schedule 11 for Development Area 18 – McCabe-Coventry Street, North Fremantle	7 June 2013
55	• Rename 'Table 2 – Zoning' to 'Table 1 – Zoning' and replace all other references to 'Table 2' throughout the Local Planning Scheme to refer to 'Table 1'. • Replace the Bicycle Racks column in Table 3 – Vehicle Parking and replace all other references to 'Table 3' throughout the Local Planning Scheme to refer to 'Table 2'. • Insert after Clause 5.7.3.2 clauses 5.7.3.3 & 5.7.3.4. • Insert after clause 5.15 the clause 5.16, including 'Table 3 – Shower Facilities'. • Replace the definition of bicycle rack in General definitions, 12.1 - Schedule 1 – Dictionary of defined words and expressions. • New clause 5.7.1 (d) being incorporated as part of the Scheme text.	1 August 2014
56	• Provisions relating to Residential development in Local Planning Area 2 – Fremantle detailed in Section 2.1 – Height Requirements in Schedule 12. • Introduce Sub Area 4 – 20 (Lot 1354) Knutsford Street, Fremantle into Schedule 12 after Local Planning Area 2 - Sub Area 3.	1 August 2014

Amendment No.	Summary of Amendment	Date of Gazettal
59	• Insert clauses into Part 7 after clause 7.7.4 which relates to Archaeological Investigation. • Insert a new definition into 12.1 Schedule 1 – Dictionary of Defined Words and Expressions after 'Cultural heritage significance'.	1 August 2014
53	• Change the zoning of 146 (Lot 16) and 148 (Lot 18) Hampton Road and 69 (Lot 17) South Street, Beaconsfield from Residential to Mixed Use zone.	22 August 2014
50	• Insert clauses into Part 5 after clause 5.4.5 which relates to Additional Dwelling.	16 September 2014
60	• Change the zoning and density coding of 7 (Lot 1) Quarry Street, Fremantle from Residential R25 to Mixed Use R-AC3, and include into Schedule 12 Local Planning Area 2 – Fremantle 2.3.1 – Sub Area 1.	10 October 2014
54	• Collection of minor text and map changes	22 May 2015
61	• Refine the functionality of the previous amendment 49 provisions in response to industry feedback. • Include the addition of two new sites (135 High Street Mall (lot 381) and 35 William St (lot 101), Fremantle)	14 July 2015
43	• Rezone DA14 to Mixed Use R25, Residential R25 and DA7 (Portuguese club). • Sub area 4.3.5 into Local Planning Area 4 – South Fremantle that includes additional density and height if specific criteria are met.	28 August 2015
57	• Apply a residential density coding of R160 to No. 19-21 (Lot 1873) and No. 23-25 (Lot 1907) Burt Street, Fremantle • Include new sub area and associated provisions in relation to No.'s 19-21 and 23-25 Burt St, Fremantle into Schedule 12: Local Planning Area 2 – Fremantle	6 November 2015
64	• Modified the development controls within the Sub Area 7.3.1 into Schedule 12 Local Planning Area 7 Hilton – Specific Development Controls for Sub Area 7.3 stipulating minimum building height requirements and development controls to meet density bonuses.	30 September 2016
67	• Basic Scheme amendment to bring LPS4 in line with the *Planning and Development (Local Planning Schemes) Regulations 2015*. • Parts 2, 7, 8, 9, 10 and 11, several definitions and other clauses deleted from LPS4. • Permitted development and other provisions provided in new Schedule A supplementary provisions to the deemed provisions for the *Planning and Development (Local Planning Schemes) Regulations 2015*.	25 October 2016

Amendment No.	Summary of Amendment	Date of Gazettal
65	• Standard amendment to introduce sub area 5.3.1 and 6.3.1 into Schedule 8 for the White Gum Valley and Beaconsfield Local centres. • Minimum building height of two storeys • Where development can meet certain specific criteria then a density of R100 and height of up to 12 metres can be considered.	17 January 2017
66	• Standard amendment to introduce sub area 4.3.6 into Schedule 8 for sites on Hampton Road and South Street and include specific development controls; and • Modifications to increase the residential density from R25 and R30 to R80.	27 June 2017
72	• Rezone The Davis Park area [the precinct bounded by South Street, Caesar St, Fifth Avenue and Lefroy Road] from Residential [density coding R30], Open Space Local Scheme Reserve and Community Facility – Community Facilities Local Scheme reserve to Development zone. • LPS4 map changes only; No Scheme text changes applicable	29 March 2018
63	• LPS4 map changes to indicate Special Control Area 5.7 relating to small infill development (SCA 5.7). • Introduction of Clause 5.7 - Special Control Area provisions for small infill development. • Additional wording to 6.12 Schedule A – Supplementary provisions to the deemed provisions Clause 78B – Advisory Committees, to include provision for small infill development proposals.	12 February 2019
75	• Introduction of new local planning sub-area 6.3.2 relating to Lot 200 (No. 119) Hope Street, White Gum Valley, and associated development provisions within the scheme text.	19 July 2019
78	• Delete exempted development provisions from Clause 61, Schedule A of the scheme text, to facilitate transfer of these to a new local planning policy. • Delete Schedule 5 – Exempted Advertisements. Transfer provisions to Local Planning Policy 2.14. • Re-number remaining schedules and numerous cross-references within the scheme text.	4 October 2019
81	• Text and map changes to introduce additional uses of veterinary clinic, veterinary hospital, consulting rooms and medical centre to No. 59 (Lots 5 & 6) Ellen Street, Fremantle.	5 May 2020

Amendment No.	Summary of Amendment	Date of Gazettal
77	• Map changes to re-zone Nos. 7 & 9-15 (Lots 1, 2 & 8) Quarry Street to Mixed Use with residential density R80. • Textual changes to include a new 'Area 6A' within sub area 2.3.1 of Schedule 7, introducing building height and setback controls for the site.	13 November 2020
79	Text amendments resulting from the introduction of Volume 2 of the R-Codes. • Correction of minor text and map errors. • Additional land uses to 42-52 Paget Street, Hilton. • Delete development area DA 15 and rezone land.	8 January 2021
84	Mapping change: • Amend 'Development Zone' for Development area 7 (part of), 8 and 12, to the zones and reserves of approved structure plans: Mather Rd, Taylor's College and White Gum Valley former Kim Beazley school site. • Delete reference to Development area 8 and 12. Text change: • Delete from Schedule 6 – Development Areas reference to Development Area 8 - Bellamy Street, Edwards College and Development Area 12 - Kim Beazley School [White Gum Valley]. The following Structure plans were revoked: • Mather Road Structure Plan • Taylor's College Structure Plan • White Gum Valley former Kim Beazley school site	12 November 2021
85	• Text and map changes to switch the terms 'Neighbourhood Centre' and 'Local Centre'.	12 November 2021
83	Text change: • Reword cause (a) of Schedule 7, Sub-area 1.3.1 – West End' to remove mandatory upper floor setbacks. • In Schedule 7, 1.3 Specific Development Controls for Sub-Areas, delete the text 'West End' after 'Sub-area 1.3.1'. • In Schedule 7, 1.3 Specific Development Controls for Sub-Areas, delete the word 'outline' after 'Despite the general height…' and replace with 'outlined'.	18 February 2022

Amendment No.	Summary of Amendment	Date of Gazettal
82	• Delete land use terms inconsistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 1, Part 6, cl. 38. • Amend remaining land use terms for consistency with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 1, Part 6, cl. 38. • Replace superseded land use terms with new references in Table 1 – Zoning and Table 2 – Vehicle Parking. • Insert new land use terms for consistency with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 1, Part 6, cl. 38. • Amend Table 1 – Zoning and Table 2 – Vehicle Parking to include newly defined land use terms, their permissibility and parking requirements. • Update references throughout the scheme and renumbering clauses as appropriate.	29 July 2022
87	Extending sunset clause for 5.7 Special control area provisions for small infill development	31 January 2025
88	Text changes: • Amend the Land Use Definitions in Schedule 1 to delete outdated definitions for forms of holiday accommodation and replace them with the definition for 'Tourist and Visitor Accommodation' • Amend Table 1 'Zoning Table' to delete all references to Short Stay Dwelling; Bed and Breakfast; Motel; Tourist Development; and Serviced Apartment • Amend Table 2 to delete all outdated references and corresponding criteria for the removed holiday accommodation uses and insert requirements for 'Tourist and Visitor Accommodation' • Update Schedule 9, Development Plan 17 - Leighton, North Fremantle, Clause 2.2 reference to "Short-Term Rental Accommodation"	9 January 2026
86	Insert new clause 4.2.6 to guide redevelopment of existing grouped and multiple dwellings where the current built density is higher than the density code indicated in the Scheme Map.	8 May 2026

Amendment No.	Summary of Amendment	Date of Gazettal
76	• Modifications to increase the residential density coding of Lot 1488, 103 Carrington Street, Lots 1, 2 and 3, 396 High Street, Lot 1483, 386 High Street, Lot 51, 167 Holland Street, Lot 252, 169 Holland Street, and Lot 1-4 on Strata Plan 65266, 171 Holland Street, Fremantle from R30 to R160. • Amend clause 6.2 to insert additional uses over Lots 1, 2 and 3 (No. 396) High Street, Fremantle. • Amend clause 6.7, schedule 7 – Local Planning Areas (Development Requirements). • Delete Special Control Area 5.7 from Lot 1488, 103 Carrington Street, Lots 1, 2, and 3, 396 High Street, Lot 1483, 386 High Street, Lot 51, 167 Holland Street, Lot 252, 169 Holland Street, and Lots 1-4 on Strata Plan 65266, 171 Holland Street, Fremantle.	10 November 2026

Planning and Development (Local Planning Schemes) Regulations 2015

Note: Refer to the following clauses in the Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions for local planning schemes Schedule 2, for the following matters –

LOCAL PLANNING POLICY FRAMEWORK

Part 2- Local Planning Framework
Division 1 - Local planning strategy
2. Local planning strategy
Division 2 - Local planning policies
3. Local planning policies
4. Procedure for making local planning policy
5. Procedure for amending local planning policy
6. Revocation of local planning policy

HERITAGE AND CONSERVATION PROTECTION

Part 3 – Heritage Protection
7. Terms used: Heritage area, Heritage list, Place
8. Heritage list
9. Designation of heritage areas
10. Heritage agreements
11. Heritage assessment
12. Variations to local planning scheme provisions for heritage purposes
13. Heritage conservation notice, Heritage conservation notice, Heritage place, Properly maintained

Refer to LPS4's Schedule A for supplementary provisions to the Planning and Development (Local Planning Schemes) Regulations 2015 for supplementary provisions on the MHI, Heritage areas, conservation of significant trees or vegetation areas and archaeological investigation

DEVELOPMENT OF LAND

Part 7 – Requirement for development approval
60. Requirement for development approval
61. Development for which development approval not required
Refer to LPP1.7 Development Exempt from approval under LPS4.

APPLICATION FOR PLANNING APPROVAL

Part 8 – Applications for development approval
62. Form of application
63. Accompanying material
64. Advertising applications
65. Subsequent approval of development

PROCEDURE FOR DEALING WITH APPLICATIONS

Part 9 – Procedure for dealing with applications for development control
66. Consultation with other authorities
67. Matters to be considered by local government
68. Determination of applications
69. Application not to be refused if development contribution plan in place
70. Form and date of determination
71. Commencement of development under development control
72. Temporary development approval
73. Scope of development approval
74. Approval subject to later approval of detail
75. Time for deciding application for development approval
76. Review of decisions, Affected person, Reviewable determination
77. Amending or cancelling development approval

ENFORCEMENT AND ADMINISTRATION
Part 7
60. Requirement for development approval

Part 10 – Enforcement and administration
Division 1 – Powers of local government
78. Powers of local government
79. Entry and inspection powers
80. Repair of existing advertisements

Division 2 – Delegations
81. Terms used
Absolute majority
Committee
82 Delegations by local government
83. Local government CEO may delegate powers
84. Other matters relevant to delegations under this division

Planning and Development Act
S173
S178

Refer to LPS4's Schedule A for supplementary provisions to the Planning and Development (Local Planning Schemes) Regulations 2015 for supplementary provisions on Advisory committees.

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PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME

CITY OF FREMANTLE

LOCAL PLANNING SCHEME No. 4

Ref: 853/2/5/8

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the City of Fremantle Local Planning Scheme No. 4 on 15 January 2007, the scheme text of which is published as a Schedule annexed hereto.

P. TAGLIAFERRI, Mayor.
G. MACKENZIE, Chief Executive Officer.

SCHEDULE

The City of Fremantle, under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

SUMMARY

Part 1	Preliminary — sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
Part 2	Reserves — sets out the reserves which apply in the Scheme area and related provisions.
Part 3	Zones and the Use of Land — sets out the zones and local reserves which apply in the Scheme area and the uses which may require approval or may be prohibited.
Part 4	General development requirements — sets out the planning requirements which may apply to a particular use or development in a zone.
Part 5	Special control areas — sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form and land and site management issues, development areas, structure plans and local planning areas.
Part 6	Schedules — contains a dictionary of defined words and expressions, additional uses, restricted uses, special use zones, exempted advertisements, environmental conditions, development areas, development plans, development contribution areas, local planning areas and supplemental provisions to the deemed provisions.

1. PRELIMINARY

1.1 Citation

1.1.1 The City of Fremantle Local Planning Scheme No. 4 ("the Scheme") comes into operation on its Gazettal date

1.1.2 The following Scheme is revoked —

(a) Town Planning Scheme No. 3 — gazetted on 18 December 1987.

1.2 Responsible Authority

1.2.1 The City of Fremantle (the Council) is the responsible authority for implementing the Scheme.

1.3 Scheme Area

1.3.1 The Scheme applies to the Scheme area which covers all of the local government district of the City of Fremantle as shown on the Scheme map.

Note: The Scheme area is also subject to the Metropolitan Region Scheme (see cl 1.10)

1.4 Contents of Scheme

1.4.1 The Scheme comprises —

(a) the Scheme text, and

(b) the Scheme map

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

Note: The Scheme map comprises the whole of the district of the City of Fremantle including all the land and waterways.

1.5 Purposes of the Scheme

1.5.1 The purposes of the Scheme are to —

(a) set out the Council'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,

(g) address other matters contained in schedule 7 of the Planning and Development Act,

(h) ensure that urban development can be adequately and efficiently serviced,

(i) ensure that compatible land uses are achieved adjacent to or where specified, within Special Control Areas.

1.6 The Aims of the Scheme

1.6.1 The aims of the Scheme are to —

(a) accommodate a diverse mix of people, cultures and lifestyles,

(b) ensure the community has access to an adequate range of services and facilities,

(c) provide greater housing choice to cater for a diverse and sustainable population,

(d) ensure development promotes a sense of community and encourages participation in community life,

(e) promote a safe and healthy environment,

(f) protect and conserve Fremantle's unique cultural heritage,

(g) ensure all development complements and contributes to the community's desired identity and character for Fremantle,

(h) develop diverse and attractive neighbourhood centres that provide a community focus for neighbourhood areas,

(i) develop a diverse and attractive city centre that functions as a town centre and a regional centre,

(j) encourage the development of business and employment generating activities in appropriate locations,

(k) ensure urban form and development contribute to sustainability (environmental, social/cultural and economic),

(l) provide safe and accessible open spaces,

(m) promote management of regional traffic that contributes positively to the community and landscape and minimises the impact of regional traffic flows,

(n) integrate planning for land use and transport to achieve sustainable urban development,

(o) reduce reliance on, and the impact of, private motor vehicles,

(p) reduce the demand for, and balance the provision of parking, to ensure convenient access while promoting economic, environmental and social sustainability,

(q) encourage the use of public transport and promote Fremantle as a major public transport node,

(r) promote and enhance the pedestrian and cycling transport modes,

(s) ensure universal access to buildings, spaces, services and facilities for all people,

(t) facilitate and encourage effective public involvement in planning issues of significance to the character, amenity and environmental attributes of the City, and

(u) recognise and preserve the traditional setting of existing dwellings including curtilage, garden areas and open space.

(v) promote the compatible use of land surrounding essential infrastructure.

(w) promote the use of water sensitive design principles.

Note: Derived from Fremantle Planning Strategy—goals.

1.7 Definitions

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

(a) in the Planning and Development Act, or

(b) if they are not defined in that Act —

(i) in schedule 1, or

(ii) in the Residential Design Codes.

Note: Reference to the Residential Design Codes and their application in respect of the Scheme are contained in clause 4.2.

1.7.2 If there is a conflict between the meanings of the word or expression 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 schedule one prevails.

1.7.3 Words and expressions used in the Scheme but not defined in the model Scheme text, the Act, schedule 1 of the Scheme, elsewhere in the Scheme or in the Residential Design Codes, shall have their normal and common meanings.

1.7.4 Headings of parts of this Scheme shall be used as an aid to construction of this Scheme but the table of contents, notes, headings of clauses, sub-clauses, local character statements contained in schedule 7 and paragraphs are intended for reference purposes only and do not form part of or affect the construction of this Scheme.

1.8 Relationship with Local Laws

1.8.1 Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails to the extent of the inconsistency.

1.9 Relationship with other Schemes

1.9.1 There are no other Schemes of the City of Fremantle.

1.10 Relationship with the Metropolitan Region Scheme

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

Note: The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission ("the Commission").

2. RESERVES

2.1 Reserves

2.1.1 Certain lands within the Scheme area are classified as—

(a) Regional reserves, or

(b) Local reserves.

2.2 Regional Reserve

2.2.1 The lands shown as "Metropolitan Region Scheme reserves" on the Scheme map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme map in order to comply with the Planning and Development Act. These lands are not reserved under the Scheme.

2.2.2 The approval of the Council 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(MRS) continue to apply to Reserves and approval is required under the MRS 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.

2.3 Local Reserves

2.3.1 "Local reserves" are delineated and depicted on the Scheme map according to the legend on the Scheme map.

2.4 Objectives, Use and Development of Local Reserves

2.4.1 The objectives of the local reserves are —

(a) Open Space - To provide for recreational, community, beautification and conservation activities.

(b) Community Facilities - To provide for civic and community activities and facilities that are provided for the general community by public institutions and groups.

(c) Public Utilities - To provide for public infrastructure and services.

Note: The intent of the objectives are to outline the purpose of the reserve.

2.4.2 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 the *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2*.

Note: This clause is to be read in conjunction with clause 60 and 61 of the Planning & Development (Local Planning Schemes) Regulations 2015, Schedule 2 under which certain development (including specified use) of local reserves is permitted and does not require the planning approval of Council.

2.4.3 In determining an application for planning approval the Council shall have due regard to —

(a) the matters set out in clause 67 the *Planning and Development (Local Planning Schemes) Regulations 2015*, and

(b) the ultimate purpose intended for the Reserve.

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

3. ZONES AND THE USE OF LAND

3.1 Zones

3.1.1 The Scheme area is classified into the zones shown on the Scheme map.

3.1.2 The zones are delineated and depicted on the Scheme map according to the legend on the Scheme map.

3.2 Objectives of the Zones

3.2.1 The objectives of the zones are—

(a) **Residential zone**

Development within the residential zone shall —

(i) provide for residential uses at a range of densities with a variety of housing forms to meet the needs of different household types, while recognising the limitations on development necessary to protect local character,

(ii) safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area,

(iii) encourage high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,

(iv) recognise the importance of traditional streetscape elements to existing and new development,

(v) conserve and enhance places of heritage significance the subject of or affected by the development, and

(vi) safeguard and enhance the amenity of residential areas by ensuring that land use is compatible with the character of the area.

Note: All zone objectives should be read in conjunction with individual LPA objectives in schedule 7 and Scheme aims in section 1.6

(b) **City centre zone**

Development within the city centre zone shall —

(i) provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and

(ii) comply with the objectives of local planning area 1 of schedule 7,

(iii) conserve places of heritage significance the subject of or affected by development.

(c) **Neighbourhood centre zone**

Development within the neighbourhood centre zone shall—

(i) provide for weekly and convenience retailing including small-scale shops, showrooms, cafes, restaurants, consulting rooms, entertainment, residential (at upper levels), recreation, open spaces, local offices, cottage industry, health, welfare and community facilities which serve the local community, consistent with the local—serving role of the centre,

(ii) encourage the provision of suitable and accessible services to residents of the locality,

(iii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties, and

Note: Objective (iii) derived from Part 4.1, A 5.4 of Fremantle Planning Strategy.

(iv) conserve places of heritage significance the subject of or affected by the development.

(d) **Local centre zone**

Development within the local centre zone shall —

(i) provide for the daily and convenience retailing, shops, café, office, administration and residential uses (at upper levels or where proposed as part of a mixed use development) which serve the local community and are located within and compatible with residential areas,

(ii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and

(iii) conserve places of heritage significance the subject of or affected by the development.

Note: Objective (iii) derived from Part 4.2, B1.1 of Fremantle Planning Strategy.

(e) **Mixed use zone**

Development within the mixed use zone shall —

(i) provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;

(ii) provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;

(iii) ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;

(iv) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and

(v) conserve places of heritage significance the subject of or affected by the development.

Note: Objective (iv) derived from Part 4.2 B1.1 of Fremantle Planning Strategy.

(f) **Commercial zone**

Development within the commercial zone shall—

(i) provide for the development of offices and associated commercial and larger scale uses, including showrooms, and warehouses and uses requiring outdoor displays,

(ii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and

(iii) to conserve places of heritage significance the subject of or affected by the development.

Note: Objective derived from Part 4.1, A5.4 Fremantle Planning Strategy.

(g) **Industrial zone**

Development within the industrial zone shall —

(i) provide for manufacturing, processing and fabrication industry, the storage and distribution of goods and associated uses, service industry, utilities and communication, ancillary retail which by the nature of their operations should be separated from residential areas, and

(ii) ensure that development contributes to a high standard amenity and design as well as compatibility with adjacent residential areas.

(h) **Development zone**

The purpose of the Development Zone is to provide for future residential, industrial, commercial or other uses in accordance with a comprehensive structure plan or Local Development Plan prepared in accordance with the provisions of the Scheme**.**

(i) **Special use zone**

The purpose of the Special Use Zone is to provide for uses which have unique development requirements that cannot be easily accommodated by the objectives of any of the other zones included in the Scheme.

3.2.2 The above zoning objectives shall be read in association with the relevant local planning area objectives cited in schedule 7.

3.3 Zoning Table

3.3.1 The zoning Table at Table 1 indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones.

3.3.2 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.

3.3.3 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 Council has exercised its discretion by granting planning approval,

"**A**" means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, and

"**X**" means a use that is not permitted by the Scheme.

Note:

1. *The planning approval of the Council 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 Council will 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 Council will have regard to the matters set out in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2.*
4. *The Council must refuse to approve any "X" use of land. Approval to an "X" use may only proceed by way of an amendment to the Scheme.*

3.3.4 A change in the use of land from one use class to another is permitted if —

(a) the Council has exercised its discretion by granting planning approval,

(b) the change is to a use class which is designated with the symbol "P" in the cross reference to that zone or local reserve in the zoning table 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.

3.4 Interpretation of the Zoning Table

3.4.1 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.

3.4.2 If a person proposes to carry out any use that is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may —

(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted,

(b) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of the *Planning and Development (Local Planning Schemes) Regulations 2015* in considering an application for planning approval, or

(c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

3.4.3 Unless otherwise exempted, a use includes all ancillary activities normally necessary to the proper functioning of the predominant use.

3.5 Additional Uses

3.5.1 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.

Note: An Additional Use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in the zone that applies to the land.

3.6 Restricted Uses

3.6.1 Despite anything contained in the zoning Table, the land specified in schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in schedule 3 with respect to that land.

Note: A Restricted Use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

3.7 Special Use Zones

3.7.1 Special use zones are set out in schedule 4 and are in addition to the zones in the Zoning Table.

3.7.2 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.

3.8 Non-Conforming Uses

3.8.1 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 authorise the development to be carried out, were duly obtained and are current, or

(c) subject to clause 80 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the continued display of advertisements which were lawfully erected, placed or displayed prior to the gazettal date.

Note: "Land" has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.

Note: The definition of "non-conforming use" and "gazettal date" are contained in schedule 1.

3.9 Extensions and Changes to a Non-Conforming Use

3.9.1 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.

3.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3.9.3 Where an application is for a change of use from an existing non-conforming use to another use, the Council shall not 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 Council, closer to the intended purpose of the zone.

3.10 Discontinuance of Non-Conforming Use

3.10.1 Where a non-conforming use of any land or buildings has been discontinued for a period of six months such land or buildings shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

3.11 Termination of a Non-Conforming Use

3.11.1 The Council may affect the discontinuance of a non- conforming use by the purchase of the land and buildings, or by the payment of compensation to the owner or the occupier or to both the owner and the 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 enable the Council to purchase or, with the consent of the Governor, take compulsorily land for the purpose of a local planning Scheme, subject to Part 9 of the Land Administration Act 1997.

3.12 Destruction of Non-Conforming Use Buildings

3.12.1 If a building used for a non-conforming use is destroyed to 75% or more of its value, the buildings shall not be repaired or 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 Council.

TABLE 1 — ZONING

Symbol Index		Zones								
P	means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.	RESIDENTIAL	CITY CENTRE	NEIGHBOURHOOD CENTRE	LOCAL CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE	DEVELOPMENT ZONE
D	means that the use is not permitted unless the Council has exercised its discretion by granting development approval.									
A	means that the use is not permitted unless the Council has exercised its discretion and has granted development approval after giving special notice (advertising) in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2.									
X	Not Permitted									
Amusement Parlour		X	A	D	A	A	D	D	NOTE 1	NOTE 2
Animal Establishment		X	X	X	X	X	A	D		
Art Gallery		X	P	D	D	D	D	X		
Betting Agency		X	P	P	D	D	D	D		
Brewery		X	A	A	X	A	A	D		
Bulky Goods Showroom		X	P	D	X	A	D	P		
Car Park		X	A	A	A	A	A	A		
Caretaker's Dwelling		X	A	X	X	X	D	D		
Child Care Premises		A	A	A	A	A	A	X		
Cinema/Theatre		X	P	A	A	A	A	X		
Civic Use		A	P	P	P	P	D	P		
Club Premises		X	P	P	D	P	D	P		
Commercial Vehicle Parking		X	A	D	D	A	P	P		
Community Purpose		A	P	P	P	P	D	P		
Consulting Rooms		X	P	P	D	P	P	P		
Convenience Store		X	P	P	P	A	A	P		
Drive-through Food Outlet		X	X	X	X	X	A	X		

	RESIDENTIAL	CITY CENTRE	NEIGHBOURHOOD CENTRE	LOCAL CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE	DEVELOPMENT ZONE
Educational Establishment	A	D	D	D	P	A	D		
Exhibition Centre	X	P	D	D	D	D	D		
Family Day Care	A	A	A	A	A	A	X		
Fast Food Outlet	X	D	A	A	X	A	X		
Fuel Depot	X	X	X	X	X	X	P		
Funeral Parlour	A	A	X	X	X	D	D		
Garden Centre	X	D	D	D	P	D	P		
Grouped Dwelling	P	D	A	A	A	A	X		
Home Business	A	P	A	A	A	A	X		
Home Occupation	D	P	A	A	A	A	X		
Home Office	P	P	P	P	P	A	X		
Home Store	D	D	D	P	A	A	X		
Hospital	X	D	D	X	D	D	A		
Hosted short-term rental accommodation	P	P	P	P	P	P	X		
Hotel	X	A	A	X	A	X	A		
Independent Living Complex	P	D	A	A	D	X	X		
Industry	X	X	X	X	X	X	P		
Industry – Cottage	A	D	A	D	D	X	P		
Industry – General (licensed)	X	X	X	X	X	X	D		
Industry – Light	X	X	X	X	A	X	P		
Industry – Noxious	X	X	X	X	X	X	A		
Industry – Service	X	A	A	X	D	A	P		
Liquor Store – Large	X	A	A	X	X	A	A		
Liquor Store – Small	A	A	A	A	A	X	X		
Lunch Bar	X	P	P	P	A	D	D	NOTE 1	NOTE 2

	RESIDENTIAL	CITY CENTRE	NEIGHBOURHOOD CENTRE	LOCAL CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE	DEVELOPMENT ZONE
Market	X	P	P	A	A	D	X		
Medical Centre	X	P	P	A	P	P	D		
Motor Vehicle, Boat or Caravan Sales	X	D	A	X	A	P	P		
Motor Vehicle Repair	X	A	X	X	A	A	P		
Motor Vehicle Wash	X	D	A	X	A	P	P		
Motor Vehicle Wrecking	X	X	X	X	X	X	D		
Multiple Dwelling	D	D	A	A	A	A	X		
Night Club	X	A	X	X	X	X	X		
Office	X	P	P	D	P	P	P		
Place of Worship	A	P	D	D	P	D	D		
Public Amusement	X	D	D	X	A	A	P		
Reception Centre	X	P	D	A	D	A	D		
Recreation - Private	X	D	D	A	D	D	D		
Residential Aged Care Facility	P	D	A	A	D	X	X		
Residential Building	A	D	A	A	A	A	X		
Resource Recovery Centre	X	X	X	X	X	X	D		
Restaurant/Café	A	D	A	A	A	D	A		
Restricted Premises	X	A	X	X	A	A	A		
Service Station	X	A	D	A	A	D	P		
Shop	X	P	D	D	A	X	X		
Single House	P	D	A	A	A	A	X		
Small Bar	X	A	A	X	A	X	A		
Tavern	X	A	A	X	A	X	A		
Telecommunications Infrastructure	X	A	X	X	A	A	A	NOTE 1	NOTE 2
Tourist and Visitor Accommodation	A	D	A	A	A	X	X		

	RESIDENTIAL	CITY CENTRE	NEIGHBOURHOOD CENTRE	LOCAL CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE	DEVELOPMENT ZONE
Trade Display	X	A	A	A	A	D	P	NOTE 1	NOTE 2
Trade Supplies	X	X	X	X	X	A	P		
Transport Depot	X	X	X	X	X	X	P		
Unhosted Short-Term Rental Accommodation	A	A	D	D	D	D	X		
Veterinary Centre	X	A	A	A	A	A	P		
Warehouse/Storage	X	D	D	X	P	A	P		
Waste Storage Facility	X	X	X	X	X	X	D		

NOTE 1: Development and use of land is to be in accordance with schedule 4.

NOTE 2: Development and use of land is to be in accordance with an approved structure plan or Local Development Plan prepared. See also Schedule 6 in Part 6 for interim & additional requirements & also Schedule 9 for Development Plan requirements.

4. GENERAL DEVELOPMENT REQUIREMENTS

4.1 Compliance with Development Standards and Requirements

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

4.1.2 In addition to the requirements of sub-clause 4.1.1, due regard is to be given to any relevant local planning policies, including design guidelines, which have effect in the Scheme area.

4.2 Residential Design Codes

4.2.1 A copy of the Residential Design Codes shall be kept and made available for public inspection at the offices of the Council.

4.2.2 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.

4.2.3 The Residential Design Code density applicable to land within the Scheme area shall be determined by reference to the Residential Design Codes density number on the Scheme map and the area contained thereto as delineated by the dashed black line borders superimposed on the Scheme map.

4.2.4 Except in the Residential Development zone, where there is no Residential Design Code density applicable to land within the Scheme area, the RAC3 provisions of the Residential Design Codes shall be applied as relevant.

4.2.5 Notwithstanding the requirements of clause 4.2.3 residential density in the Local Centre, Neighbourhood Centre and Mixed Use zones may be increased up to R60, where residential development is part of a mixed use development, where, in the opinion of Council the proposal is not detrimental to the amenity of the area.

4.2.6 Notwithstanding the requirements of clause 4.2.3, existing grouped dwellings or multiple dwellings that exceed a density code shown on the Scheme Map at the Gazettal date of the Scheme can, with the approval of the local government, be redeveloped at a density higher than that shown on the Scheme Map, equal to, but not exceeding the existing built density, subject to the proposed development-

(a) being assessed based on the equivalent R-Coding within the Residential Design Codes as determined by the minimum site area, dwelling density/number or plot ratio of the existing development to be replaced/redeveloped;

(b) being, in general, consistent with the building height and setbacks of the building being replaced. Where the height of the existing built form exceeds the height within Schedule 7 of this Scheme, the height of the existing built form shall replace the maximum height(s) within Schedule 7 for the proposed development;

(c) maintaining a yield, including (as appropriate) average and minimum site area, number of units, and plot ratio, substantially the same as that of the development being replaced.

4.3 Special Application of Residential Design Codes

4.3.1 Relationship to Schedule 7 (Local Planning Areas)

Where there is inconsistency between the Residential Design Codes and provisions contained in Schedule 7 (local planning areas) the provisions of Schedule 7 shall prevail to the extent of the inconsistency.

4.3.2 Dwelling on any Lot

Despite the provisions of the Residential Design Codes, including those provisions with regard to the minimum site area per dwelling, the Council may grant consent to the development of a dwelling on any lot in the Residential zone.

4.3.3 Provisions relating to Areas subject to Local Area Policies

4.3.3.1 Notwithstanding the provisions of the R Codes, in a Local Area Policy Area in order to maintain amenity, traditional built forms or streetscapes, Council may exercise its discretion to —

(a) vary the required minimum distance between buildings in different occupancies on the same lot, where in the interests of maintaining amenity, traditional built forms or streetscapes, the Council is satisfied that such a variation is desirable;

(b) vary the open space requirement within a heritage area where, in the opinion of Council, one or more of the following circumstances apply —

(i) the subject lot is below 400 square metres in area,

(ii) the open space requirements would prevent a reasonable extension of an existing building,

(iii) the proposed development has been designed to reflect and reinforce the building style of the immediate vicinity, or

(iv) where, in a particular case, the interests of visual amenity would be better served by permitting a variation.

(c) vary the setback provisions.

4.3.3.2 In a Local Area Policy Area the discretion available to applicants under the provision of Clause 5.2.3 of the Residential Design Codes to average setbacks and to enable front setback reductions for garages and carports, do not apply.

4.3.4 Split Density Codes

Where a site is identified as having a split density coding and is connected to reticulated sewerage, the higher code may only be applied where one or more of the following specific requirements are addressed to the satisfaction of Council—

(a) a building of cultural heritage significance is retained on the lot,

(b) provision of "low income housing",

(c) buildings designed in accordance with Council's energy efficiency and sustainability schedule, and

(d) removal of a non-conforming use.

In all other circumstances, the lower of the two Codes prevails.

Note: As of 6 December 2016 Clause 4.3.5 applies and the Small Secondary Dwelling provisions have been deleted from the Scheme.

4.3.5 Any small secondary dwelling approved, constructed or substantially commenced before the date on which the provisions of the scheme referring to small secondary dwellings cease operation shall thereafter be subject to clauses 3.8 to 3.12.

4.4 Residential Development

4.4.1 Subdivision

Council will not support the creation of:

(a) freehold or survey strata lots with an area per dwelling less than that prescribed under Table 1 of the Residential Design Codes unless otherwise permitted by this Scheme.

4.4.2 Residential Development in Zones Other than the Residential Zone

Where residential development is proposed in non residential zones, except as provided for in the Scheme the development shall conform with the Residential Design Codes including variations allowed for in the Codes and the general development requirements as outlined in Schedule 7 for that particular zone and any variation thereto.

4.4.3 Home Occupation, Home Business

Application —

(a) No person shall commence a home occupation or home business without first having applied for and received the planning approval of the Council.

(b) A home occupation or home business approval is issued to the owner of the land and is not transferable.

(c) On the sale of the property or change in ownership of the land subject of the home occupation or home business entitlement to this use ceases.

4.4.4 Sewer Connection

4.4.4.1 Subject to clause 4.4.4.2, all residential development shall be connected to a comprehensive sewerage system.

4.4.4.2 Where no such system is available, no residential development other than the erection of a single house shall be approved unless —

(a) in consultation with the Water Corporation, the Corporation recommends to the Council that there are exceptional circumstances which warrant a variation of the requirements in clause 4.4.4.1 or,

(b) Immediately prior to the gazettal date the land in respect of which approval is sought is used for the purpose of two or more dwellings,

(c) the development conforms with the Government Sewerage Policy for the Perth Metropolitan Region or any subsequent equivalent State Government policy or amendments to that policy.

Note: Multiple Dwelling Diversity

4.4.5 In development comprising of ten or more Multiple Dwellings, a minimum of 25 per cent of the total number of dwellings must have a maximum floor area of 60 square metres or less and no more than 40 per cent of the total number of dwellings may have a floor area of 120 square metres or more.

4.4.6 **Additional Dwelling**

4.4.6.1 Notwithstanding the site area requirements of the Residential Design Codes, Council may approve the development of a one additional dwelling on a Residential zoned single house lot where:

(a) The lot is not a corner lot but has two or more separate frontages to a dedicated and constructed local roads; and

(b) Each dwelling faces and obtains access from a separate dedicated and constructed local road.

4.4.6.2 Any proposed development as referred to in clause 4.4.6.1 shall be assessed against all other applicable grouped dwelling development standards and requirements for the site as specified in the Scheme and state and/or local planning policies. This includes requirements linked to the density coding of the lot. In the case of a lot subject to a split density coding, the development standards and requirements associated with the lowest density coding will be applied in the assessment of the proposed development.

4.4.6.3 Clause 4.4.6.1 only applies to the development of grouped dwellings and does not apply to the subdivision of vacant land parcels.

4.5 Mixed Use Development

4.5.1 Where mixed use development is proposed, the provisions Volumes 1 and 2 of the R Codes will apply.

4.6 Commercial and Industrial Development

4.6.1 Building Requirements - All development shall comply with the building requirements as outlined in schedule 7 (local planning areas).

4.7 Vehicle Parking—All Use Classes

4.7.1

(a) Subject to clause 4.7.2, a person shall not use land for a purpose specified in Table 2 unless car parking spaces, delivery bays and bicycle racks of the number specified in Table 2 are provided and sealed, drained and marked to the Council's specifications prior to occupancy of development or commencement of a use and maintained to the satisfaction of Council thereafter.

(b) Where the floor area occupied by an existing use is increased, the parking requirement will be calculated on the basis of the floor area of the extension only or the area subject to the change of use of the site provided the existing number of car spaces is not reduced.

(c) Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the Council.

(d) Bicycle parking facilities are to be provided in accordance with the following standards:

- Class 1 – High security level – Fully enclosed individual locker;
- Class 2 – Medium security level – Lockable compound fitted with class 3 facilities with communal access using duplicated keys;
- Class 3 – Low security level – Rails or racks to which both the bicycle frame and wheels can be locked.

For more information refer to 'Austroads Cycling Aspects to Austroads Guides'.

Note: Requirement for sealing and draining of bays prior to occupancy.

4.7.2 **Vehicle Parking Requirements**

The following vehicle parking requirements shall apply to the following use classes —

TABLE 2 — VEHICLE PARKING

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
Animal Establishment	1 per employee and 1 drop off/pick up bay per 6 animals	1: storage area	Class 2: 1 per 8 employees
Art Gallery	1:30m^2 of public floor area	1: building	Class 3: 2 plus 1 per 50m^2 gla
Betting Agency	1: 15 m^2 gla	N/A	class 1 or 2: 1 per 200m^2 gla Class 3: 1 per 750m^2 gla over 1000m^2 gla
Brewery	1: 2.5m^2 of public bar area 1: 100m^2 gla of space not open to the general public	1: service/ storage area	Class 1: 1 per 25m^2 bar floor area Class 3: 1 per 25m^2 bar floor area
Bulky Goods Showroom	1: 50 m^2 gla minimum of 4 spaces	1 per unit	Class 1: 1 per 750m^2 nla Class 3: 1 per 1000m^2 nla
Caretaker's Dwelling	1 per dwelling	N/A	N/A
Child Care Premises	1: 1 employee plus 1: 10 children allowed under maximum occupancy	N/A	N/A
Cinema/Theatre	1: 5 seats	1: 500 m^2 gla	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
Civic Use			Class 2: 1 per 1500m^2 gla
Club Premises	1: 50 m^2 gla	1: 500 m^2 gla	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
Commercial Vehicle Parking	1: 1 employee	N/A	N/A
Community Purpose			Class 2: 1 per 1500m^2 gla Class 3: 2 plus 1 per 1500m^2 gla
Consulting Rooms	5: 1 practitioner or * 5: 1 consulting room	N/A	Class 2: 1 per 8 practitioners Class 3: 1 per 4 practitioners
Convenience Store	1: 20 m^2 nla (minimum 2 bays)	N/A	Class 1: 1 per 300 m^2 gla

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
			Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
Drive-through Food Outlet	1: 15m^2 gla	1: service/storage area	Class 1: 1 per 100m^2 gla Class 3: 1 per 50m^2 gla
Educational Establishment (Primary School)	1: 1 class room	1: lot	Class 2: 1 per 5 students, over year 4
Educational Establishment (High School)	1: 1 class room plus 1: 25 year 12 students	1: lot	Class 2: 1 per 5 students
Educational Establishment (Tertiary School)	1: 1 teaching room or* 1: 6 students	1: lot	Class 1 or 2: 1 per 100 fulltime students Class 3: 2 per 100 fulltime students
	In addition to the car-parking requirements detailed above, provision is to be made for on-site bus standing spaces. The number of spaces is to be determined by the Council.		
Fast Food Outlet	1: 15 m^2 gla	1:service/ storage area	Class 1: 1 per 100m^2 gla Class 3: 1 per 50m^2 gla
Fuel Depot	1: 1 employee	1: building	N/A
Funeral Parlour	N/A	N/A	N/A
Garden Centre	1: 50 m^2 gla minimum of 4 spaces	1: lot	as per bulky goods showroom
Grouped Dwelling	as per Residential Design Codes	N/A	as per Residential Design Codes
Home Business	as per Council policy	N/A	N/A
Home Occupation	as per Council policy	N/A	N/A
Home Office	as per Council policy	N/A	N/A
Home Store	1: 20 m^2 nla (minimum 2 bays)	1: service/storage area	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
Hospital	1: 3 beds plus 1: 2 staff	1: building	Class 1: 1 per 15 beds Class 3: 1 per 30 beds Nursing Home: Class 1: 1 per 7 beds Class 3: 1 per 60 beds
Hotel	1: 2.5 m^2 of public bar area 1: 5 m^2 of lounge /garden area 1: 1 bedroom	1: service/ storage area	Class 1: 1 per 25m^2 bar floor area and 1 per 100m^2 lounge and beer garden Class 3: 1 per 25m^2 bar floor area and 1 per 100m^2 lounge and beer garden

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
Independent Living Complex	1: dwelling	N/A	1: 4 dwellings
Industry	1: 50 m^2 gla	1: service/ storage area	Class 1 or 2: 1 per 150m^2 gla
Industry – Cottage	1: 50 m^2 gla	N/A	N/A
Industry – Light	1: 50 m^2 gla	1: service/storage area	Class 1 or 2: 1 per 1000m^2 gla
Industry – Service	1: 50 m^2 gla	1: service/storage area	Class 1: 1 per 800m^2 gla
Liquor Store – Large	1: 30m^2 nla	1: building	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
Liquor Store – Small	1: 30m^2 nla	1: building	Class 1: 1 per 300m^2 gla Class 3: 1 per 300m^2 or part thereof
Lunch Bar	1: 20 m^2 nla (minimum 2 bays)	N/A	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
Market	1: 20 m^2 gla minimum of 2 spaces	N/A	Class 3: 1 per 10 stalls
Medical Centre	5: 1 practitioner or * 5: 1 consulting room	N/A	Class 2: 1 per 8 practitioners Class 3: 1 per 4 practitioners
Motor Vehicle, Boat or Caravan Sales	1: 5 vehicles for sale plus 1: 1 employee	1: service/storage area	N/A
Motor Vehicle Repair	5: 1 service bay	1: unit	N/A
Motor Vehicle Wash	2: 1 wash bay	N/A	N/A
Motor Vehicle Wrecking	1: 1 employee plus 1: 200 m^2 of yard area	1: building	N/A
Multiple Dwelling	as per Residential Design Codes	N/A	as per Residential Design Codes
Night Club	1: 2.5 m^2 of public bar area 1: 5 m^2 of lounge / garden area	1: service/storage area	N/A
Office	1: 30 m^2 gla minimum of 3 spaces	1: 500 m^2	Class 1 or 2: 1 per 200m^2 gla Class 3: 1 per 750m^2 gla over 1000m^2 gla

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
Place of Worship	1: 4 seats or * 1: 4 people accommodated	N/A	as per community purpose
Public Amusement	1: 10 seats or 1: 10 m^2 of floor area dedicated to amusement facilities whichever is the greater	1: 500 m^2 gla	Class 3: 2 plus 1 per 50m^2 gla
Reception Centre	1: 5 seats or 1: 5 people accommodated or 1: 5 m^2 of dining area, whichever is the greater	1: service/storage area	Class 3: 1 per 30 seats or* 1 per 100 people accommodated
Recreation – Private	1: 5 seats or 1: 5 people accommodated	1: service/storage area	Class 1 or 2: 1 per 4 employees Class 3: 1 per 200m^2 gla
Residential Aged Care Facility	1: 3 beds plus 1: 2 staff	1: building	Class 1: 1 per 7 beds Class 3: 1 per 60 beds
Residential Building	1: per guest bedroom plus 1: caretaker/on-site manager	1: service/ storage area	Class 1: 1 per 4 lodging room Class 3: 1 per 16 lodging rooms
Resource Recovery Centre	1: 1 employee	N/A	N/A
Restaurant/Café	1: 5 seats or 1: 5 m^2 dining area, whichever is the greater	1: service/ storage area	Class 1 or 2: 1 per 100m^2 public area Class 3: two
Service Station	1: 1 employee plus 1: 1 service bay	1: service/ storage area	N/A
Shop (Local)	1: 20 m^2 nla (minimum 2 bays)	N/A	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
Shop (Shopping centre)	1: 16 m^2 nla for 0-5000 m^2 gla	1: 1000 m^2 nla	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
	1: 18 m^2 nla for 5000-10000 m^2 gla	1: 1000 m^2 nla	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
	1: 20 m^2 nla for 10000 m^2 and over gla	1: 1000 m^2 nla	Class 1: 1 per 300m^2 gla Class 3: 1 per 500m^2 gla (over 1000m^2 gla)
Single House	as per Residential Design Codes	N/A	as per Residential Design Codes
Tavern	1: 2.5 m^2 of public bar area	1: service/storage area	Class 1: 1 per 25m^2 bar floor area and 1 per

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
	1: 5 m^2 of lounge /garden area		100m^2 lounge and beer garden Class 3: 1 per 25m^2 bar floor area and 1 per 100m^2 lounge and beer garden
Tourist and visitor accommodation	1:5 units within the City Centre 1:2 bedrooms outside the City Centre	1: reception	Class 2: 1 per 2 units within the City Centre Class 2: 1 per 4 units outside the City Centre
Trade Display	1: 50 m^2 gla minimum of 4 spaces	1 per unit	Class 1: 1 per 750m^2 nla Class 3: 1 per 1000m^2 nla
Trade Supplies	1: 50m^2 gla	1: lot	Class 1: 1 per 750m^2 nla Class 3: 1 per 1000m^2 nla
Transport Depot	1: 1 employee	1: building	N/A
Veterinary Centre	4: practitioner or* 4: consulting room	1: service/ storage area	Class 2: 1 per 8 practitioners
Warehouse/ Storage	1: 100 m^2 gla	1: unit	N/A
Waste Storage Facility	1: 1 employee plus 1: 200m^2 of yard area	1: building	N/A

Note: *(1) *Whichever is the greater*
(2) Refer also to Schedule 7 — Local Planning Areas (Development Requirements) for specific local planning area requirements.
(3) gla: gross lettable area
(4) nla: net lettable area

4.7.3 Relaxation of Parking Requirements

4.7.3.1 Council may —

(a) Subject to the requirements of Schedule 7*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following —

(i) the availability of car parking in the locality including street parking,

(ii) the availability of public transport in the locality,

(iii) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,

(iv) any car parking deficiency or surplus associated with the existing use of the land,

(v) legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,

(vi) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,

(vi) the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,

(viii) any other relevant considerations.

*Note: *In some sub areas identified in Schedule 7 reduction of parking bays is not permitted. The requirements of Schedule 7 prevail over this clause.*

(b) Council may require an applicant to submit a report completed by a suitably qualified person or persons justifying any of the points cited above.

Note: Provides greater flexibility to vary car-parking requirements based upon alternative transport opportunities.

4.7.3.2 Excluding development within the Residential zone, Council may waive car parking requirements for residential development under clause 4.7.3 in cases where the development is expressly designed and marketed as a zero parking development that incorporates such elements as the following –

(i) Provision of parking on site for bicycles / scooters;

(ii) Operation of a formal shared vehicle ownership scheme amongst the residents.

In any cases where such development is granted planning approval the Council may require, as a condition of planning approval, provision to be made to include notification on the property title(s) that owners and/or occupiers will not be entitled to on-street residential parking permits.

4.7.3.3 Council may waive the class 1 or 2 bicycle rack requirements of Table 2, where, in the opinion of the Council, the development application is for a minor change of use.

4.7.3.4 Council may waive the class 3 bicycle rack requirements of Table 2, where:

(i) the provision of such bicycle racks would be incompatible with the overall design of the development; and

(ii) the required number of class 3 racks to be provided can adequately be provided on public land in the immediate vicinity of the development; and

(iii) a cash contribution, equivalent to the cost of installation of the required class 3 bicycle racks is negotiated and made to the City of Fremantle for provision of bicycle racks in the immediate vicinity of the development.

4.7.4 Cash Payment in Lieu of Providing Car Parking Spaces

The Council may require a cash payment in lieu of the provision of paved car parking spaces, subject to —

(a) a cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the car parking spaces required by the Scheme including variations thereto.

(b) the Council having adopted a local planning policy detailing the costs for the provision of car parking in that local planning area and detailing the purposes to which the funds are to be allocated,

(c) payments under this clause shall be paid into a special fund to be used to provide public car parking stations within the locality from which it was collected or for the provision of transport infrastructure (which includes, but is not limited to, infrastructure for cyclists, pedestrians and public transport uses and users) in accordance with a Local Planning Policy adopted under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 as a Transport Infrastructure Strategy.

Note: Modification of clauses related to cash in lieu of parking. Clear linkage to Transport and Infrastructure Study.

4.7.5 Joint Use of Car Parking Facilities

(a) Car parking facilities may be provided jointly by two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements hereinafter set out in this clause.

(b) If there is a deficiency in the number of car parking spaces provided to serve any building or use, the Council may permit the car parking spaces for that building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of car parking spaces provided that the peak hours of operation of the buildings or uses so sharing are different and do not substantially overlap.

(c) The Council shall require that enduring reciprocal access and circulation arrangements are provided for any buildings or uses affected by this clause when, in the opinion of the Council, such arrangements are deemed necessary to improve design, functionality or amenity.

(d) The following requirements shall be complied with by any person seeking to comply with the provisions of this clause —

(i) evidence shall be provided sufficient to satisfy the Council that no substantial conflict will exist in the peak hours of operation of the buildings or uses for which the joint use of car parking spaces or the reciprocal access and circulation arrangements is proposed, and

(ii) the number of car parking spaces which may be credited from one building or use to another building or use, shall not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the second building or use during its -peak hours of operation.

Note: Aim of section to provide greater flexibility in terms of car parking provision.

4.7.6 Design and Layout of Parking Areas

Council shall have regard to all of the following in the location, design and construction of parking areas and associated access areas —

(i) layout and access lanes consistent with the Australian Standard for parking facilities & off-street car parking,

(ii) the protection and enhancement of the streetscape including street trees,

(iii) the provision of landscaping for screening and shade,

(iv) the design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters,

(v) the provision for pedestrian movement within and around the parking area,

(vi) the measures proposed to enhance the security of people using the parking area,

(vii) the provision of parking facilities for cyclists and the disabled,

(viii) end of trip facilities for cyclists, and

(ix) the ease and safety with which vehicles gain access to the site and circulate within the parking area.

Note: Reference to Australian standard in Scheme re layout and design.

4.8 Variations to site and development standards and requirements

4.8.1 Variation to height requirements

4.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following —

(a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,

(b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,

(c) conservation of the cultural heritage values of buildings on-site and adjoining, and

(d) any other relevant matter outlined in Council's local planning policies.

4.8.1.2 Where there is a variation in ground level over a development footprint of greater than one metre, Council may increase the specific height requirements of Schedule 7 subject to —

(a) no portion of external wall of the building exceeding the maximum external wall height requirement of Schedule 7 by greater than 0.5 metres, and

(b) no portion of external wall of the building that exceeds the maximum external height requirement of Schedule 7 being situated on the higher side of the development footprint as measured from natural ground level.

4.8.1.3 Excluding development within the Residential zone, Council may permit a minor projection above the highest part of a development, subject to the development satisfying both of the following criteria –

(a) The minor projection being no more than 4 metres above the highest part of the main building structure; and

(b) The cumulative area of the minor projection being no more than 10 per cent of the total roof area of the building.

For the purpose of this clause, 'minor projection' will be interpreted as including plant and equipment such as air conditioning units, lift overrun rooms, flagpoles, aerials and decorative architectural features, but not rooms or other facilities intended for regular human use such as rooftop decks or swimming pools.

4.8.2 **Variation to other requirements**

4.8.2.1 The Council may vary other requirements of the Scheme subject to being satisfied in relation to all of the following:

(a) the variation will not be detrimental to the amenity of adjoining properties or with the locality generally;

(b) conservation of the cultural heritage values of buildings on-site and adjoining; and

(c) any other relevant matter outlined in Council's local planning policies.

4.8.2.2 The powers conferred by clauses 4.8.1, 4.8.2.1 and clause 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, do not apply to vary the requirements of any land use definition in Schedule 1- Dictionary of Defined Words and Expressions.

4.8.3 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site that is the subject of consideration for the variation, the Council shall —

(a) consult the affected parties by following one or more of the provisions for advertising applications under clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, and

(b) have regard to any expressed views prior to making its determination to grant the variation.

4.8.4 The power conferred by clauses 4.8.1 and 4.8.2 may only be exercised if the Council is satisfied that —

(a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 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.

4.9 Non-Residential Development in the Residential zone

4.9.1 Non-residential development, where permitted in the Residential zone shall comply with the requirements of the Residential Design Codes or where relevant

the development requirements for the Local Planning Area as outlined in Schedule 7 and any variations thereto.

4.10 Restrictive Covenants

4.10.1 Subject to clause 4.10.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which, is that the number of residential units which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

4.10.2 Where clause 4.10.1 operates to extinguish or vary a restrictive covenant the Council shall not grant planning approval to the development of the land which would, but for the operation of clause 4.10.1, 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 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.10.3 Where the Council has applied or imposed any restrictive covenant whereby the land affected thereby shall not be used for any purposes other than industrial purposes, and the materials used in the construction and erection of any building on such land is restricted, and the erection of any building on such land is subject to setback requirements, such covenant is hereby extinguished.

4.11 Environmental Conditions

4.11.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 5 of the Scheme.

4.11.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to that land.

4.11.3 The Council is to —

(a) maintain a register of all relevant statements published under sections 48F and 48G of the Environmental Protection Act; and

(b) make the statements available for public inspection at the offices of the Council.

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.

4.12 Licensed Premises

4.12.1 Any variation to conditions relating to opening hours for licensed premises may require the Council to issue a Section 40 Certificate under the *Liquor Control Act 1988.*

4.12.2 Unless reduced hours are imposed by the Liquor Licensing Division, trading hours of premises licensed pursuant to the *Liquor Control Act 1988*, shall conform to any conditions on operating hours the Council may impose on a development approval.

4.13 Telecommunications Infrastructure

4.13.1 Council shall not approve, or in the case of low impact facilities support, telecommunications infrastructure unless an applicant can satisfactorily demonstrate to Council that the facility would not be detrimental to the character or amenity of the area.

4.14 Demolition of Buildings and Structures

4.14.1 Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

(a) has limited or no cultural heritage significance, and

(b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

4.14.2 In considering an application under 4.14.1, Council shall have regard to any heritage assessment required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Note 1: The Planning and Development (Local Planning Schemes) Regulations 2015 and Schedule A exempts demolition of certain buildings and structures from the need to obtain planning approval.

Note 2: Schedule 1 defines 'cultural heritage significance'.

4.15 End of Trip Facilities

4.15.1 Any new commercial use class development shall include shower and change facilities for employees in accordance with the following Table 3 - Shower facilities.

TABLE 3 — SHOWER FACILITIES

No. of bicycle racks required	Ratio of number of showers required to the number of bicycle racks required
Up to the first 10 bicycle racks required	One male and one female shower (or 2 unisex) required for every 10* Class 1 or 2 bicycle racks required
Bicycle racks required in excess of the first 10 bicycle racks required	One male and one female shower (or 2 unisex) required for every 20** Class 1 or 2 bicycle racks required

*Calculations rounded up to the nearest 10
**Calculations rounded up to the nearest 20

4.15.2 For every class 1 or 2 bicycle racks required in Table 2 one locker shall be provided within the development in a location that is easily accessible to the shower facilities required under clause 4.15.1, where required.

5. SPECIAL CONTROL AREAS

Note: Refer to the following clauses in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed Planning Provisions

Part 4 – Structure plans

14. Terms used: structure plan
Structure plan
15. When structure plan may be prepared
16. Preparation of structure plan
17. Action by local government on receipt of application
18. Advertising structure plan
19 Consideration of submissions
20. Local government report to Commission
21. Cost and expenses incurred by local government
22. Decision of Commission
23. Further services or information from local government
24. Structure plan may provide for later approval of details of subdivision
25. Review
26. Publication of structure plan approved by Commission
27. Effect of structure plan
28. Duration of approval
29. Amendment of structure plan

Part 5 – Activity centre plans

30. Terms used
Activity centre
Activity centre plan or activity centre structure plan
31. When activity centre plan may be prepared
32. Preparation of activity centre plan
33. Action by local government on receipt of application
34. Advertising activity centre plan
35. Consideration of submissions
36. Local government report to Commission
37. Cost and expenses incurred by local government
38. Decision of Commission
39. Further services or information from local government
40. Activity centre plan may provide for later approval details of subdivision or development
41. Review
42. Publication of activity plan approved by Commission
43. Effect of activity centre plan
44. Duration of approval
45. Amendment of activity centre plan

Part 6 – Local Development plans

46. Term used: local development plan
Local development plan
47. When local development plan may be prepared
48. Preparation of local development plan
49. Action by local government on receipt of application
50. Advertising of local development plan
51. Consideration of submissions

52. Decision of local government
53. Local development plan may provide for later approval of detains of development
54. Review
55. Publication of local development plan approved by local government
56. Effect of local development plan
57. Duration of approval
58. Revocation of local development plan
59. Amendment of local development plan

5.1 Operation of Special Control Areas

5.1.1 The following special control areas are shown on the Scheme map—

(a) development areas shown on the Scheme Map as "DA" with a number and included in Schedule 6,

(b) local planning areas shown on the Scheme map as "LPA" with a number and included in Schedule 7,

(c) Development Contribution Areas shown on the Scheme map as DCA with a number and included in Schedule 10,

(d) Fremantle port buffer shown in Schedule 8, and notated on the Scheme Map,

(e) the area designated "special control area" on the perimeter of the O'Connor Industrial Interface Area,

(f) the development plan areas shown on the Scheme map as "DP" with a number and included in Schedule 9, and

(g) Special Control Area provisions for small infill development as designated on the scheme map as 'SCA 5.7'.

Note: To enable referral of DAs and other relevant matters to the Fremantle Ports for comment.

5.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.2 Development Areas

5.2.1 Purpose of Development Areas

5.2.1.1 The purposes of Development Areas are to:

(a) identify areas requiring comprehensive planning; and

(b) coordinate subdivision and development in areas requiring comprehensive planning.

5.2.1.2 Schedule 6 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

5.3 Development Contribution Areas

5.3.1 Development Contribution Areas shown on the Scheme Map as DCA with a number and included in Schedule 10.

5.3.2 In respect of a Development Contribution Area shown on a Scheme Map, the provisions applying to the development control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.3.3 **Interpretation**

In clause 5.3, unless the context otherwise requires —

'Administrative Costs' means such costs as are necessary for the implementation of the Development Contribution Plan;

'Cost Apportionment Schedule' means a schedule prepared and distributed in accordance with clause 5.3.12;

'Cost Contribution' means the contribution to the cost of Infrastructure and

Administrative Costs;

'Infrastructure' means services and facilities which, in accordance with the Commission's policy, it is reasonable for Owners to contribute towards; and

'Owner' means an owner of land that is located within a Development Contribution Area.

5.3.4 **Purpose**

The purpose of having Development Contribution Areas is to —

(a) provide for the equitable sharing of the costs of Infrastructure and Administrative Costs between Owners;

(b) ensure that Cost Contributions are reasonably required as a result of the subdivision and development of land in the Development Contribution Area; and

(c) coordinate the timely provision of Infrastructure.

5.3.5 **Development Contribution Plan required**

A Development Contribution Plan is required to be prepared for each Development Contribution Area.

5.3.6 **Development Contribution Plan part of scheme**

The Development Contribution Plan does not have effect until it has been incorporated in Schedule 10 as part of the Scheme.

5.3.7 **Subdivision and Development**

5.3.7.1 The local government is not to —

(a) consider recommending subdivision; or

(b) approve development of land within a Development Contribution Area until:

(c) a Development Contribution Plan is in effect; or

(d) the Owner who has applied for subdivision or development approval has made arrangements in accordance with clause 5.3.16 for the payment of the Owner's Cost Contribution.

5.3.7.2 Where a Development Contribution Plan is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner's contribution towards the provision of Infrastructure and Administrative Costs in the Development Contribution Area.

5.3.8 **Guiding Principles for Development Contribution Plans**

The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles —

(a) it is to provide for Cost Contributions to only the cost of such Infrastructure and Administrative Costs as fairly and reasonably relate to, and are reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;

(b) it is to provide for Cost Contributions generally in accordance with the Commission's policies on developer contributions for Infrastructure;

(c) matters requiring land contribution, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent; and

(d) Cost Contributions are to be based upon the proportion that the area of that Owner's land bears to the total area of land within the Development Contribution Area for which Cost Contributions have yet to be made.

5.3.9 **Recommended content of Development Contribution Plans**

5.3.9.1 The Development Contribution Plan is to specify—

(a) the Development Contribution Area to which the Development Contribution Plan applies;

(b) the Infrastructure and Administrative Costs to be funded through the Development Contribution Plan;

(c) the method of determining the Cost Contribution of each Owner; and

(d) the priority and timing for the provision of Infrastructure.

5.3.10 **Period of Development Contribution Plan**

A Development Contribution Plan may specify the period during which it is to operate.

5.3.11 **Land excluded**

In calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided in that Development Contribution Area for —

(a) roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads;

(b) existing public open space;

(c) government primary and secondary schools; and

(d) such other land as is set out in the Development Contribution Plan, is to be excluded.

5.3.12 **Cost Apportionment Schedule**

5.3.12.1 Within 90 days of the Gazettal date of the Development Contribution Plan, the local government is to distribute a Cost Apportionment Schedule to all Owners in the Development Contribution Area.

5.3.12.2 The Cost Apportionment Schedule sets out in detail the calculation of the Cost Contribution for each Owner in the Development Contribution Area.

5.3.12.3 The Cost Apportionment Schedule does not form part of the Scheme.

5.3.13 **Cost Contributions based on estimates**

5.3.13.1 The value of Infrastructure and Administrative Costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government.

5.3.13.2 Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government:

(a) in the case of land to be acquired, in accordance with clause 5.3.14

(b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of Infrastructure or Administrative Costs has occurred.

5.3.13.3 The local government is to have such estimated costs independently certified by an appropriate qualified person and must provide such independent certification to an Owner where requested to do so.

5.3.13.4 Where any Cost Contribution has been calculated on the basis of an estimated cost, the local government:

(a) is to adjust the Cost Contribution of any Owner in accordance with the revised estimated costs; and

(b) may accept a Cost Contribution, based upon estimated costs, as a final Cost Contribution and enter into an agreement with the Owner accordingly.

5.3.13.5 Where an Owner's Cost Contribution is adjusted under clause 5.3.11, the local government, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.

5.3.14 **Valuation**

5.3.14.1 Clause 5.3.14 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

5.3.14.2 In clause 5.3.14 —

'Value' means fair nett expectance value which is to be calculated by determining the highest and best use of the land in its inglobo state either on its own or with other land ripe for subdivision and adding the margin for profit foregone had the land been able to be subdivided in its optimum form including allowances for all usual costs and expenses attributed to that land required to carry out such an exercise but not including an allowance for risk as might otherwise have been made.

'Profit' is to be 10% calculated by the difference between —

(a) the gross realisation of the lots or part lots yielded from the subject land less the advertising and legal expenses so required to sell the lots; and

(b) the amount of (a) divided by 1.1.

'Valuer' means a licensed valuer agreed by the local government and the Owner, or where the local government and the Owner are unable to reach agreement, a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

5.3.14.3 If an Owner objects to a valuation made by the Valuer, the Owner may give notice to the local government requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.

5.3.14.4 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined —

(a) by any method agreed between the local government and the Owner; or

(b) if the local government and the Owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985.

5.3.15 **Liability for Cost Contributions**

5.3.15.1 An Owner is required to make a Cost Contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 5.3.

5.3.15.2 An Owner's liability to pay the Owner's Cost Contribution to the local government arises on the earlier of —

(a) the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the Owner's land within the Development Contribution Area;

(b) the commencement of any development on the Owner's land within the Development Contribution Area; or

(c) the time of applying to the local government or Commission for approval of any development on the Owner's land within the Development Contribution Area.

5.3.15.3 Notwithstanding clause 5.3.15.2, an Owner's liability to pay the Owner's Cost Contribution does not arise if the Owner commences development of the first single house or outbuildings associated with that

first single house on an existing lot which has not been subdivided since the Gazettal of the Development Contribution Plan.

5.3.16 **Payment of Cost Contribution**

5.3.16.1 The Owner, with the agreement of the local government, is to pay the Owner's Cost Contribution by —5.3.16.2 The Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

5.3.16.3 Payment by an Owner of the Cost Contribution, including a Cost Contribution based upon estimated costs, constitutes full and final discharge of the Owner's liability under the Development Contribution Plan.

(a) cheque or cash;

(b) transferring to the local government or a public authority land in satisfaction of the Cost Contribution;

(c) some other method acceptable to the local government; or

(d) any combination of these methods.

5.3.17 **Charge on land**

5.3.17.1 The amount of any Cost Contribution for which an Owner is liable under clause 5.3.15, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the local government may lodge a caveat, at the Owner's expense, against the Owner's title to that land.

5.3.17.2 The local government, at the Owner's expense and subject to such other conditions as the local government thinks fit, is to withdraw a caveat lodged under clause 5.3.17.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

5.3.17.3 If the Cost Contribution is paid in full, and if requested to do so by the Owner, the local government, at the expense of the Owner, is to withdraw any caveat lodged under clause 5.3.17.

5.3.18 **Administration of Funds**

5.3.18.1 The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure and Administrative Costs within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

5.3.18.2 Interest earned on Cost Contributions credited to a reserve account in accordance with clause 6.3.18.1 is to be applied in the Development Contribution Area to which the reserve account relates.

5.3.18.3 The local government is to provide to every Owner who has a liability to make a Cost Contribution an audited annual statement of accounts for

that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

5.3.19 **Shortfall or Excess in Cost Contributions**

5.3.19.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government may —

(a) make good the shortfall from its municipal fund;

(b) enter into agreements with Owners to fund the shortfall; or

(c) raise loans or borrow from a financial institution, but nothing in paragraph 5.3.19.1(a) restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard.

5.3.19.2 If there is an excess in funds available to the Development Contribution Area when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to apply the excess funds for the provision of additional facilities or improvements in that Development Contribution Area.

5.3.20 **Powers of the local government**

The local government in implementing the Development Contribution Plan has the power to —

(a) acquire any land or buildings within the Scheme area under the provisions of the Planning and Development Act 2005; and

(b) deal with or dispose of any land which it has acquired under the provisions of 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.

5.3.21 **Arbitration**

Subject to clause 6.3.14.4, any dispute between an Owner and the local government in connection with the Cost Contribution required to be made by an Owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.

5.4 Local Planning Areas

5.4.1 Purpose

To protect and enhance locally desired character.

5.4.2 Planning Requirements

(a) Schedule 7 describes the local planning areas in detail and sets out the purpose and particular requirements that will apply to each local planning area.

(b) Where there is conflict between the general development requirements of the Scheme and specific development requirements of local planning area, the provisions of the local planning area shall prevail.

(c) Where there is conflict between the general development requirements of the local planning area and specific development requirements of smaller areas within the local planning area, the more specific provisions shall prevail.

(d) For each local planning area the Council may prepare a planning policy. The local planning area planning policies are contained in the Council's policy manual.

(e) Where a Development Area is situated within a local planning area, appropriate development requirements applicable to the Development Area shall be determined by Council through further comprehensive planning, including public consultation.

5.5 Fremantle Port Buffer

5.5.1 Purpose

To ensure that development in the vicinity of the Inner Harbour of the Port of Fremantle is compatible with port operational requirements.

5.5.2 Port Buffer Policy

(a) The Council shall produce and maintain a port buffer policy in accordance to guide its deliberations when determining development applications or amending the Scheme in relation to land within the port buffer.

(b) The Council shall notify Fremantle Ports when preparing and/ or amending its port buffer policy and shall, prior to finalising the policy or its amendment, have due regard to any comment or advice provided by Fremantle Ports.

5.5.3 Development referral areas

The Fremantle Port inner harbour buffer comprises three development referral areas numbered 1 to 3 as depicted in schedule 8.

5.5.3.1 Area 1

(a) The Council shall refer all applications for development within Area 1 to Fremantle Ports for comment prior to determination of the application, regardless of whether the uses proposed are considered to be sensitive or not.

(b) Should the Council seek to amend the Scheme in a manner that may in any way affect the development potential of land within Area 1, the Council shall notify Fremantle Ports of its intention to amend the Scheme as soon as practicable.

5.5.3.2 Area 2

(a) The Council shall refer any application for development of a sensitive use: or any other application for development that will result in a concentration of people or residential developments incorporating 5 units or more within area 2 to Fremantle Ports for comment prior to determination of the application.

(b) In relation to (a), this also includes applications for refurbishment or renovation of buildings that would otherwise fall within scope of applications referred to in (a).

(c) Should the Council seek to amend the Scheme in a manner that could result in an increase in the development of sensitive uses within Area 2, the Council shall notify Fremantle Ports of its intention to amend the Scheme as soon as practicable.

5.5.3.3 Area 3

Should the Council seek to amend the Scheme in a manner that could result in an increase in the development of sensitive uses within Area 3, the Council shall notify Fremantle Ports of its intention to amend the Scheme as soon as practicable.

5.5.4 Assessment of Development Applications

When determining a development application in relation to land and/ or buildings within any of the three Areas referred to in Clause 5.5.3, or when considering any amendment to this Scheme the Council shall, in addition to any other matter it is obliged to consider under this Scheme, have due regard to —

(i) any advice or comment provided by Fremantle Ports in relation to the development application or Scheme amendment, and

(ii) Council's Port Buffer Policy.

5.6 O'Connor Industrial Interface Area

5.6.1 Purpose

(a) To retain the O'Connor Industrial area as a strategic industrial area for Fremantle and the South-West metropolitan region and to ensure that development contributes to high standard of amenity and design as well as compatibility with adjacent residential uses.

(b) To retain existing residential areas as predominantly low density residential, with access to suitable open space and protection of amenity from adjoining industrial uses.

(c) To ensure the development of the South Street Neighbourhood Centre as a vibrant community hub that serves the day-to-day needs of nearby residents.

(d) To ensure safe access and movement for pedestrians and cyclists.

(e) To prevent, as far as practicable, the intrusion of commercial and industrial traffic into residential streets.

5.6.2 Land Use

5.6.2.1 Despite the provisions of Table 1, the following uses are designated as "X" not permitted.

(i) industry—general (licensed),

(ii) service station,

(iii) fuel depot,

(iv) motor vehicle repair,

(v) motor vehicle wrecking, and

(vi) transport depot.

5.6.2.2 Despite the provisions of Table 1, the following use is designated "A"—

(i) motor vehicles, boat or caravan sales.

5.6.3 Except as provided for in the Scheme, residential development is to comply with the provisions of the Residential Design Codes including variations as allowed for in the Codes.

5.6.4 In considering applications for industrial and commercial buildings Council shall have regard to all of the following —

- design of vehicle ingress / egress to minimise traffic impacts including intrusion of commercial vehicles into adjoining residential streets,
- high standard of landscaping, and
- materials and finishes to complement the visual amenity of the area.

5.6.5 Despite the provisions of clause 4.7.3, Council generally will not support relaxation of the standard parking requirements.

5.7 Special control area provisions for small infill development

5.7.1 Notwithstanding the minimum and average site area and plot ratio requirements of clause 5.1.1, 6.1.1, table 1 and table 4 of the Residential Design Codes, Council may, at its discretion, grant development approval for the development of a Grouped Dwelling(s) and/or Multiple Dwelling(s) on a lot with a density coding of R35 or lower in the areas defined on the map as 'SCA 5.7' where the lot is over 600m^2 in size and the development complies with all the following criteria:

a) Any new dwelling shall have up to a maximum floor area of 120 m^2.

b) A maximum of three dwellings, including any existing dwelling(s), on lots over 750 m^2, one additional dwelling for every 150m^2 in excess of 750 m^2 may be approved.

c) A maximum of one vehicle parking bay shall be provided for each new dwelling and a maximum of two car bays shall be provided for any existing dwelling on the development site.

d) Notwithstanding sub-clause 5.7.1 (c), a nil vehicle parking requirement may be permitted where one small dwelling within a development achieves a floor area of 60 m^2 or less.

e) Visitor parking shall not be provided for development less than 5 dwellings.

f) A minimum of 70% open space, as defined by the R-Codes, shall be provided over the entire development site unless otherwise provided for in a local planning policy.

g) A minimum 25% of the development site area shall be provided as a deep planting zone unless otherwise provided for in a local planning policy. The deep planting zone can be included as part of the open space for the development and 50% of the deep planting zone must be provided on the rear portion of the site unless otherwise provided for in a local planning policy.

h) A minimum of one tree, to Council specification, is required to be retained or planted in the deep planting zone on the site.

5.7.2 The requirements detailed in clause 5.7.1 are not capable of variation under clause 4.8.2.1.

5.7.3 For the purposes of sub-clause 5.7.1(g), deep planting zone: means an area of the lot for the exclusive use of supporting plant life. The deep planting zone shall:

- Be landscaped, water permeable, unpaved and uncovered
- Be a minimum length and width dimension of 3.0 metres
- Not be used for vehicle parking or access
- Contain no buildings, patios, pergolas, swimming pools or external fixtures.

5.7.4 In dealing with the subdivision of land designated on the scheme map as 'SCA 5.7', and where approval has been previously granted under Clause 5.7.1, the City may support subdivision provided development has been constructed to plate height in accordance with a development approval granted by the relevant authority.

5.7.5 Notwithstanding the requirements of Regulation 61 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Schedule A – Supplemental Provisions to the Deemed Provisions, development approval is required for buildings, outbuildings, pergolas, verandas, patios, carports and garages for land designated on the scheme map as 'SCA 5.7' where approval has been previously granted under Clause 5.7.1.

5.7.6 Clause 5.7 and associated sub-clauses shall cease to have effect on 12 February 2027 being the date of the eighth anniversary of the publication in the Gazette of Amendment No. 63 that introduced those provisions into the scheme.

6. SCHEDULES

SCHEDULE 1	DICTIONARY OF DEFINED WORDS AND EXPRESSIONS - GENERAL DEFINITIONS - LAND USE DEFINITIONS
SCHEDULE 2	ADDITIONAL USES
SCHEDULE 3	RESTRICTED USES
SCHEDULE 4	SPECIAL USE ZONES
SCHEDULE 5	ENVIRONMENTAL CONDITIONS
SCHEDULE 6	DEVELOPMENT AREAS
SCHEDULE 7	LOCAL PLANNING AREAS
SCHEDULE 8	FREMANTLE PORT REFERRAL AREA
SCHEDULE 9	DEVELOPMENT PLANS
SCHEDULE 10	DEVELOPMENT CONTRIBUTION AREAS
SCHEDULE A	SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

Note: Refer to the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1, Part 11 – Forms referred to in this Scheme

86. Application for development approval

87. Additional information for development approval for advertisements

89. Notice of public advertisement of planning proposal

90. Notice of determination on application for planning approval

6.1 Schedule 1 — Dictionary of Defined Words and Expressions

GENERAL DEFINITIONS

In this Scheme —

Absolute majority	*definition provided in Schedule 2, Part 10, cl 81 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Act	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Activity centre	*definition provided in Schedule 2, Part 5, cl 30 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Activity centre Plan; or Structure plan	*definition provided in Schedule 2, Part 5, cl 30 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Advertisement	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Affordable housing	refers to dwellings which households on low-to-moderate incomes can afford, while meeting other essential living costs. It includes public housing, not-for-profit housing, other subsidised housing under the National Rental Affordability Scheme together with private rental and home ownership options for those immediately outside the subsidised social housing system.
Amenity	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Bicycle rack	means a bicycle parking facility of the classes described in Clause 4.7.1 (d).
Building	has the same meaning as is given to it in the Residential Design Codes.
Building code	*definition provided in Schedule 2, Part 1, cl1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
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.
Building height	means the vertical distance at any point from ground level to the uppermost part of the building above that point.
Building setback	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, means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected
Built heritage conservation	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

Buffer area	means an area which has been prescribed by the Council or other competent Government Agency around land and buildings which because of the nature of their use may generate pollution within which sensitive uses are either restricted or prohibited.
Classification	means the designation of land use on a structure plan which uses the same description and objectives as provided for in the Scheme for each zone under Part 3.
Clause	means clause of the Scheme.
Commercial vehicle	means any vehicle used or intended to be used in a business or trade which has a tare weight of 3.5 tonnes, and excludes vehicles directly associated with the conduct of a rural pursuit, business or trade on the lot for which the vehicle are used.
Committee	*definition provided in Schedule 2, Part 10, cl 81 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Conservation	has the same meaning as in the *Heritage of Western Australia Act 1990*.
Conservation management plan	means a plan which sets out how a conservation area is to be managed to ensure that the purpose of a conservation area will be achieved and maintained.
Constraint map	means a map that shows the physical and man-made constraints that affect the land the subject of a structure plan and shall be used as the basis for preparing the plan and establishing any design criteria to guide subdivision and development.
Contamination	means the pollution of the environment to an extent which exceeds the standards adopted by the Environmental Protection Authority.
Council	has the same meaning as given to the term in and for the purposes of the *Local Government Act 1995*.
Cultural heritage significance	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Demolition by neglect	means the actual or potential loss or deterioration of– (a) the structural integrity of a Place; or (b) an interior or external element of a Place that is integral to the character of a Place; which results from – – neglect in maintaining, repairing or securing the Place; or – the removal (whether approved or not) of any element of the Place.
Development	has the same meaning as in the Planning and Development Act 2005.
Development area	an area designated as "development area (DA)" on the Scheme map.

Development contribution plan	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Detailed area plan	*Is the former naming convention for a Local Development Plan provided in Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
District	means the municipal district of the City of Fremantle.
Edible goods	has the same meaning given to "food" defined in the *Food Act 2008* section 9.
Environment	means the natural condition of the air, land and water.
Eco-system	means living things, their physical, biological and social surroundings and interactions between them.
Existing vegetation	means native and exotic vegetation existing on land within the district.
External fixtures	means items attached to (or emerging from) buildings including, without limiting the generality of the foregoing, external hot water heater systems, gas cylinders, plumbing vents, solar panels, satellite dishes, aerials, basketball and netball hoops, outdoor lighting, and TV and radio antennae, but not including air conditioning units.
External wall height	means the vertical distance at any point from ground level to the uppermost part of the wall of the building above that point.
Facilities	means the amenities other than services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing may include such items as public open space and community purposes sites.
Fence	means a vertical structure which may be attached to a building but is not necessary for the structural integrity of the building, for the purpose of forming a barrier or delineating an area of land and does not support any form of roof and does not include screening material or a retaining wall
Floor area	when used in relation to a building that is used for— (a) residential purposes, has the same meaning as the term 'plot ratio area' as in the Residential Design Codes; or (b) purposes other than residential, has the same meaning as in the Building Code of Australia (BCA) published by the Australian Building Codes Board (ABCB).
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.

Front fence	means the fence or wall along the property boundary abutting a gazetted road, and extends up to the street setback line of the dwelling or building.
Gazettal date	in relation to a Scheme, means the date on which the Scheme is published in the Gazette under section 87(4) of the Planning and Development Act.
Gross lettable area (gla)	in relation to a building means the area of all floors capable of being exclusively occupied and used by a tenant, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines, and storage areas.
Ground level	at any point for the purposes of determining the height of a wall or building, or type of development referred to in Schedule A, means the ground level which existed prior to development (including any earth works). Subject to Council discretion, Council may deem the approved finished ground level resulting from subdivision as the ground level.
Height	when used in relation to— (a) a building that is used for— (i) residential purposes, has the same meaning as in the Residential Design Codes; or (ii) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above, (b) development referred to in Schedule A, means the vertical distance between the ground level at any point immediately beneath the development and the uppermost part of the development directly above that point or (c) when used in relation to a fence or screening material, is the vertical distance between— i. the top of the fence or screening material at any point; and ii. the ground level, or where the ground level on each side of the fence is different, the higher ground level immediately below that point.
Heritage area	*definition provided in Schedule 2, Part 3, cl 7 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Heritage conservation notice	*definition provided in Schedule 2, Part 3, cl 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Heritage list	*definition provided in Schedule 2, Part 3, cl 7 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

Heritage Place	*definition provided in Schedule 2, Part 3, cl 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Incidental use	means a use of premises which is ancillary and subordinate to the predominate use.
Land	has the same meaning as given by the *Planning and Development Act 2005*.
Landscaped area	means an area set aside on a lot exclusively for the purpose of the installation and maintenance of landscaping.
Landscaping	means grass, groundcover, plants, shrubs, and trees, installed and irrigated in accordance with plans approved by the Council
Licensed Premises	has the same meaning as it is given in the *Liquor Control Act 1988*
Local development plan	*definition provided in Schedule 2, Part 6, cl 46 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Local government	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Local government CEO	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Local planning strategy	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Loft	means a habitable room or non habitable space contained wholly within the roof of a building including any space served by dormer type windows which may project forward of the main roof pitch.
Lot	has the same meaning as in the Planning and Development Act but does not include a strata or survey strata lot.
Low income housing	means a dwelling, grouped dwelling or multiple dwelling provided by a public agency, religious organisation, housing cooperative or other benevolent institution to a person or persons whose gross annual income is within the bottom quartile (25%) of income distribution categories as defined by the Australian Bureau of Statistics.
Maintenance and repair	means minor works that are undertaken to fix, or prevent, a building, structure or place from deteriorating or falling into a state of disrepair. The works are to be undertaken to the same details, materials and specifications of the building, structure or place prior to the deterioration or disrepair occurring. The definition excludes: internal works, the full replacement of roofs or external cladding, or the painting or rendering of an element that is not part of the maintenance and repair as defined above.
Metropolitan Region Scheme	has the same meaning as in the Planning and Development Act.

Minerals	has the same meaning as in the *Mining Act 1978*.
Minimum development height	means the lowest height datum at which the floor of a building may be constructed.
Minor structures	means free standing structures not attached to a building including, without limiting the generality of the foregoing, letter boxes, clothes lines, children's play equipment, basketball and netball hoops, barbeques and free standing satellite dishes, but not including flag poles.
Mixed use development	means, when used in relation to a Planning Application, a combination of one or more of the residential use classes specified in Table 1 - Zoning and any other land use or uses, and where the residential use class and any other one use class each comprise a minimum of 25 per cent of the gross lettable area of the development.
Nature reserve	means an area of land reserved for the conservation and protection of flora and fauna and whether public access may be permitted or prohibited, depending upon the statutory purpose of the reserve.
Native species	means plants and animals indigenous to a given locality.
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, and (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.
Outbuilding	has the same meaning as given to it in the Residential Design Codes and for the purposes of Schedule A shall also include garden sheds, tree and cubby houses and domestic animal enclosures.
Outdoor hard surfaces	means unroofed areas of ground surfaced in a water impermeable material associated with residential development including, without limiting the generality of the foregoing, driveways, decking, pathways and paved areas around swimming pools.
Owner	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

Parking space	means an area set aside for a parked vehicle, at dimensions the Council may allow as a condition of approval.
Permeability	in terms of public space, refers to the capacity to access a given point from alternative routes for all modes of traffic including pedestrian. The term relates to both visual and physical access.
Permanently attached	in relation to an advertisement, means attached to a building or structure or to land in such a manner that it is unable to be removed by hand or by key.
Permitted height contours	means a contour line defined on a plan of subdivision lodged with the Council which specifies the height above the natural surface of the land above which buildings or structures may not be erected.
Place	*definition provided in Schedule 2, Part 3, cl 7 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Planning and Development Act	means the *Planning and Development Act 2005*.
Plot ratio	for the purposes of development in all zones other than the residential zone, means the ratio of the floor area of a building to the area of land within the boundaries of the lot on which that building is located, including the floor area of basements where more than 50% of the basement storey is above ground level.
Pollution	has the same meaning as given to the term in the *Environmental Protection Act 1986*;
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	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Primary street setback	has the same meaning as the Residential Design Codes
Properly maintained	*definition provided in Schedule 2, Part 3, cl 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Proponent	means any owner or owners of land to which the proposed structure plan relates that has or have submitted that proposed structure plan.
Public authority	has the same meaning given to it in section 4 of the Planning Development Act.
R-codes	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Regional planning scheme	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

Rehabilitation	means the restoration of an area of land to support native ecosystems typical of the locality and the recreation of similar land forms and the reclamation of altered land forms to re-establish native ecosystems occurring in the locality of similar topography and soil characteristics.
Reserve	*definition in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Retail	means the sale or hire of goods or services to the consumer/end user.
Retaining wall	means a wall erected for the purpose of supporting land at a higher level than the land immediately adjacent to it.
Revegetation	means the re-establishment of vegetation on land which has been excavated, cleared, eroded or otherwise despoiled in order to recreate vegetation communities existing prior to their removal and that the vegetation so established is protected and maintained to assure their survival.
Reviewable determination	*definition provided in Schedule 2, Part 9, cl 76 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Scheme area	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Screening material means	(a) a visually permeable structure including lattice, trellis, or metal framing which may or may not be used to train vegetation; or (b) an opaque and translucent material such as shade cloth, or clear or coloured plastic.
Secondary street setback	has the same meaning as the Residential Design Codes
Sensitive uses	include residential development, hotels, motels, hostels, caravan parks, hospitals and nursing homes, schools and other educational establishments, child care facilities, shopping centres, playgrounds, and some public buildings.
Services	means the services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing may include such items as sewerage, drainage, water supply, power supply, telecommunications, roads, and ways, and transport services.
Setback	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, means the distance a building, structure or use is located from the lot boundary on which the building, structure or use is located.

Shade structures	means unenclosed permeable roofed structures designed primarily for the purpose of providing shade associated with residential development including, without limiting the generality of the foregoing, gazebos, sails, umbrellas, vergolas and pergolas.
Shade tree	means a tree which will grow to at least 5 metres and develop a natural canopy which will provide shade to at least 25 m^2 on the ground at some time during the day, between the months of December and February of each year.
Sign	has the same meaning as "advertisement" in this Schedule.
Site coverage	means that area of a lot that is occupied by any buildings, roofed structures, covered walkways, areas for rubbish disposal, stores, outbuildings or plant rooms, but does not include the open surfaces of accessible and useable roof spaces of basements where less than 50% of the basement storey is above ground level, or open car parking areas.
Special control area	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Storey	means that portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling above it, but does not include a loft, or any portion of a building that has 50% or more of its volume below ground level.
Streetscape	means the visual quality of a street depicted by road width, street verge planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.
Street verge	means the publicly owned land located between the edge of the road pavement and the boundary of the lot and comprises part of the road or right of way reserve.
Structure plan	*definition provided in Schedule 2, Part 4, cl 14 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Substantially commenced	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Sustainable development	means development that meets the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.
Temporary sign	An advertisement that is not permanently attached and will not be erected for more than 4 weeks in any calendar year.
Tree	means long-lived woody perennial plant greater than (or potentially greater than) 3 m in height with one or relatively few stems—ref—Australian Standard Pruning of Amenity Trees.

Vehicle	has the same meaning as in the *Road Traffic Act 1974*, and includes a bicycle.
Visible from the Street	will be based on an assumed line of sight measured at a perpendicular angle to the boundary of the development site and the street or public open space, at an assumed point of 1 metre less than the street width and 1.6 metres above ground level. An area of public open space will be considered to have an assumed street width of 20 metres for the purpose of this definition.
Visually permeable	has the same meaning as the Residential Design Codes.
Wholesale	means the sale of goods or materials for the purpose of on selling to the consumer/end user.
Window Sign	means an advertisement attached to the inside or outside of a window and includes posters and signs painted on to the window.
Works	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
Zone	*definition provided in Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

LAND USE DEFINITIONS

In this Scheme –

amusement parlour means premises –

(a) that are open to the public; and
(b) that are used predominately for amusement by means of amusement machines including computers; and
(c) where there are 2 or more amusement machines.

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.

art gallery means premises –

(a) that are open to the public; and
(b) where artworks are displayed for viewing or sale.

betting agency means an office or totaliser agency established under the *Racing and Wagering Western Australia Act 2003;*

brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

bulky goods showroom means premises

(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes –
  (i) automotive parts and accessories;
  (ii) camping, outdoor and recreation goods;
  (iii) electric light fittings;
  (iv) animal supplies including equestrian and pet goods;
  (v) floor and window coverings;
  (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
  (vii) household appliances, electrical goods and home entertainment goods;
  (viii) party supplies;
  (ix) office equipment and supplies;
  (x) babies' and childrens' goods, including play equipment and accessories;
  (xi) sporting, cycling, leisure, fitness goods and accessories;
  (xii) swimming pools;

or

(b) used to sell by retail goods and accessories by retail if –
  (i) a large area is required for the handling, display or storage of the goods; or
  (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

car park	means premises used primarily for parking vehicles whether open to the public or not but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale;
caravan park	means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1);
caretakers dwelling	means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;
child care premises	means premises where – (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;
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 State 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.
commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land;
community purpose	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit
consulting rooms	means premises used by no more than 2 health practitioners at the same time 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; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m^2 net lettable area;
drive-through food outlet	means a fast food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles.

educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
family day care	means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;
fast food outlet	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten – (a) without further preparation; and (b) primarily off the premises; but does not include a facility involving sale or serving of food direct to persons driving or seated in motor vehicles;
fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used – (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle;
funeral parlour	means premises used – (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services;
garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and the sale of products associated with horticulture and gardens;
grouped dwelling	has the same meaning given in the R-Codes;
home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if carrying out of the business, service or profession – (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50m^2; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –

(a) does not involve employing a person who is not a member of the occupier's household; and

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 20m^2; and

(d) does not involve the display on the premises of a sign with an area exceeding 0.2m^2; and

(e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(f) does not

(i) require a greater number of parking spaces than normally required for a single dwelling; or

(ii) result in an increase in traffic volume in the neighbourhood; and

(g) does not involve the presence, use or calling of a vehicle or more than 4.5 tonnes tare weight; and

(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –

(a) is solely within the dwelling; and

(b) does not entail clients or customers travelling to and from the dwelling; and

(c) does not involve the display of a sign on the premises; and

(d) does not require any change to the external appearance of the dwelling;

home store means a shop attached to a dwelling that –

(a) has a net lettable area not exceeding 100m^2; and

(b) is operated by a person residing in the dwelling;

hospital means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8 (4);

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

independent living complex means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

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 facilities on the premises for any of the following purposes –

(a) the storage of goods;

(b) the work of administration or accounting;

(c) the selling of goods by wholesale or retail;

(d) the provision of amenities for employees;

(e) incidental purposes;

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 – general (licensed) means the following industries –

(a) cleaning establishments,

(b) laundries,

(c) metal finishing,

(d) boat building and maintenance,

(e) liquid waste treatment and processing,

(f) waste storage, processing or treatment,

(g) waste depot,

(h) screening of materials extracted from the ground,

(i) concrete batching or cement products manufacturing,

(j) plaster manufacturing,

(k) fibreglass reinforced plastic manufacturing, and

(l) abrasive blasting operations.

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, and

(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 – noxious	means an industry which is an offensive trade within the meaning of Schedule 2 of the Health Act 1911 but where an offensive trade is also included as a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations 1987, Schedule 2 of the Health Act 1911 prevails and includes a landfill site, but does not include a fish shop, dry cleaning premise, Laundromat, piggery, poultry farm or rabbit farm.
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.
liquor store – large	means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m^2;
liquor store – small	means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m^2;
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.
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 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
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 other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres;
motor vehicles wash	means premises primarily used to wash motor vehicles;
motor vehicle wrecking	means the use of any land or building for dismantling of motor vehicles and includes the sale of spare parts derived from such dismantling.
multiple dwelling	has the same meaning as in the Residential Design Codes.
nightclub	means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

office	means premises used for the administration, clerical, technical, professional or similar businesses activities;
park home park	means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;
place of worship	means premises used for religious activities such as a church, chapel, mosque, synagogue, or temple.
public amusement	means land and buildings used for the amusement or entertainment of the public, with or without charge.
reception centre	means premises used for hosted functions on formal or ceremonial occasions;
recreation – private	means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge;
residential aged care facility	means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes: (a) appropriate staffing to meet the nursing and personal care needs of residents; and (b) meals and cleaning services; and (c) furnishings, furniture and equipment; This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;
residential building	has the same meaning given in the R-Codes;
restaurant/café	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988.*
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste;
restricted premises	means premises used for the sale by retail or wholesale, of the offer for hire, loan or exchange, or the exhibition, display or delivery of – (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or (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; or (c) smoking related implements;
service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –

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

shop means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

single house has the same meaning as given in the R-Codes;

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

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988;*

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network, including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the 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;
  (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)*;
  (vii) a road house;
  (viii) workforce accommodation;

trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises – (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.
transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including – (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another;
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medical treat animals, or for the prevention of animal diseases or disorders.
warehouse/storage	means premises including indoor or outdoor facilities used for – (a) the storage of goods, equipment, plant or materials; or (b) the display or sale of wholesale of goods;
waste storage facility	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

Notes –

1. *Where there is a difference between a definition contained in Schedule 1 to Scheme and a definition contained in the Model Scheme Text the Scheme prevails.*

6.2 Schedule 2 — Additional Uses

No.	Description of Land	Additional Use	Conditions
1	120 (Lot 13 on Plan 4335 Certificate of Title 1072-743) Hampton Road, Fremantle	Office	1. The additional use of 'Office' is an 'A' use. 2. No office use shall be undertaken on the land which entails clients or customers travelling to and from the land. 3. Any office use undertaken on the land shall not occupy more than 100 square metres of gross lettable area.
2	59 (Lots 5 and 6 on Plan 4320 Certificate of Title 1700/129) Ellen Street, Fremantle	Veterinary Centre, Consulting Rooms, Medical Centre	1. A maximum of 10 animals to be kept on site overnight and to be supervised at all times by a vet or nurse.
3	42 (Lot 1 on Plan 49010 Certificate of Title 2620/476) Paget Street, Hilton 44 (Lot 2 on Plan 49010 Certificate of Title 2620/477) Paget Street, Hilton 50 (Lot 3 on Plan 49010 Certificate of Title 2620/478) Paget Street, Hilton 52 (Lot 4 on Plan 49010 Certificate of Title 2620/479) Paget Street, Hilton	Shop, Office	1. The additional uses are 'A' uses. 2. Any uses of Shop and/or Office shall not exceed a gross lettable area of 54sqm on the ground level and 25.4sqm on the first floor (mezzanine). 3. The additional uses hereby permitted will not apply to any increase in floor area or substantial redevelopment.
4	396 (Lots 1, 2 and 3 on Plan 31414 Certificates of Title 37 /349A and 45/96A) High Street, Fremantle	Consulting Rooms, Office, Restaurant/Cafe	1. The additional uses are 'D' uses. 2. Any uses of Consulting Rooms, Office and/or Restaurant/Cafe shall be restricted to the ground level only.

6.3 Schedule 3 — Restricted Uses

No.	Description of Land	Restricted Use	Conditions

6.4 Schedule 4 — Special Use Zones

No.	Description of Land	Special Use	Conditions

6.5 Schedule 5 — Environmental Conditions

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

6.6 Schedule 6 — Development Areas

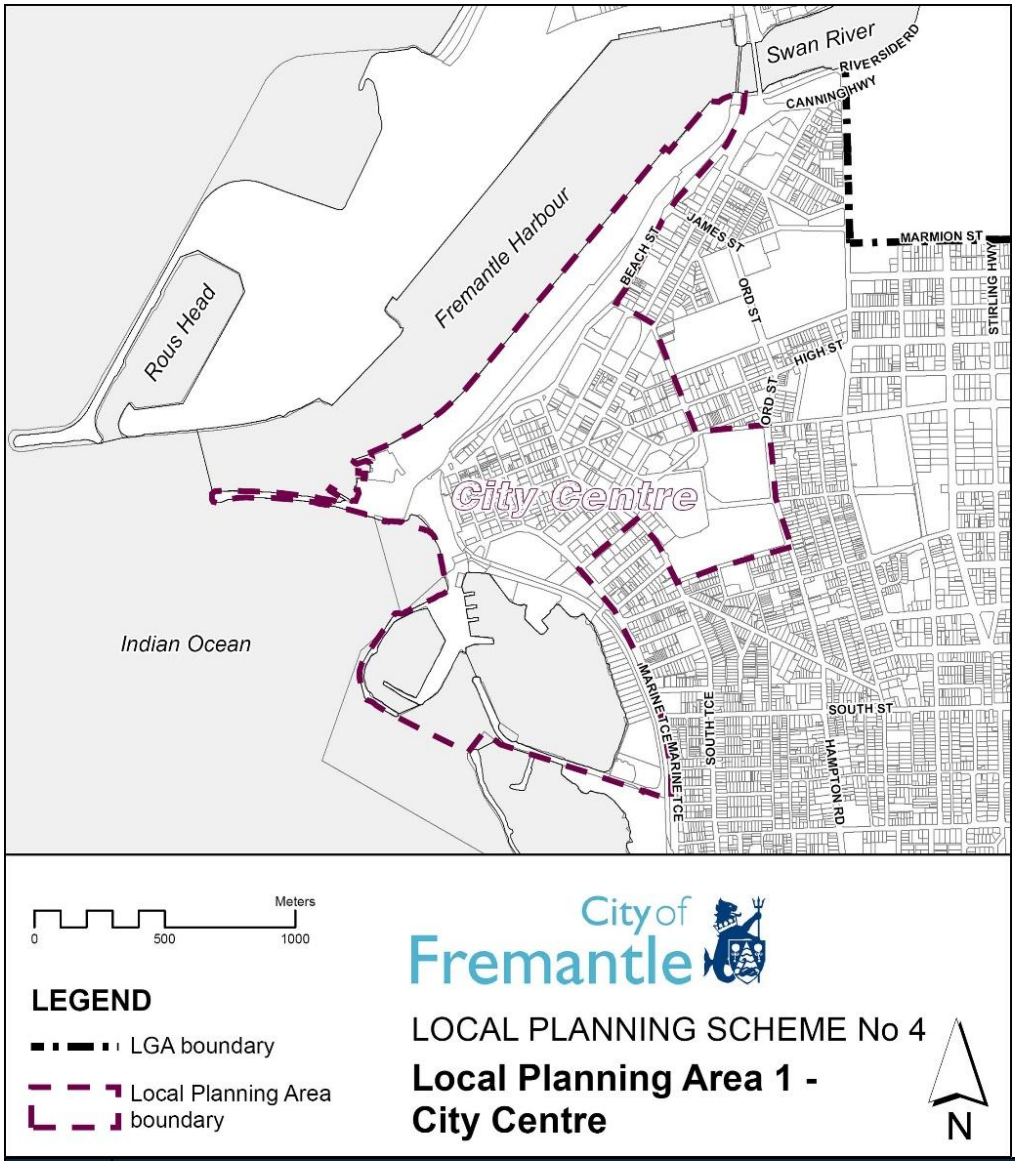
This table should be read in conjunction with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Where a Development Area is situated within a Local Planning Area, appropriate development requirements within such areas shall be determined by Council through further comprehensive planning, including public consultation.

REF NO.	AREA	PROVISIONS
DA 1	Knutsford Street industrial area (East of Amherst Street)	1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken 2. Investigations of potential site contamination to the satisfaction of the DEC. Development applications received prior to adoption of a structure plan shall be assessed via the Mixed Use provisions of the Scheme. Applications for any form of residential development and subdivision applications, should be deferred until the structure plan is adopted in order that servicing, open space provision, environmental remediation and other issues are resolved.
DA 2	Daly and Hollis Street tip site South Fremantle Landfill Sites	1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken 2. Investigations of potential site contamination to the satisfaction of the DEC. Notwithstanding the above, on Lots 1, 4 and 5 on Plan 122 (No.s 40 and 38) Daly Street development applications received prior to the adoption of a structure plan shall be assessed against the Mixed Use provisions of the Scheme. However applications for any form of residential development and subdivision on Lots 1, 4 and 5 on Plan 122 (No.s 40 and 38) Daly Street shall be deferred in accordance with Schedule 2, clause 15 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
DA 3	Fremantle Chalet Village	1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken 2. Investigations of potential site contamination to the satisfaction of the DEC. Development applications received prior to the adoption of a structure plan, compatible with the site's current approved use a caravan park, shall be assessed in accordance with "Position Paper on Fremantle Village" 2004, as endorsed by the departments of Environment, Health and the City of Fremantle.
DA 4	Knutsford Street Industrial area (West of Amherst Street) (inc. Navy site)	1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertake 2. Investigations of potential site contamination to the satisfaction of the DEC. Development and subdivision in accordance with the Swanbourne-Knutsford Street Structure Plan (Dec 2000).

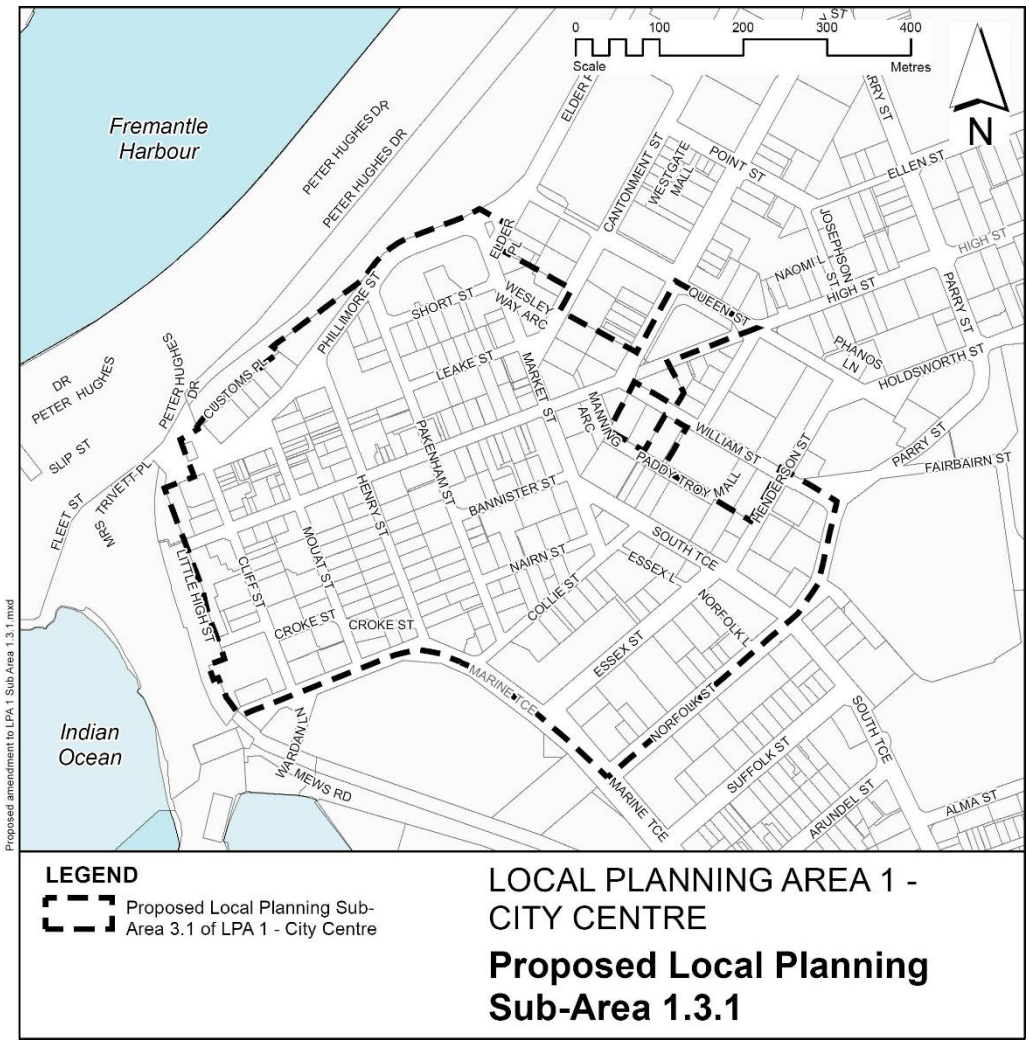
REF NO.	AREA	PROVISIONS
DA 5	Leighton Marshalling Yards	1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken 2. Investigations of potential site contamination to the satisfaction of the DEC. In addition to the foregoing provisions, development shall also be subject to the provisions of Development Plan 17 in Schedule 9.
DA 6	Wool Testing and Sealanes sites 174 Marine Terrace South Fremantle	1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken 2. Investigations of potential site contamination to the satisfaction of the DEC. In addition to the foregoing provisions, development shall also be subject to the provisions of Development Plan 20 in Schedule 9.
DA 7	Lefroy Road Quarry	1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken 2. Investigation of potential site contamination to the satisfaction of the DEC Development and subdivision shall be in accordance with the Lefroy Road Quarry Structure Plan.
DA 13	100 Hampton Road Fremantle	1. A local development plan is to be prepared and adopted in order to provide specific and detailed guidance for future development, including site and development standards and/or specific exemptions from the requirement to obtain development approval.
DA 18	McCabe-Coventry Street North Fremantle and 130-138 Stirling Highway and 2-4 McCabe Street North Fremantle	1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken 2. Investigations of potential site contamination to the satisfaction of the DEC. 3. No development shall be permitted within the proposed road widening on Stirling Highway and McCabe Street as indicated in the proposed Metropolitan Region Scheme (MRS) Amendment 1210/41 or as in a finalised MRS Amendment. 4. Any structure plan for the land of No. 130 Stirling Highway (including Lot 5, 12, 218, 219, 220, 221, 314 and 253) and No. 2 – 4 McCabe Street (including Lot 9, 10 and 11), North Fremantle, is to include an internal link road connecting McCabe Street/McCabe Place to Coventry Parade/Thompson Road. 5. Development applications received prior to adoption of a structure plan, shall be assessed via Mixed Use provisions of the Scheme. Applications for any form of residential development and subdivision should be deferred until the structure plan is adopted in order that servicing, open space provision, environmental remediation and other issues are resolved.
DA 19	Clontarf Hill	Structure plan is to be adopted to guide subdivision and development prior to approval of development applications.

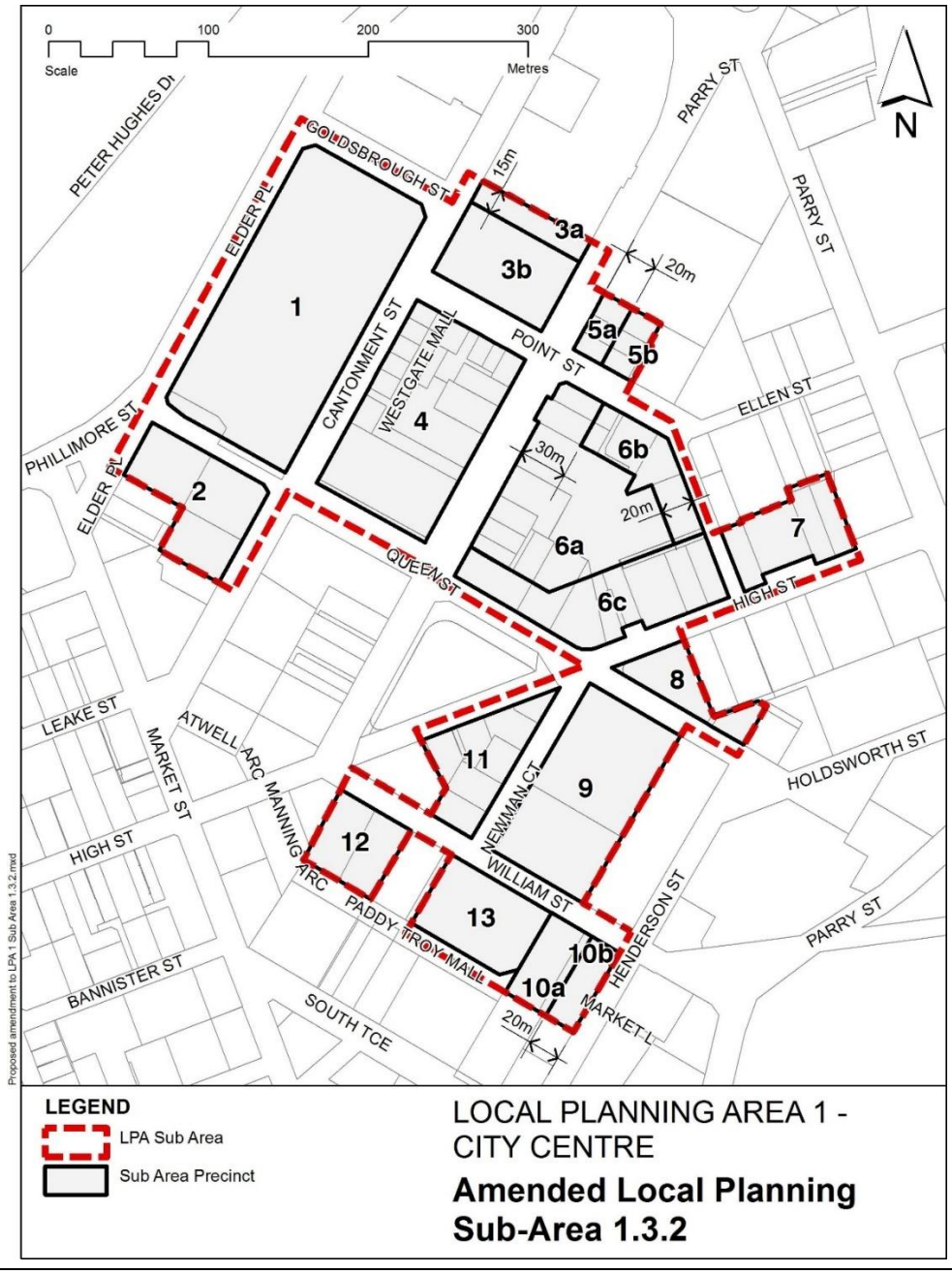
6.7 Schedule 7 — Local Planning Areas (Development Requirements)

LOCAL PLANNING AREA 1 — CITY CENTRE



1.1	HEIGHT REQUIREMENTS
	Building height shall be limited to a minimum of two storeys and a maximum of four storeys (maximum external wall height of 14.0* metres as measured from ground level). Council may consent to an additional storey subject to— (a) the upper level being sufficiently setback from the street so as to not be visible from the street (s) adjoining the subject site, (b) maximum external wall height of 17 metres, and (c) compliance with clause 1.2 below. *Inclusive of parapet and spacing between floors

1.2	MATTERS TO BE CONSIDERED IN APPLYING GENERAL AND SPECIFIC HEIGHT REQUIREMENTS
	In granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following— (a) that the proposal is consistent with predominant, height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of adjoining properties or the locality, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any of the above requirements.
1.3	**SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS**
Sub Area 1.3.1	
	Despite the general height requirements outlined in 1.1 above, building height shall be limited to a maximum height of three storeys (maximum external wall

	height of 11* metres as measured from ground level with a maximum roof plain pitch of 33 degrees). Council may consent to an additional storey subject to — (a) Where a site meets any of the requirements of Clause 1A(a)-(e) of the deemed provisions, the upper level being sufficiently setback from the street so as to not be visible from the street(s) adjoining the subject site. (b) maximum external wall height of 14* metres, and (c) compliance with clause 1.2. above. *Inclusive of roof parapet and spacing between floors.
1.3	**SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS**
Sub Area 1.3.2	

Land Use and location specific design requirements –

(a) Notwithstanding the provisions of Table 1 – Zoning –

(i) Residential uses will not be permitted in new buildings at ground level adjacent to Queen Street, Adelaide Street and Kings Square;

(ii) Land uses at ground level adjacent to Queen Street, Adelaide Street and Kings Square shall contribute to generating interest and activity within the adjacent public realm; and

(iii) A minimum of 15% of the net lettable area within all new development on sites with a development site area greater than 3000sqm shall be provided for Office use.

(b) New development fronting Queen Street, Adelaide Street and Kings Square shall incorporate design measures to –

(i) Provide continuous weather protection at ground level for pedestrians along these streets and public spaces; and

(ii) Generate interest and activity within the adjacent public realm.

(c) New development at ground level adjacent to other streets and public areas not identified in a) and b) above may incorporate a mix of land uses and shall incorporate design measures to contribute to an interesting and diverse public realm.

Building Height and Setbacks –

(d) Clause 1.2 'Matters to be considered in applying general and specific height controls' does not apply to Sub Area 1.3.2.

(e) Building heights shall be in accordance with the requirements set out in the table below –

Site	Permitted Building Height (Metres)	Building Height (Metres) which may be permitted subject to the development satisfying both of the following criteria– (i) The portion of building exceeding the Permitted Building Height being sufficiently set back from the street facade so as to not be visible from the street(s) and/or public open space(s) adjoining the site; and (ii) The design of the portion of building exceeding the Permitted Building Height being integrated with the design of the overall building.	Maximum Building Height (Metres) which may be permitted in accordance with clause (f)	Minimum Façade Height (Metres) that fronts a public street(s) and/or public open space(s)
1	21	24.5	38.9	10
2	17.5	21	28.2	10
3a	17.5	0	-	10
3b	21	24.5	-	10

4	21	24.5	35.3	10
5a	21	24.5	-	10
5b	14	17.5	-	10
6a	21	24.5	31.7	10
6b	14	0	21.2	10
6c	17.5	0	24.7	10
7	17.5	21	-	10
8	17.5	21	-	10
9	19	22.5	28.2	10
10a	17.5	21	-	10
10b	14	17.5	-	10
11	14	17.5	-	10
12	14	17.5	-	10
13	17.5	21	-	10

Notwithstanding the building heights in the above table, Council may impose a lesser building height on the part of development within Areas 2, 6a and 6b, 7, 8, 10a and 10b, 11, 12 and 13 that directly adjoins a heritage listed building where the Council is of the view that a lesser building height on that part of the development is necessary to ensure the compatibility of the development with that building.

(f) Where a specific Local Planning Policy has been adopted to enable this provision, the Council may, at its discretion, permit up to the maximum building height as set out in clause (e) where –

(i) the development site is 3000sqm in area or greater; and

(ii) the footprint of the portion of the development with additional building height occupies no more than 40% of the total development site area

And where, in addition to any specific requirement outlined in the specific Local Planning Policy, the development satisfies all of the following criteria –

(i) The development is of distinctive architecture befitting its location and exceptional design quality meeting at the highest possible standard the principles of good design listed under Schedule A – Supplemental Provisions to the deemed provisions Clause 78B Advisory Committee (6)(c) of this Scheme, and including, but not limited to–

- the development demonstrating a selection of high quality building materials, sustainable building measures and building longevity;
- the design addressing the relationship of taller components to lower levels (podium);
- the impact of the development on distant views;
- the visual permeability of the development with the streetscape; and
- the roofscape aspect of the design.

(ii) The development demonstrates best practice in environmentally sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste;

(iii) The development causes no significant adverse impact on the amenity of the surrounding public realm in terms of, but not limited to, building scale, shadows and potential wind tunnelling;

(iv) The development provides a high quality landscaped and publicly accessible pedestrian environment at ground level, including where appropriate–

- East-west mid-block pedestrian links that are convenient, legible, attractive, safe and activated as an integrated component of any development concept and linked to a broader pedestrian network in the area. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City and set as a condition of planning approval; and
- The area of the required street setbacks to Queen Street for Sites 1 and 2, being transferred at no cost to Council for the purposes of a road widening.

(v) Where the net lettable area within the development for residential purposes is greater than 1000sqm

- a minimum of 15 per cent of the residential net lettable area shall be provided for 'affordable housing'.
  Council may, at its discretion, consider the provision of the required amount of affordable housing on an alternative development site(s) within the general locality of the development site; and
- a minimum of 5% of the total dwelling yield of the development (excluding Affordable Housing dwellings) shall not be provided with a designated car bay.
  Council may require, as a condition of planning approval, provision to be made to include notification on the property title(s) that owners and/or occupiers of dwellings without designated car parking bays will not be entitled to on-street residential parking permits.

The setback from the street façade required in (e) for any additional height above the Permitted Building Height does not apply on these sites if additional height is granted in accordance with the requirements and criteria under (f), including any specific requirement outlined in the specific Local Planning Policy.

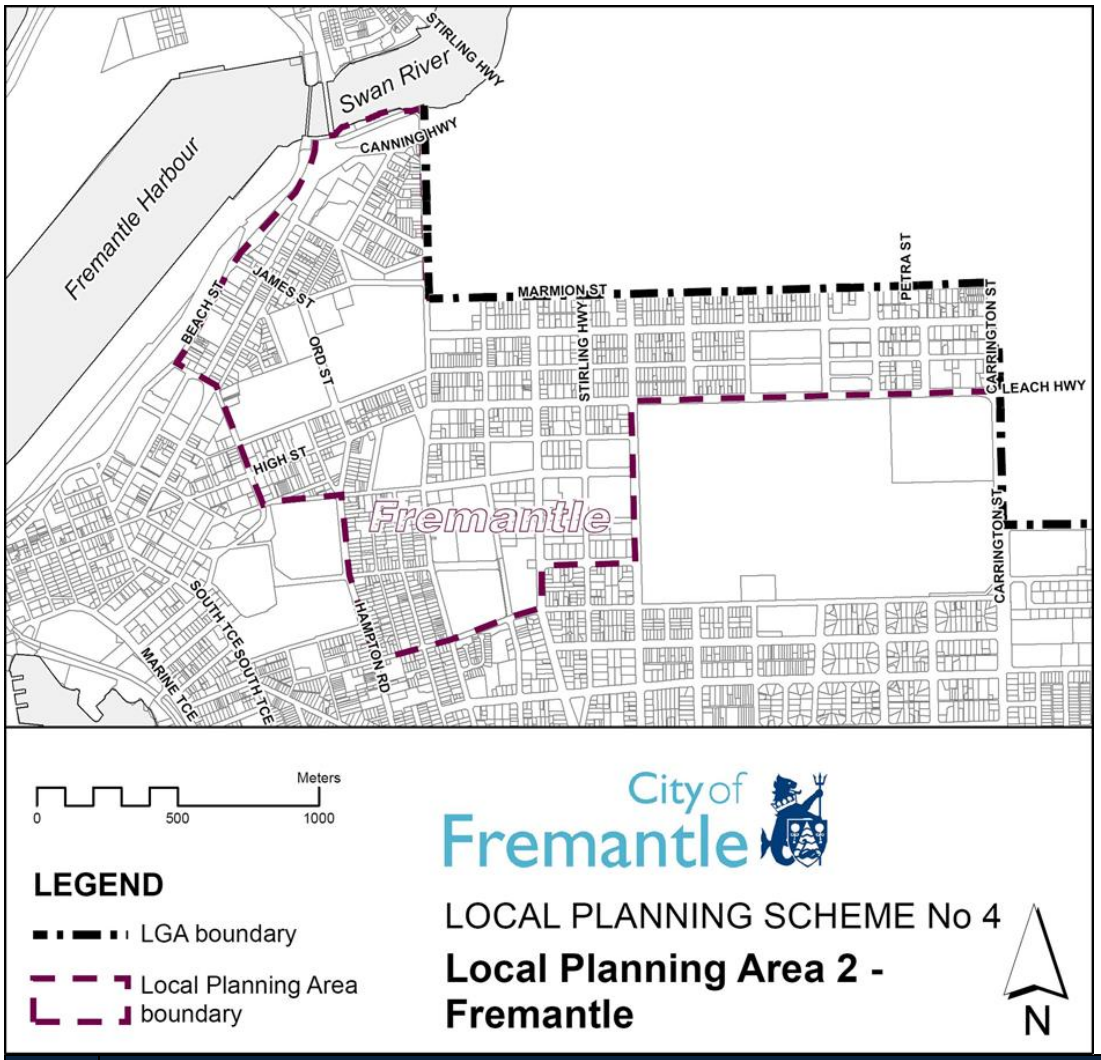
(g) In the front elevation of all new development the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site.

(h) Building setbacks shall be in accordance with the requirements set out in the table below. Council may vary the prescribed setbacks where it is satisfied that the design outcome will be improved.

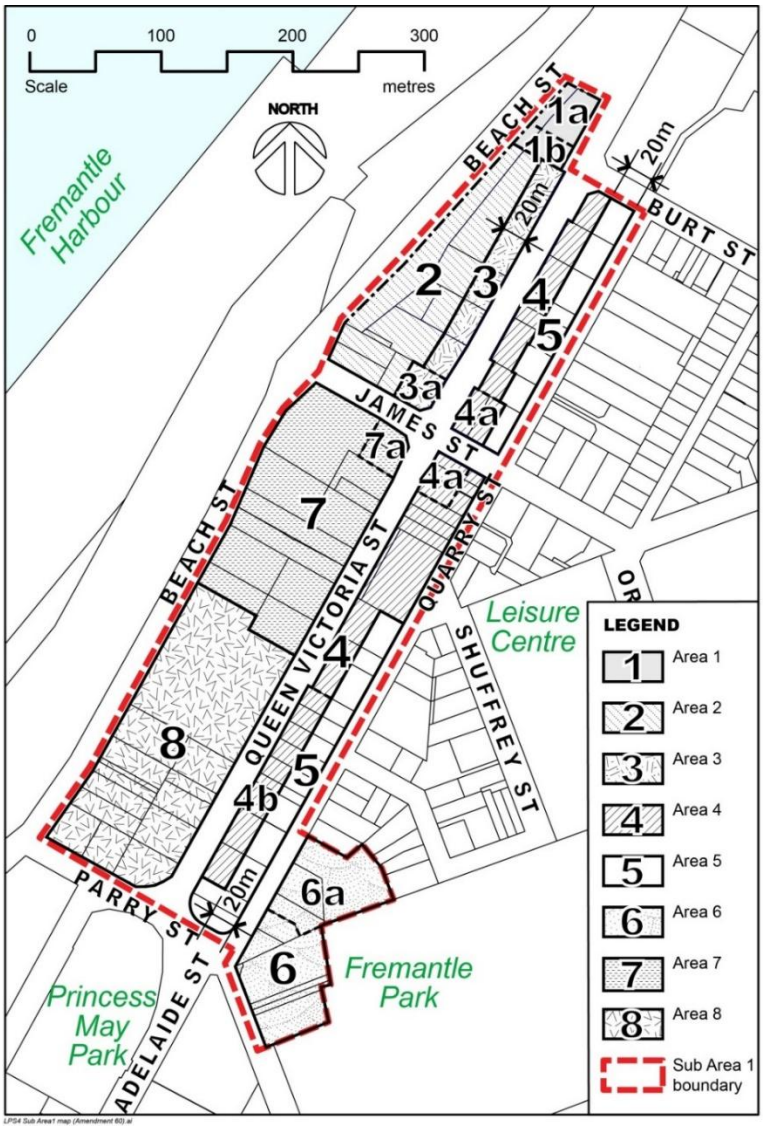
Site	Frontage to:	Minimum Street Setback (Metres)	Maximum Street Setback up to building height of 10m (Metres)	Minimum side and rear Setback (Metres)
1	Queen St	3.65	5.65	Nil
1	All streets other than Queen St	Nil	2	Nil
2	Queen St	6.35	8.35	Nil
2	All streets other than Queen St	Nil	2	Nil
All other sites	All streets	Nil	2	Nil

	(i) The maximum aggregate width of spaces between buildings at ground floor level at street frontage may be no more than 8 metres at any one location. **Other Development Standards –** (j) The General site requirements specified in Table 2.1 of the Residential Design Codes Volume 2 for development at R-AC 3 density do not apply to any type of residential development in Sub Area 1.3.2. (k) (i) As part of any future development in Site 13, a high amenity access link with a minimum width of 8 metres is to be provided, at no cost to the City, between William Street and Paddy Troy Mall, to align with Newman Court, unless otherwise agreed between the City and the landowner. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City, and set as a condition of planning approval. (ii) The Council may, at its discretion, permit up to 3.5 metres additional building height to both of the building heights referred to in the second and third columns of the table in clause (e) where an area of land with a minimum width of 8 metres which provides a direct link between William Street and Paddy Troy Mall, to align with Newman Court, is transferred to the City at no cost to the City for the purposes of providing a public access link/amenity space. (iii) In all cases the provision of the access link is to be considered as an integrated component of any redevelopment concept in this location to ensure the provision of activated ground level frontages and a high quality built form outcome. **Car Parking –** (l) The provisions of clauses 4.7.1 to 4.7.4 inclusive do not apply for Office land uses where located above ground floor level. (m) The provisions of clause 4.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.3.2. (n) The provisions of clauses 4.7.1 to 4.7.4 inclusive do not apply for visitor parking for residential land uses. **Special Conditions of Planning Approval –** (o) The Council may impose a condition on planning approval for any new development in Sub Area 1.3.2 requiring a memorial to be placed on the property title advising of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area 1.3.2, which include zero minimum side and rear setbacks.

LOCAL PLANNING AREA 2 — FREMANTLE



2.1	HEIGHT REQUIREMENTS	
	Zone (Within LPA Only)	Maximum External Wall Height
	Local Centre	5.5 m
	Mixed Use	7.5 m
	Residential	All requirements as per Residential Design Codes and special application under clause 4.4.
2.2	**MATTERS TO BE CONSIDERED IN APPLYING GENERAL AND SPECIFIC HEIGHT CONTROLS**	
	In granting consent to the maximum heights prescribed Council shall be satisfied in regard to all of the following— (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of the area, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.	

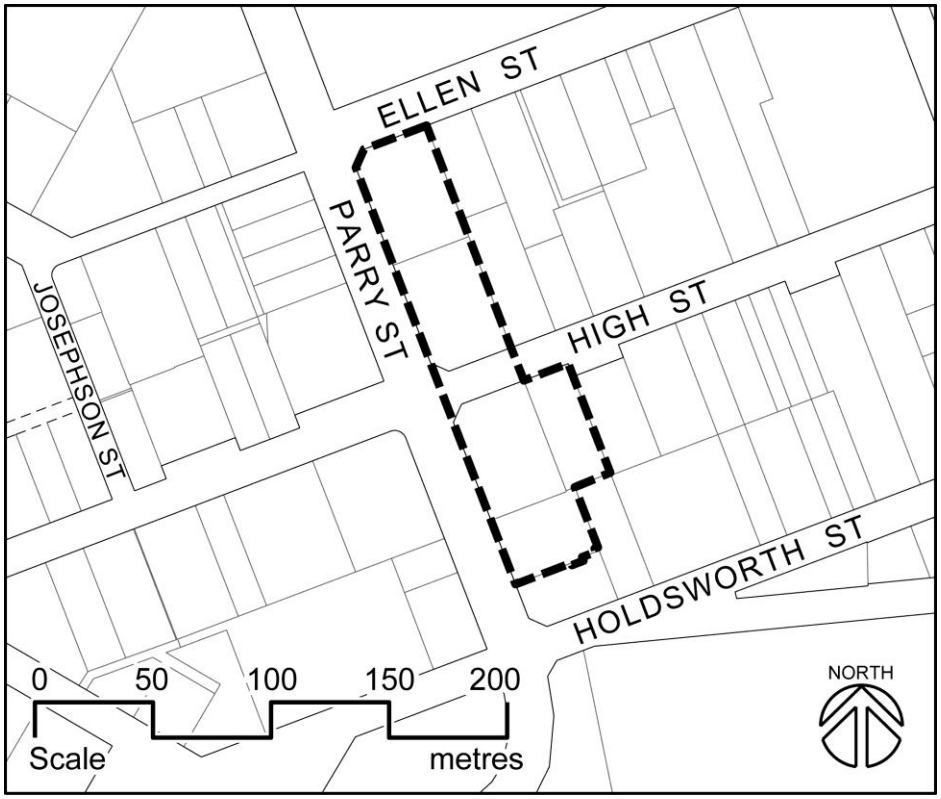
2.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS
2.3.1	**Sub Area 1**
	
2.3.1.1 Land Use	a) Notwithstanding the provisions of Table 1 - Zoning: i) Residential uses will not be permitted in new buildings at ground level adjacent to Queen Victoria Street at the following locations: • between Parry Street and James Street both sides • for 60 metres north from James Street both sides • for 30 metres south from Burt Street east side • for 90 metres south from Beach St west side; and ii) Except in Area 1a and 1b, non-residential uses will only be permitted above ground level where they meet local needs for commercial services.
2.3.1.2 Building Height	b) Clause 2.2 'Matters to be considered in applying general and specific height controls' does not apply to Sub Area 1. c) Permitted building heights shall be in accordance with the requirements set out in the table below-

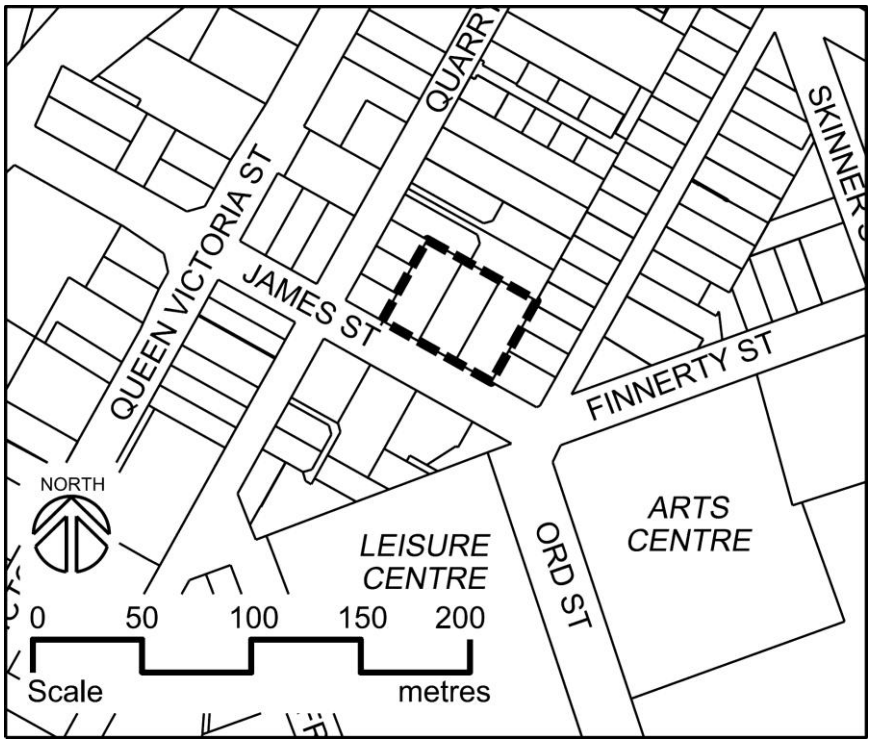
and Setbacks	Area	Permitted Building Height (Metres)	Min. Façade Height (Metres)
	1a	12.5 Council may permit a maximum building height of 20 metres for Area 1a where the proposed development satisfies all of the following: i) Exceptional design quality and distinctive architecture befitting its location ii) Demonstrate a high standard of environmentally sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste iii) Provide a high quality and publicly accessible pedestrian environment within the site as an extension of the street space at the ground level frontages to Queen Victoria Street and Beach Street	Nil
	1b	20	Nil
	2	24.5	10
	3	18	10
	3a	18	10
	4	18	10
	4a	18	10
	4b	15	10
	5	11	10
	6	11	10
	6a	As defined by the R-Codes	As defined by the R-Codes
	7	18	10
	7a	18	10
	8	18 In granting consent to the maximum 18 metre height prescribed for Area 8 Council shall be satisfied in regard to all of the following- a) That the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, b) The proposal would not be detrimental to the amenity of the area, c) The proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and d) Any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.	10

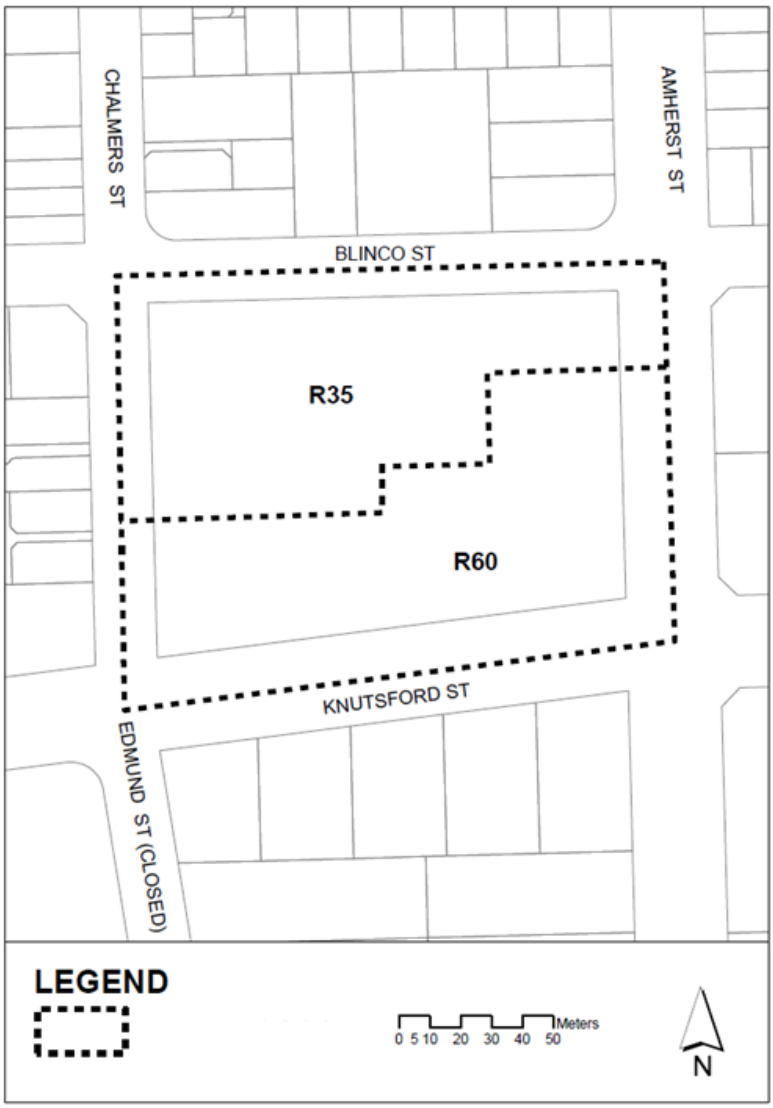
	d) In the front elevation of all new development, except fronting Quarry Street, the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site. e) Notwithstanding the maximum building height requirements in the table above, in Area 6a buildings shall be no higher than 2 storeys with a maximum overall height of 9.0 metres and a maximum wall height of 6.0 metres, within 10.0 metres of the north-eastern boundary (adjoining Lots 4 and 24 – 26) and south-western boundary (adjoining Lot 3). f) Notwithstanding the specific building height requirements in the table above, and excluding Area 6a, Council may permit additional height to a maximum of 4 metres subject to development satisfying both of the following criteria: i) The additional level being sufficiently set back from the street facade so as to not be visible from the street(s) adjoining the subject site; and ii) The design being integrated with the design of the overall building. g) In addition to the general height requirements outlined in the table above and the additional height in (f), Council may permit further building height to a maximum of 4 metres in Areas 1a, 1b, 2, 3a, 4a and 7a where the Council is satisfied that the proposed development satisfies all of the following criteria: i) Exceptional design quality and distinctive architecture befitting its location ii) Demonstrates best practice in environmentally sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste iii) Provide a high quality landscaped and publicly accessible pedestrian environment at ground level that includes, where appropriate: a) the area of the required setbacks in Queen Victoria Street and James Street being transferred at no cost to Council for the purposes of a road widening; and b) east-west mid-block pedestrian links between Queen Victoria and Beach Street that are an integrated component of any development concept and are convenient, legible, attractive, safe and activated. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City and set as a condition of planning approval. The setback from the street façade required in (f) for any additional height above the Permitted Building Height does not apply in these areas if additional height is granted in accordance with (g). h) Building setbacks shall be in accordance with the requirements set out in the table below. Council may vary the prescribed setbacks where it is satisfied that the design outcome will be improved or where the road has been widened.

Area	Frontage to:	Minimum Street Setback (Metres)	Maximum Street Setback (Metres)	Minimum side and rear Setback (Metres)
1a	All streets	Not specified	Not specified	Nil
1b	All streets	Not specified	Not specified	Nil
2	Beach St	Nil	2 to 10m height	Nil
	James St	2	3.3	Nil
3	Queen Victoria St	3.3	3.3 to 10m height	Nil
3a	Queen Victoria St	3.3	3.3 to 10m height	Nil
	James St	2	3.3	Nil
4	Queen Victoria St north of James St	3.3	3.3 to 10m height	Nil
	Queen Victoria St south of James St	Nil	3.3 to 10m height	Nil
	James St	2	3.3	Nil
	Quarry St	Nil to 11m height, then 3m setback from lower front elevation	4	Nil
4a	Queen Victoria St north of James St	3.3	3.3 to 10m height	Nil
	James St	2	3.3	Nil
	Queen Victoria St south of James St	Nil	3.3 to 10m height	Nil
4b	Queen Victoria St	Nil	3.3 to 10m height	Nil
5	All streets	Nil	4	Nil
6	All streets	Nil	2	Nil
6a	Quarry Street	2 Also note point **(1)** below	4 Also note point **(1)** below	As defined by the R-Codes
7	James St	2	3.3	Nil
	Queen Victoria St	Nil	3.3 to 10m height	Nil
	Beach St	Nil	2 to 10m height	
7a	James St	2	3.3	Nil

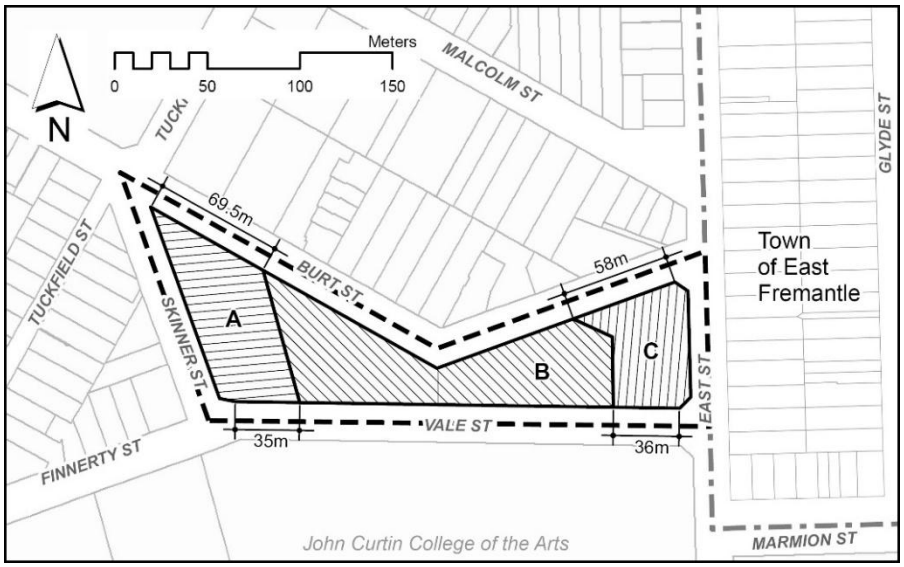
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<tr><td></td><td>
<table>
<tr><td></td><td>Queen Victoria St</td><td>Nil</td><td>3.3 to 10m height</td><td>Nil</td></tr>
<tr><td>8</td><td>All streets</td><td>Nil</td><td>3.3</td><td>Nil</td></tr>
</table>
Notwithstanding the specific setback requirements required in the table above, in Area 6a:
(1) within 10 metres of the north-eastern and south-western boundaries, the minimum street setback shall be 4.0 metres and the maximum street setback shall be 10.0 metres
i) Except in Area 6a, the maximum aggregate width of spaces between buildings at ground floor level at street frontage may be no more than 8 metres on any one lot.
</td></tr>
<tr><td>2.3.1.3
Other Development Standards</td><td>j) New buildings in the area should embody contemporary and innovative architecture which is sensitive to Fremantle's sense of place and satisfies any relevant planning and design policy adopted for the area.
k) As part of any future development in Area 4, a high amenity pedestrian access link with a minimum width of 5 metres is to be provided for both pedestrians and cyclists between Queen Victoria Street and Quarry Street in the vicinity of Shuffrey Street at no cost to the City, unless otherwise agreed between the City and the landowner. The provision of the pedestrian access link is to be considered as an integrated component of any redevelopment concept in this location to ensure the provision of activated ground level frontages and a high quality built form outcome. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City, and set as a condition of planning approval.</td></tr>
<tr><td>2.3.1.4
Car Parking</td><td>l) The provisions of clause 4.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.
m) For residential development the parking requirements of the Residential Design Codes code apply.
n) Council may waive car parking requirements in accordance with clause 4.7.3 for ground level non-residential uses anywhere in Sub Area 1 subject to the development/use being able to generate interest and activity within the adjacent public domain.</td></tr>
<tr><td>2.3.1.5
Special Conditions of Planning Approval</td><td>o) The Council may impose a condition on planning approval for any new development in Sub Area 1 requiring a memorial to be placed on the property title advising of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area1, which include zero minimum side and rear setbacks.</td></tr>
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2.3.2	Sub Area 2 – Queens Square (east)	
		
2.3.2.1 Height Requirements	Despite the general height requirements outlined in 2.1 above, building height shall be limited to a maximum height of three storeys (maximum external wall height of 11* metres as measured from ground level with a maximum roof plain pitch of 33 degrees). Council may consent to an additional storey subject to – (a) the upper level being sufficiently setback from the street so as to not be visible from the street(s) adjoining the subject site, (b) maximum external wall height of 14* metres, (c) compliance with clause 2.2 above, and *Inclusive of roof parapet and spacing between floors. Note: 'Visible from the street' will be based on an assumed line of sight measured at a perpendicular angle from the subject land's lot boundary into the adjoining street for the width of the street and 1.6 metres above ground level. For the purposes of this clause for this sub area: Queens Square will be considered to be a street with an assumed width of 20 metres; High Street is deemed to be 13 metres wide; and Parry and Ellen Street are deemed to be 18 metres wide.	
2.3.2.2 Setbacks	18 Parry Street (Lot 35)	Zero minimum setback and 3m maximum setback to Parry Street. zero minimum setback and 3m maximum setback to Queens Square

	199 High Street (Lot 1)	5m minimum setback and 7m maximum setback to High Street. zero minimum setback and 3m maximum setback to Queens Square
	26 Parry street Lot 440	1m ground floor setback to Parry street with the setback area integrated with the adjoining footpath. zero minimum setback and 3m maximum setback to Queens Square
2.3.2.3 Boundary walls	Boundary walls will be permitted only where the Council is satisfied that both the following criteria are met: (a) the elevation presents as an integral part of the overall aesthetic of the building, and (b) the walls are sympathetic to the surrounding environment.	
2.3.2.4 Vehicle parking	Vehicle parking shall not be provided for in the street setback area of any Lot.	
2.3.2.5 Existing trees	Development abutting Queens Square shall be designed or setback so as to not undermine or compromise the integrity or well-being of the existing trees within Queens Square.	
2.3.2.6 Other Building Requirements	New buildings shall provide for activated ground level frontages and passive surveillance from upper floors to High Street and/or Parry and/or Ellen Street and to Queens Square.	
2.3.3	**Sub Area 3**	
		
2.3.3.1 Setbacks	The minimum building setback from the lot boundary of James Street is 4 metres.	

2.3.4	Sub Area 4 – (Lot 1354) Knutsford Street, Fremantle
	
	1. The building height requirements on the properties coded R60 shall be as per the Category C maximum building heights of Table 3 of Volume 1 of the Residential Design Codes. 2. Notwithstanding the requirements of Table 1 – Zoning, an Office use will be permitted in Residential developments where the use meets the following: (i) The gla of the Office use does not exceed 80m^2; (ii) The Office use is operated by an occupier of the household; and (iii) The Office use does not employ more than three employees (not including any occupiers of the household); 3. The office use mentioned in clause 2 above and the uses home occupation, home office, home business and home store shall, notwithstanding the provisions of Table 1 – Zoning and Table 2 – Vehicle Parking, be considered 'P' uses as per clause 3.3.3.

2.3.5	Sub Area 5 – Burt Street Sub Area



a) Clause 2.1 'Height controls' and clause 2.2 'Matters to be considered in applying general and specific height controls' of Local Planning Area 2 do not apply.

b) Building height and setbacks

i) The highest part of any building shall not exceed the Australian Height Datum levels as set out in the table below for Area's A, B and C of Sub Area 4 above -

Area	Australian Height Datum (metres)
A	37
B	40
C	42

ii) In Area A, in addition to complying with the height requirements in the table above, no part of any building may project above a height plane measured at an angle of 22.5 degrees above horizontal at a height of 28m AHD along the property boundary on the east side of Skinner Street.

iii) Notwithstanding the street setback requirements of the Residential Design Codes, in Area C of Sub Area 4, the minimum street setback shall be 5 metres at the lot boundary to East Street.

c) Car parking and vehicle access

i) Primary vehicle access to the development shall be from Vale Street;

ii) A Traffic Impact Assessment undertaken by a suitably qualified traffic engineer shall be submitted in support of application for planning approval.

d) Other design requirements

Development shall satisfy the following design requirements:

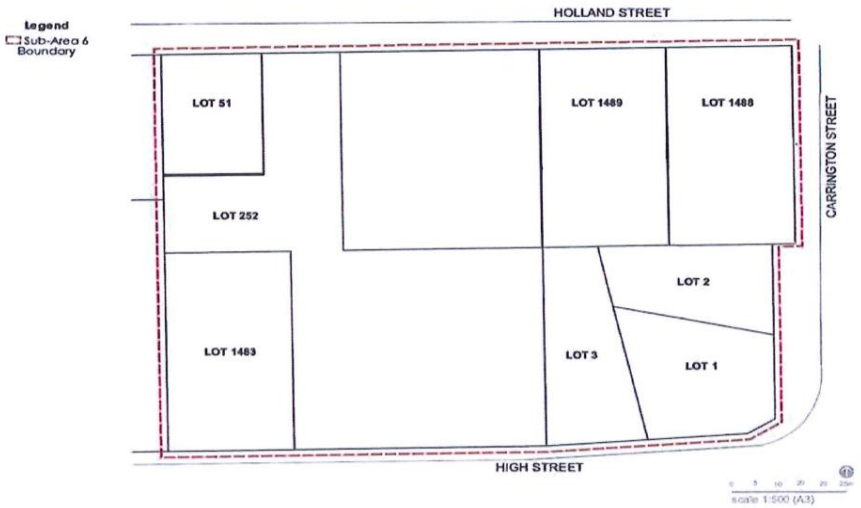
i) Retain and/or interpret any features of cultural heritage or landscape significance;

ii) Maximise opportunities to retain existing trees and provide significant areas of new planting;

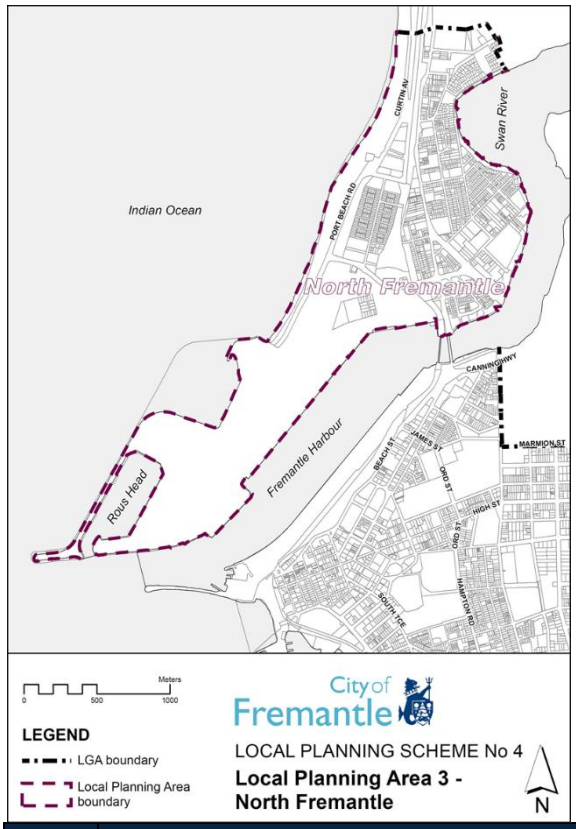
iii) Landscaping treatment of the street verge, including the provision of vehicle parking for public use;

iv) Integrate with surrounding public areas;

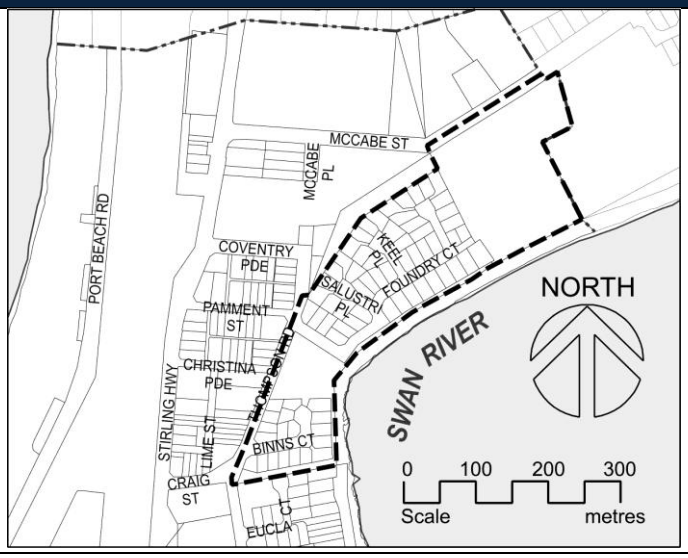
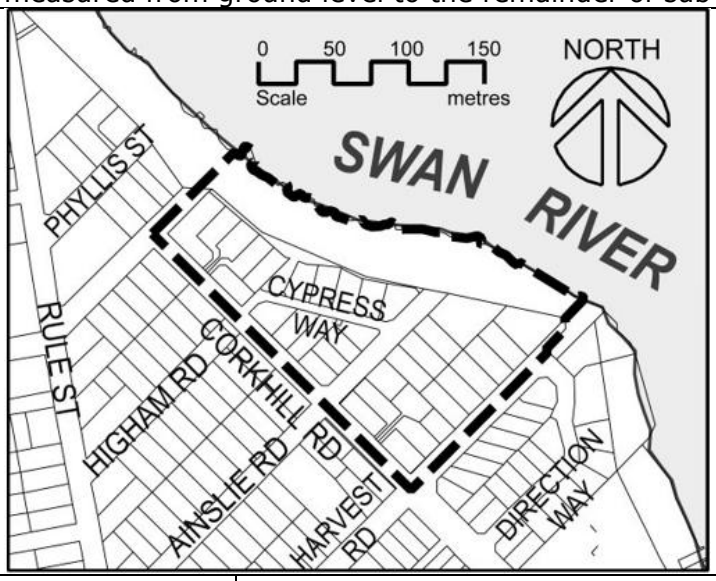
v) Provide visual permeability through the site and mitigate the impact of building bulk on streetscape.

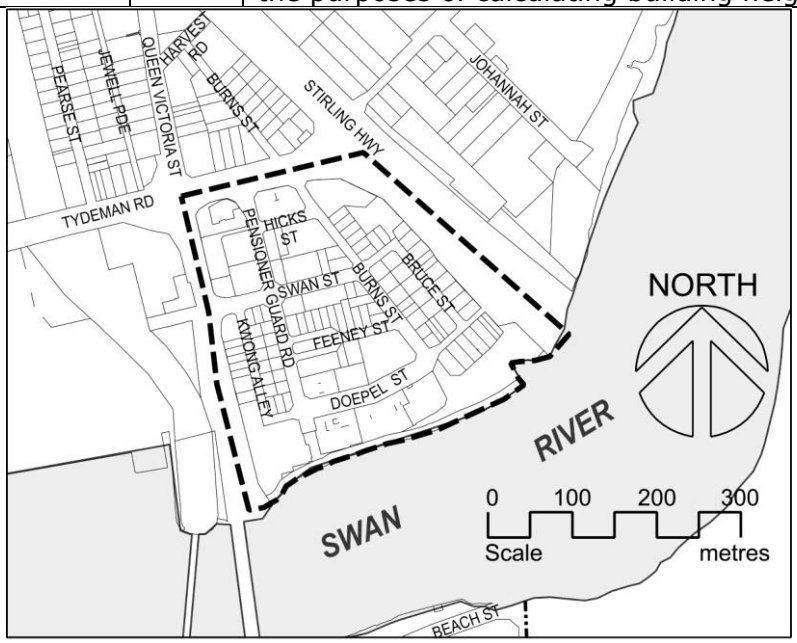
2.3.6	Sub Area 6
	
2.3.6.1 Building Height	a) Clause 2.2 'Matters to be considered in applying general and specific height controls' does not apply to Sub Area 6.
2.3.6.2 Other Development Standards	b) A minimum 6-meter-wide vehicle accessway connecting Holland Street and Carrington Street that includes provision for a high amenity separated pedestrian accessway connecting Carrington Street to Holland Park is to be provided across Lot 252 Holland Street and the northern extent of Lots 2 and 3 High Street. c) Communal open space shall retain the north-south spine of remnant trees and connect with the east-west pedestrian link from Carrington Street to Holland Park. d) Development abutting the communal open space shall be designed so as not to compromise the integrity or wellbeing of the remnant trees, including setbacks to the tree canopy dripline and the use of appropriate landscaping.

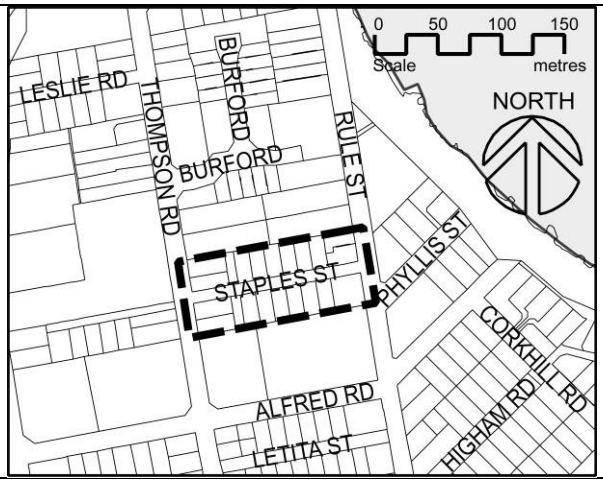
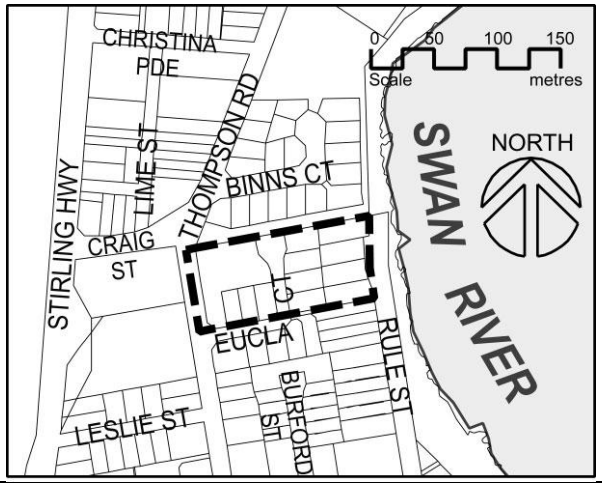
LOCAL PLANNING AREA 3 — NORTH FREMANTLE



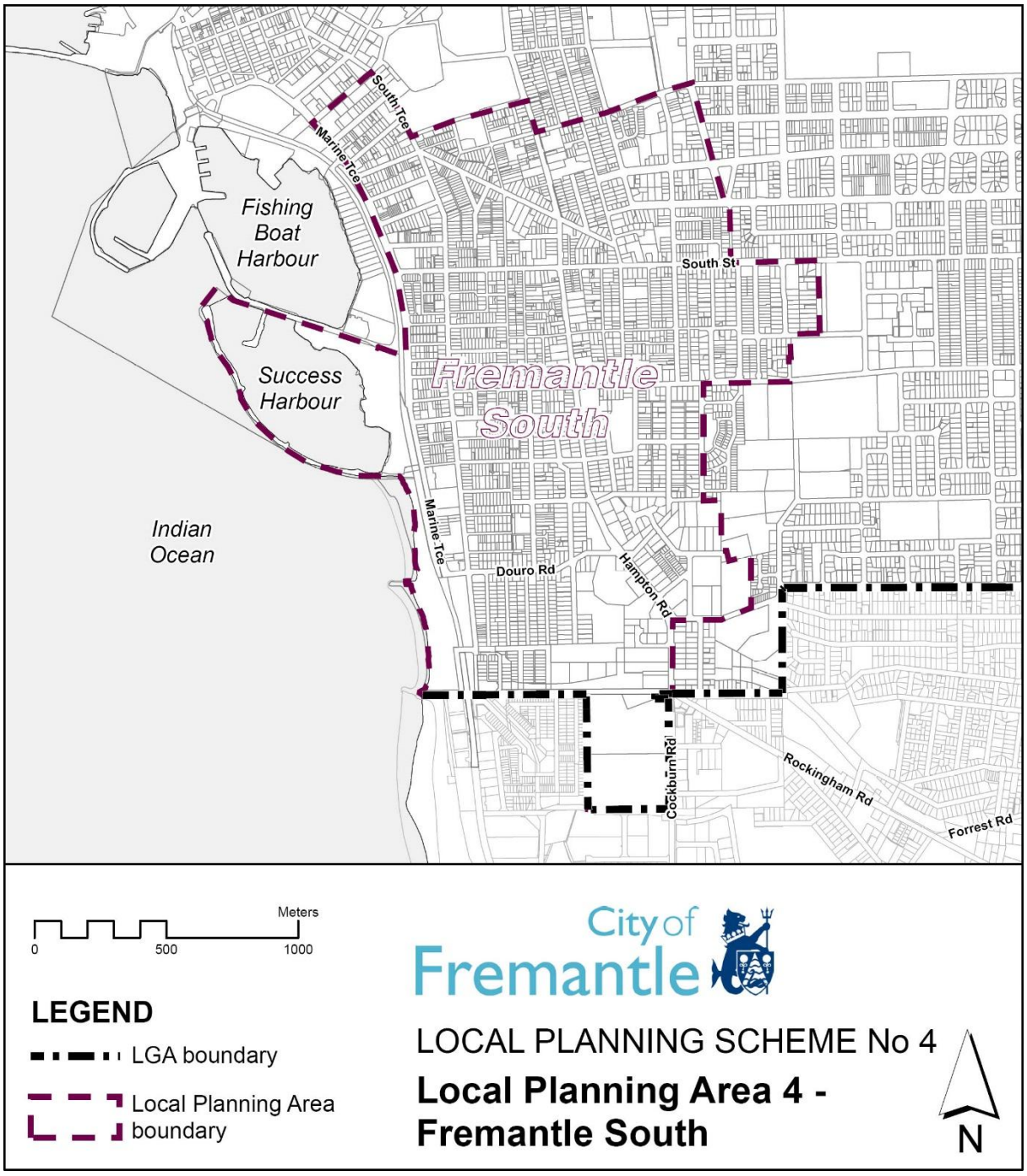
3.1	HEIGHT STANDARD	
	Zone (Within LPA Only)	Maximum Wall Height
	Neighbourhood Centre	7.5 m
	Commercial	7.5 m
	Mixed Use	7.5 m
	Industrial	—
	Residential	Building height shall be limited to a maximum of two storeys (maximum external wall height of 5.5 metres as measured from ground level with a maximum roof plain pitch of 33 degrees). All requirements other than building height as per the Residential Design Codes and special applications under clause 4.4
3.2	**MATTERS TO BE CONSIDERED IN APPLYING GENERAL AND SPECIFIC HEIGHT CONTROLS**	
	In granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following— (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of adjoining properties or the locality, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any of the above requirements.	

3.3	SPECIFIC HEIGHT CONTROLS FOR SUB AREAS		
Sub area: 3.3.1 Rocky Bay			
	Despite the general development controls specified above, the maximum building height shall be 10 metres (external wall height or ridge height) to any development on Lot 217 Mathieson Avenue, and a maximum building height of 7.0 metres external wall height/10 metres to roof ridge as measured from ground level to the remainder of sub area 3.3.1 Rocky Bay.		
Sub area: 3.3.2 Cypress Hill			
	Wall heights on Nil setbacks	No wall approved with a nil setback may exceed 3.5 m in height	
	Lots bounded by Alfred Road, Corkhill street and Ainslie	The maximum external wall height is 6.0 m and the maximum overall height (to the roof ridge line) is 9.0 m.	
	Lots bounded by Corkhill	Lot 203	Maximum external wall height shall be 6.0 m and a maximum ridge height shall be 9.0 m

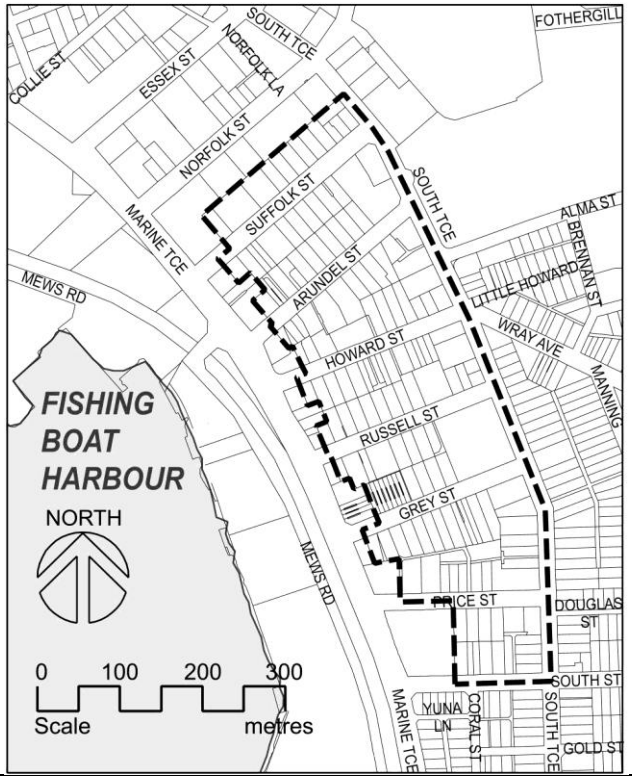
<table>
<tr><td></td><td>Street, Ainslie and Harvest Roads</td><td>Lots 204-206</td><td>Single storey on Ainslie Road frontage (maximum external wall height of 4.0 m and a maximum ridge height of 6.0 m.
The maximum external wall height facing the rear boundary of these lots is to be 9.0 m and may include an undercroft garage at the rear.</td></tr>
<tr><td></td><td>Lots bounded by Corkhill Street, Ainslie and Harvest Roads</td><td>Lots 201 and 202</td><td>Two storeys in height including any undercroft garage and shall step down with the slope of the land.
Maximum permissible external wall height is 6.0 m with a maximum overall height of 9.0 m
Where undercroft garages are proposed the garage will be considered as a single storey for the purposes of calculating building height.</td></tr>
<tr><td>Sub area 3.3.3 Northbank .</td><td colspan="3">
</td></tr>
<tr><td></td><td colspan="3">Despite the general height requirements, the following height restrictions apply to development within the Northbank sub-area:
<table>
<tr><td></td><td>Maximum storeys</td><td>Maximum height (external wall height)</td></tr>
<tr><td>Lot 28 on DP21859 (No. 2 Doepel Street and No. 30 Kwong Alley</td><td>6</td><td>20 m</td></tr>
<tr><td>Lots 103 and 104 on DP21469 (No.s 8, 10, 12, 14 and 16 Bick Lane and No. 1 Swan Street)</td><td>3</td><td>10.5 m</td></tr>
<tr><td>Lot 102 on DP21469 (No. 2-4 Pensioner Guard Road)</td><td>4</td><td>14 m</td></tr>
<tr><td>Lots zoned Residential R60</td><td>3</td><td>8 m</td></tr>
</table></td></tr>
</table>

Sub area 3.3.4 Staples Street	
	Despite the general height requirements, building height shall be limited to single storey with loft (maximum external wall height of 4.8 metres as measured from ground level with a maximum roof plain pitch of 38 degrees.)
Sub area 3.3.5 Eucla Court	
	Despite the general height requirements, residential development shall be limited to a maximum external wall height of 7 metres and 10 metres to the roof ridge.

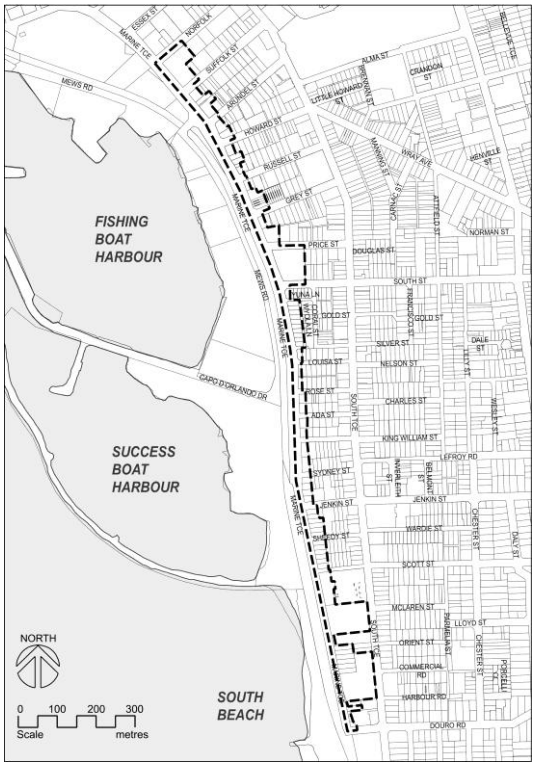
LOCAL PLANNING AREA 4 — SOUTH FREMANTLE



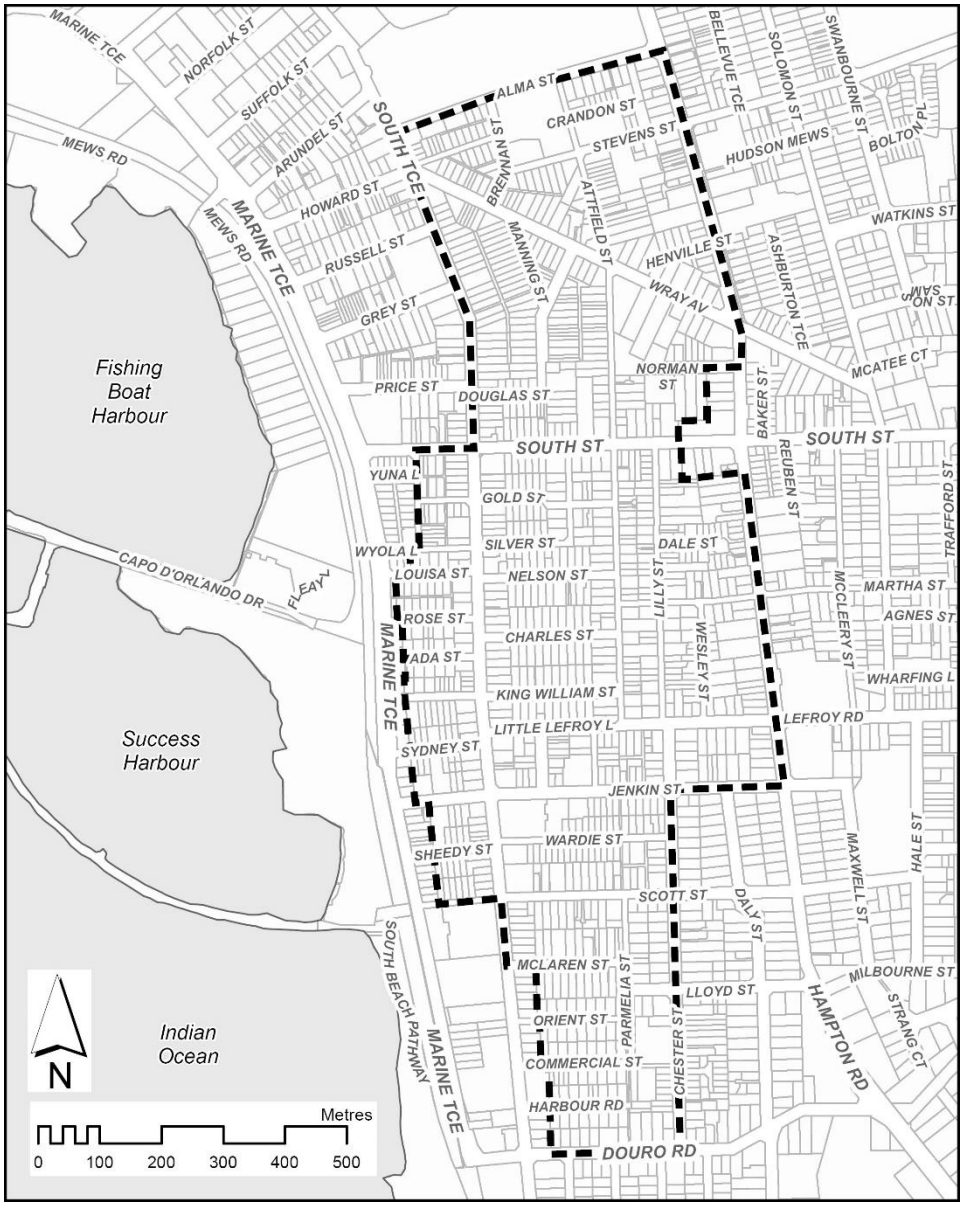
4.1	HEIGHT REQUIREMENTS	
	Zone (Within LPA Only)	Maximum External Wall Height
	Neighbourhood Centre	7 m
	Local Centre	7 m
	Commercial	7 m
	Mixed Use	7 m
	Residential	All requirements as per the Residential Design Codes and special application under clause 4.4

4.2	MATTERS TO BE CONSIDERED IN APPLYING GENERAL AND SPECIFIC HEIGHT REQUIREMENTS
	In granting consent to the maximum heights prescribed Council shall be satisfied in regard to all of the following— (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of the area, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.
Sub Area 4.3.1	Area bounded by Terrace to the east Suffolk Street (inclusive of northern to the north, Marine Terrace to the west South Street to the South side) and South 
	With the exception of sites on Marine and South Terrace, building height shall be limited to single storey with loft (maximum external wall height of 4.8 metres as measured from ground level with a maximum roof plain pitch of 38 degrees).

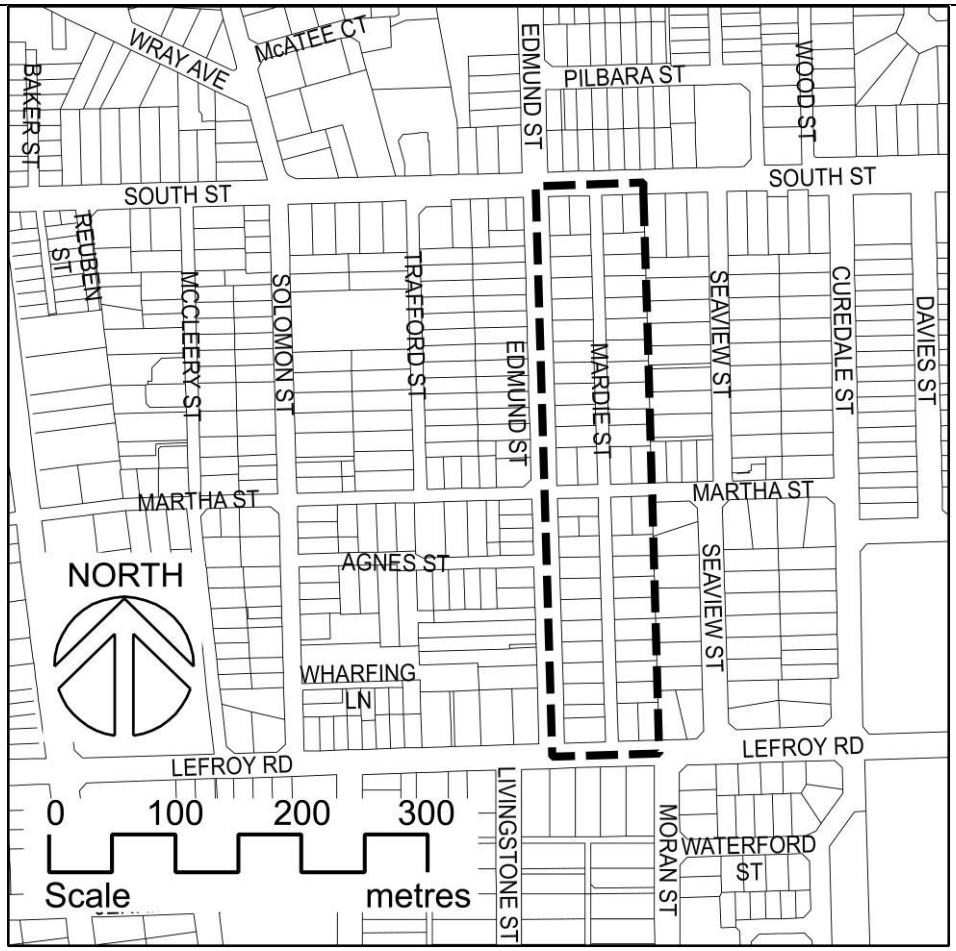
LOCAL PLANNING AREA 4 — SOUTH FREMANTLE

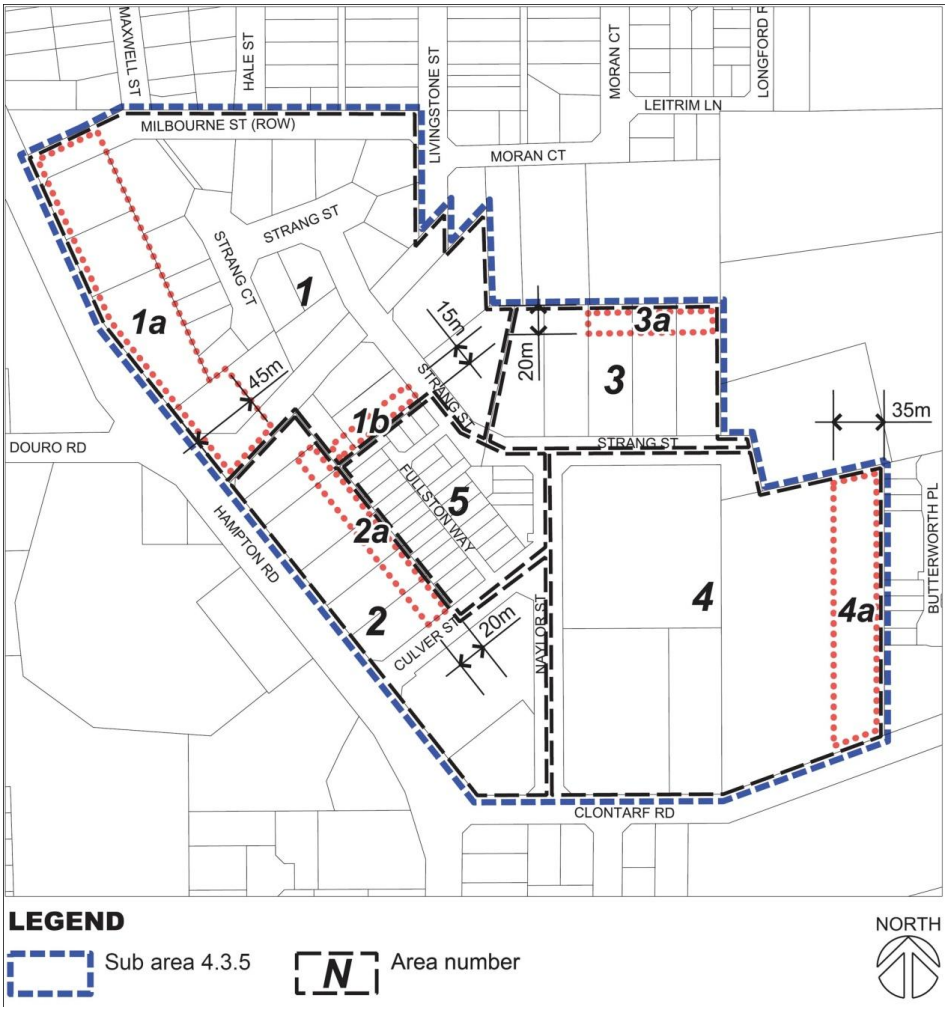
Sub Area 4.3.2	Intersection Norfolk Street to South Street  Building height shall be limited to a maximum of three storeys (maximum external wall height of 10 metres as measured from ground level with a maximum roof plain pitch of 33 degrees). Intersection of South Street to Scott Street Building height shall be limited to a maximum of three storeys (maximum external wall height of 10 metres as measured from ground level with a maximum roof plain pitch of 33 degrees). Intersection of Scott Street to Douro Road Building height shall be limited to a maximum of three storeys (maximum external wall height of 10 metres as measured from ground level with a maximum roof plain pitch of 33 degrees).

LOCAL PLANNING AREA 4—SOUTH FREMANTLE

Sub area 4.3.3	Area bordered by Marine Terrace and South Terrace to the West, Alma Street to the North, Hampton Road, Attfield and Chester Street to the East and Douro Road to the South. 
	Despite the general height requirements, development on land zoned residential shall be limited to 2 storeys.

LOCAL PLANNING AREA 4—SOUTH FREMANTLE

Sub Area 4.3.4	
	Despite the general height requirements, building height shall be limited to 2 storeys.

4.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS
Sub Area 4.3.5	

Land use requirements

a) Notwithstanding the provisions of Table 1-

(i) Fast Food Outlet land use will be classed as an 'A' use within the Mixed Use zone in Sub Area 4.3.5 and Council may exercise discretion to grant planning approval for development including a Fast Food Outlet use where it is satisfied that the proposed development satisfies all of the following criteria;

- The Fast Food Outlet is located at ground level and the development incorporates at least one other land use in addition to Fast Food Outlet; and
- The gross floor area of the additional land use(s) is equal to or greater than the gross floor area of the Fast Food Outlet land use; and
- All land uses are integrated into a single built form comprising not less than three storeys; and
- The design of the building creates a high quality and easily accessible pedestrian environment at ground level, and vehicle circulation and car parking facilities are designed to be subservient to pedestrian access to the front of the building.

(ii) Office, Convenience Store and Consulting Room land uses will be classed as 'A' uses within the Residential zone in Sub Area 4.3.5 where the use is part of a mixed use development.

b) Within Sub Area 4.3.5 the provisions of clause 4.2.5 do not apply.

Building setbacks – Area 2, north of Culver Street

c) On development sites north of Culver Street and with direct frontage to Hampton Road, buildings are to be setback from the front boundary between 12 and 15 metres. Council may vary these prescribed setbacks where it is satisfied that the design outcome will be improved and the development will still allow for future coordination of vehicle parking and access with future development on adjoining lots.

Additional development standards

d) In applying (e) Additional Development Standards within Sub Area 4.3.5;

- Clause 4.2 'Matters to be considered in applying general and specific height requirements' does not apply; and

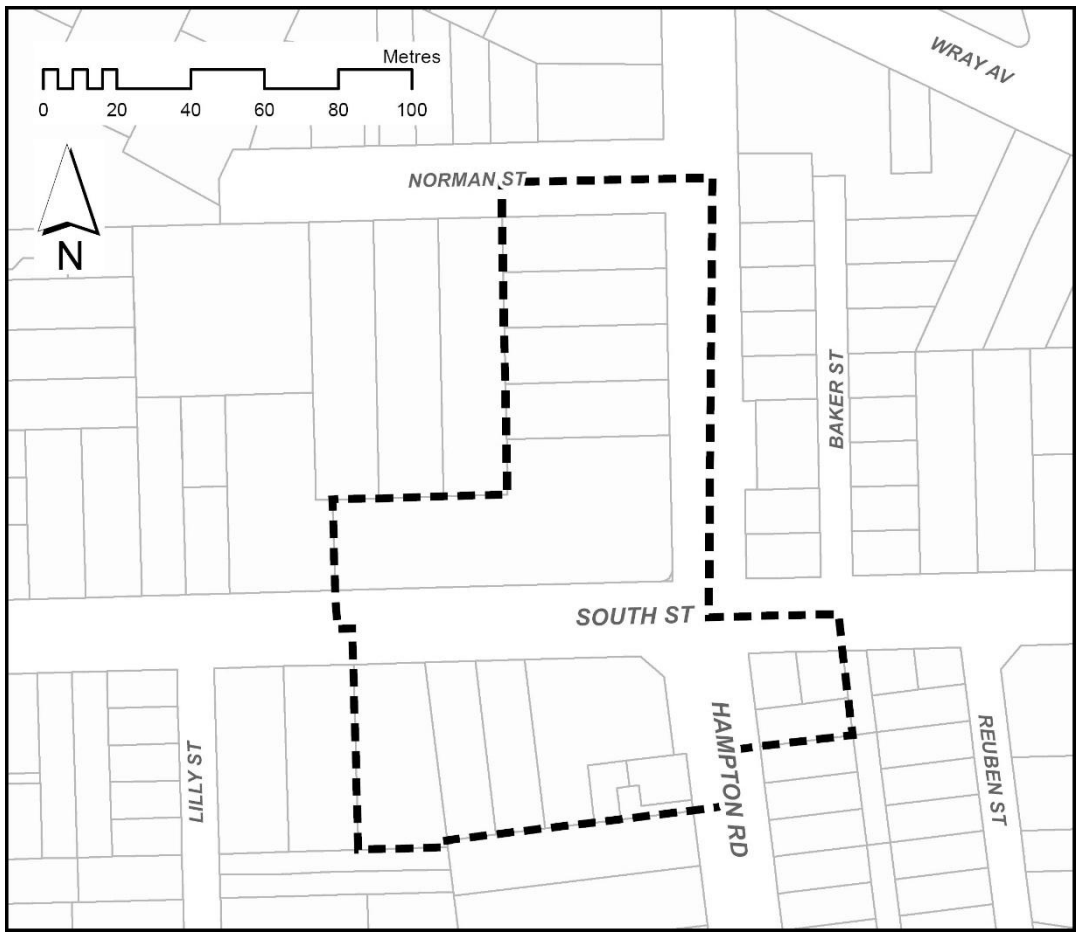
e) Additional development standards shall be in accordance with the criteria and standards set out in the table below-

Locations where additional development standards apply	Criteria to be met in order for additional development standards to apply (all criteria to be met)	Additional development standards
Area 1 (including Area 1a and Area 1b)	1. For development fronting Hampton Road, vehicle parking and access shall be coordinated with existing or future parking and access on adjoining lots in order to minimise the number of crossovers to Hampton Road. 2. For development fronting Hampton Road, vehicle parking shall be provided below ground level or at the rear of the development. 3. Non-residential development above two storeys shall comply with the boundary setback requirements of R-AC3 of the Residential Design Codes.	Permitted building height within Area 1 is 14 metres. Permitted building height within Area 1a is 17.5 metres. Permitted building height within Area 1b is 7.5 metres. Residential density of R-AC3. On development sites fronting Hampton Road and notwithstanding the provisions of clause 4.7.3, parking requirements for non-residential development may be reduced by 50%. Notwithstanding the objectives of the Mixed Use zone under clause 3.2.1 (e), residential uses may be located at ground level.

	Area 2 (including 2a)	1. For development fronting Hampton Road, vehicle parking and access shall be coordinated with existing or future parking and access on adjoining lots in order to minimise the number of crossovers to Hampton Road. 2. Vehicle parking not provided in the front setback area on development sites fronting Hampton Road as required above shall be provided below ground level or at the rear of buildings. 3. The Hampton Road frontage of development shall only have non-residential land uses at ground floor level.	Permitted building height within Area 2 is 24.5 metres. Permitted building height within Area 2a is 7.5 metres. Residential density of R-AC3. On development sites fronting Hampton Road and notwithstanding the provisions of clause 4.7.3, parking requirements for non-residential development may be reduced by 50%.
	Area 3 (including Area 3a)	1. The development site comprises of a minimum land parcel of 5,000 sqm within Area 3 (including Area 3a); 2. Non-residential land uses are restricted to the ground floor unless it is demonstrated to Council's satisfaction that the non-residential land use meets the local needs for commercial services. 3. Development provides active frontages to public street(s) and public open space. 4. The location and design of new road(s) and footpaths shall demonstrate a high standard of vehicular and pedestrian connectivity with the existing road and footpath network. 5. Public Open Space, if required, shall provide direct linkages to, and integrate with the surrounding areas of public open space, namely Clontarf Hill, Sardelic Park and any future open space within Development Area 7 – Lefroy Road Quarry.	Permitted building height within Area 3 is 17.5 metres. Permitted building height within Area 3a is 7.5 metres. Residential density of R160.

	Area 4 (including Area 4a)	1. The development site comprises of a minimum land parcel of 10,000 sqm within Area 4 (including Area 4a); 2. Non-residential land uses are restricted to the ground floor unless it is demonstrated to Council's satisfaction that the non-residential land use meets the local needs for commercial services. 3. Development provides active frontages to public street(s) and public open space. Residential development with frontage to Clontarf Road is to include openings and pedestrian access directly to Clontarf Road. 4. The location and design of new road(s) and footpaths shall demonstrate a high standard of vehicular and pedestrian connectivity with the existing road and footpath network. 5. A portion of the lot area, not less than 7.5m in width, to be provided for the length of the lot adjacent to the common boundaries of 1 Naylor St, 2 Clontarf Rd (Lot 72) and 4 Clontarf Rd. This portion of land shall be transferred at no cost to the City of Fremantle to provide a north-south linkage between Strang St and Clontarf Rd for the purpose of public open space and/or a landscaped dual use pathway, to integrate with the existing areas of public open space at Clontarf Hill and future public open space within Development Area 7 – Lefroy Road Quarry.	Permitted building height within Area 4 is 24.5 metres. Permitted building height within Area 4a is 7.5 metres. Residential density of R160.
	Area 5	None applicable	None applicable
	Note: Where the above criteria are not met, the general height requirements in 4.1 above apply.		

Sub Area 4.3.6



1. Within Sub area 4.3.6 provisions of clause 4.2.5 do not apply.

   Building Height and Setbacks -

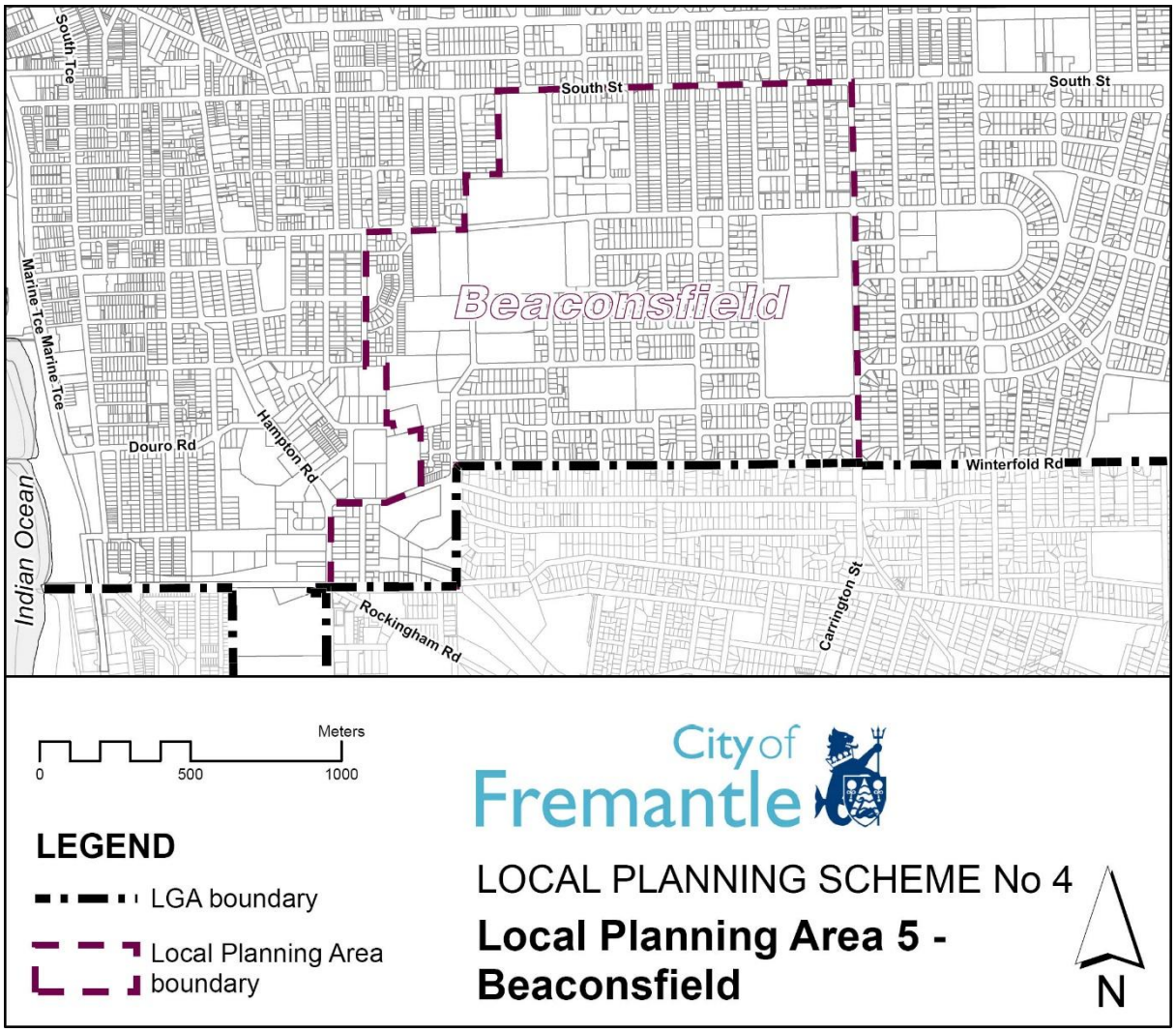
2. Clause 4.2 'Matters to be considered in applying general and specific height requirements' does not apply to Sub Area 4.3.6.
3. Building height shall be limited to a minimum of 7 metres with two levels of active building use and a maximum of 15 metres as measured from ground level, except for 101 (Lot 22) Hampton Road, Fremantle, 61 (Lot 6), 63-65 (Lots 1 and 2) South Street, South Fremantle and 69 (Lots 16, 17 and 18) South Street, Beaconsfield, where the maximum building height permitted shall be as specified in the table below:

Property address	Maximum building height
No. 101 (Lot 22) Hampton Road, Fremantle	i. 7 metres on the part of the lot within 5 metres of the western lot boundary adjoining No. 70 South Street; ii. 10 metres on the part of the lot within 15 metres but more than 5 metres from the western lot boundary adjoining No. 70 South Street; and iii. 15 metres on all parts of the lot other than the parts referred to in (i) and (ii) above.

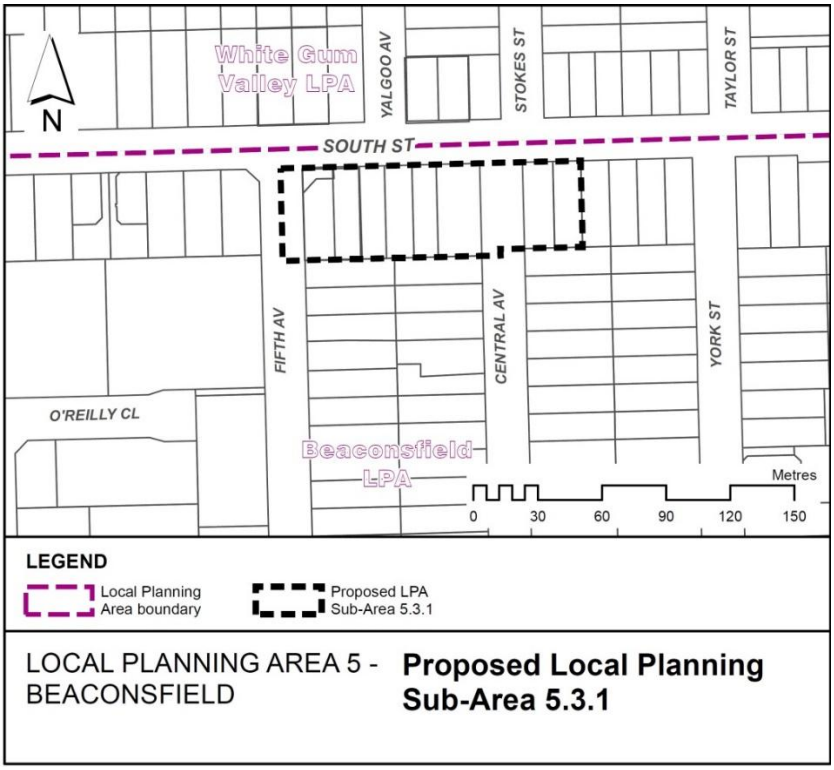
	No. 61 (Lot 6) South Street, South Fremantle	i. 7 metres on the part of the lot within 5 metres of the western lot boundary adjoining No. 59 South Street and/or within 5 metres of the southern lot boundary adjoining No. 2 Lilly Street; ii. 10 metres on the part of the lot within 15 metres but more than 5 metres from the western lot boundary adjoining No. 59 South Street and/or on the part of the lot within 15 metres but more than 5 metres of the southern lot boundary adjoining No. 2 Lilly Street; and iii. 15 metres on all parts of the lot other than the parts referred to in (i) and (ii) above.
	No. 63-65 (Lots 1 and 2) South Street, South Fremantle	i. 7 metres on the part of the lot within 5 metres of the southern lot boundary adjoining No. 111 and 111A Hampton Road; ii. 10 metres on the part of the lot within 15 metres but more than 5 metres from the southern lot boundary adjoining No. 111 and 111A Hampton Road; and iii. 15 metres on all parts of the lots other than the parts referred to in (i) and (ii) above.
	No. 69 South Street/146-148 Hampton Road (Lots 16, 17 and 18), Beaconsfield	i. 7 metres on the part of the lot within 5 metres of the southern lot boundary adjoining Lot. 150 Hampton Road; ii. 12 metres on all parts of the lot other than the parts referred to in (i) above; and iii. Notwithstanding (i) and (ii) above, Council may permit a maximum building height of 15 metres where Council is satisfied to all of the following: - The existing heritage buildings on site are to be retained as part of any development on the lot/s; - The design of any new development is to appropriately address the scale, bulk, materials and textures of the existing heritage listed buildings on site; - New development must demonstrate the design of any new development will result in lesser overshadowing and/or more sunlight penetration to the outdoor living areas of Lot 150 Hampton Road compared with the setbacks described in (i) and (ii) above; and - The height of the Hampton Road elevation is to be graduated in order to reduce the impact of building bulk on the adjoining southern boundary.

	4. A minimum street setback of 2 metres and a maximum street setback of 3 metres to Hampton Road and South Street, South Fremantle, in all locations except for the following: i. No. 61 (Lot 6) South Street where the minimum street setback shall be 2 metres and the minimum average street setback shall be 5 metres; and ii. The part of No. 101 (Lot 22) Hampton Road at the junction of the lot boundaries to Hampton Road and South Street where the street setback shall be a 10 meter x 10 metre truncation. In all locations the applicable setback shall apply to all parts of any development including basements and external balconies. 5. Buildings setback from boundaries or adjacent buildings may be reduced to 1 metre except where the building adjoins No 59 (Lot 5) South Street, and No 111 and 111A (Lots 1 and 2) Hampton Road, South Fremantle. Development adjoining these properties must be in accordance with the Residential Design Codes. Vehicle Access – 6. Vehicle parking shall only be provided at the rear of buildings and / or below ground level. 7. Vehicular access points must be no more than 4 metres in width. 8. Vehicular access shall be coordinated for No 99 (Lots 16 and 17) Hampton Road in order to limit the number of crossovers to one along Hampton Road. 9. No 97 (Lot 15) South Street is required to locate its vehicular access point on the southern boundary. Other Development Standards – 10. Buildings shall incorporate active ground level frontages to Hampton Road and South Street. 11. Where buildings are assessed under Volume 1 of the R-Codes, open space can be reduced up to 30% where development respects the existing or preferred neighbourhood character. 12. In the part of all development with frontage to Hampton Road and/or South Street the ground floor level must be no greater than 600mm above the level of the adjacent footpath, and the first floor level must be at least 4 metres above the level of the footpath adjacent to the site. 13. In assessing development against design elements 5.4.2 (Solar access for adjoining sites) of Volume 1 or Acceptable Outcomes 3.2.3 (Orientation) of Volume 2 of the Residential Design Codes and irrespective of the dwelling or lot type on adjoining southern boundary, development shall not be assessed against C2.1 and C2.2 of the Deemed-to-comply requirements of Volume 1, or A 3.2.3 and A 3.2.4 of Volume 2, but shall only be assessed against the design principles of clause 5.4.2 or Element Objective O3.2.2, respectively.

LOCAL PLANNING AREA 5—BEACONSFIELD

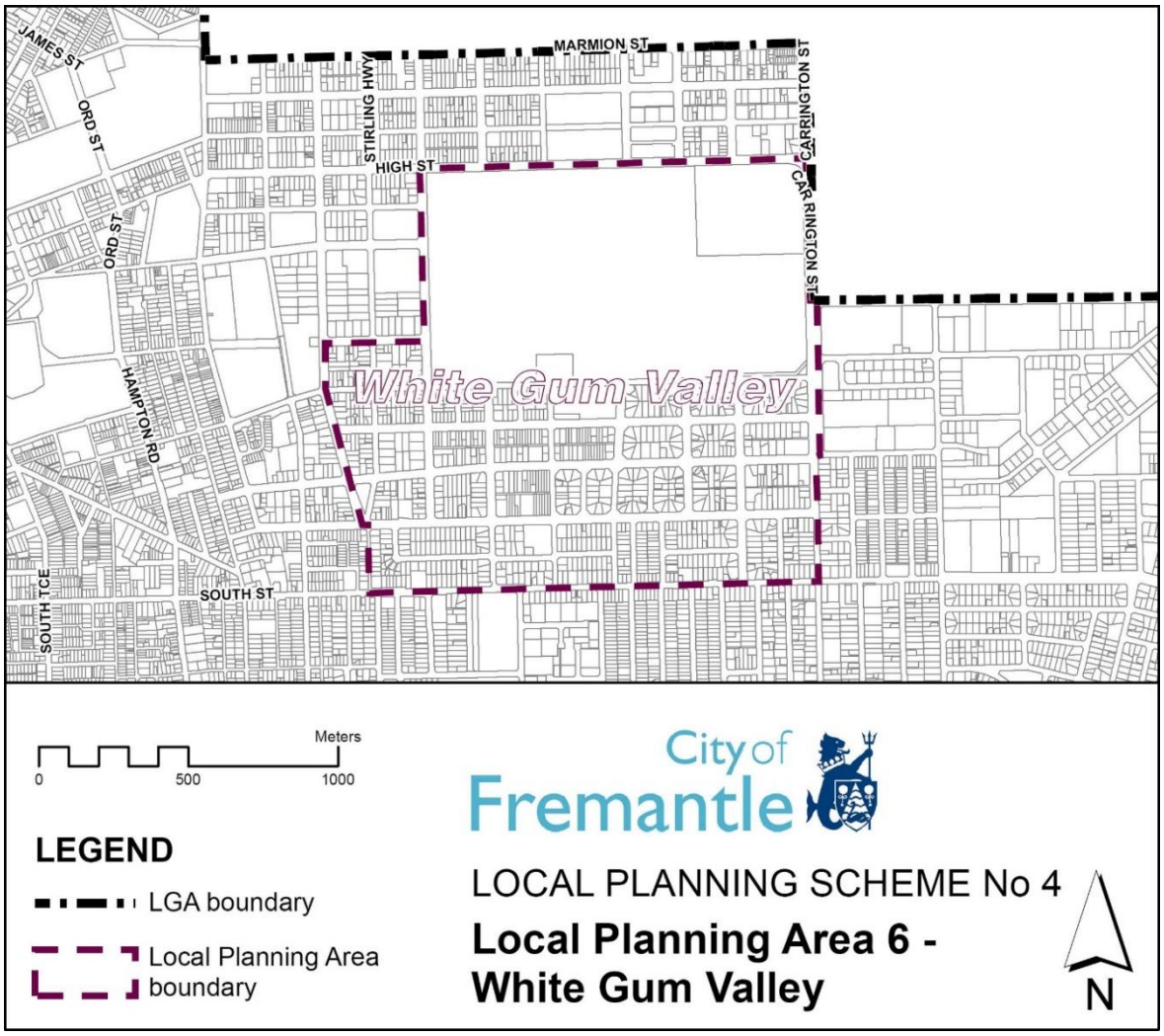


5.1	HEIGHT REQUIREMENTS	
	Zone (Within LPA Only)	Maximum External Wall Height
	Neighbourhood Centre	5.5m (except within Sub Area 5.3.1)
	Residential	All requirements as per the Residential Design Codes and special applications clause 4.4.
5.2	**MATTERS TO BE CONSIDERED IN APPLYING GENERAL AND SPECIFIC HEIGHT REQUIREMENTS**	
	In granting consent to the maximum heights prescribed Council shall be satisfied in regard to all of the following— (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of the area, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locally generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.	

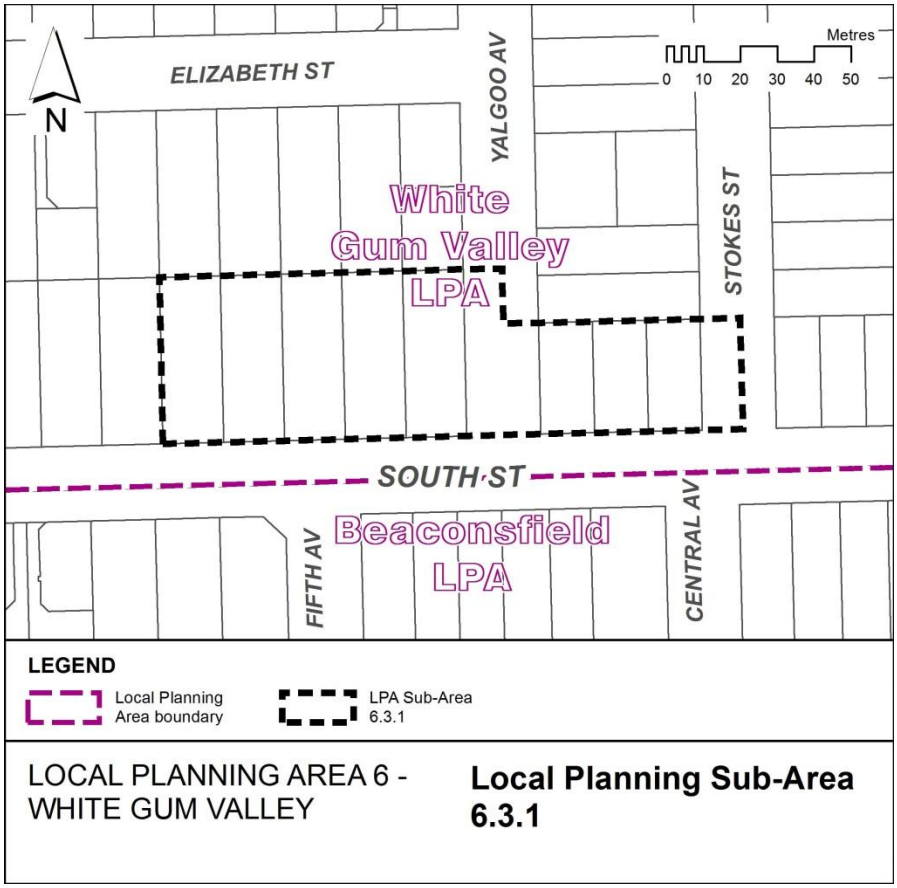
5.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS	
Sub Area 5.3.1		
	a) Within sub area 5.3.1, clause 4.2.5 does not apply; and Additional development standards b) In applying Additional Development Standards within Sub Area 5.3.1, clause 5.2 'Matters to be considered in applying general and specific height requirements' of Local Planning Area 5 does not apply. c) A minimum building height of 7 metres, including a building façade on the South Street frontage which incorporates windows and doors at the ground floor and windows to the first floor level to create interest and a sense of activity within the building, applies. d) Additional development standards shall be in accordance with the criteria and standards set out in the table below:	
	Criteria to be met in order for additional development standards to apply	Additional development standards
	Land use a) Notwithstanding the provisions of Table 1 – Zoning, residential land uses will not be permitted in new buildings at the ground floor level with frontage to South Street, to ensure activation of development frontages to South Street. Vehicle access b) Vehicle access to development sites with frontage to South Street and an alternative public road shall only have vehicle access via the alternative public	Density a) Residential density code R100. Height b) Where the development site area comprises of a minimum land parcel of less than 1,000 sqm the following height requirements apply: • A maximum external wall height of 10 metres and top of

	road. Vehicle access shall be designed to encourage coordination of access to adjoining properties. c) Vehicle parking shall only be provided at the rear of buildings and / or below ground level. d) For new development with frontage to South St, a Traffic Impact Assessment is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval. Other design requirements e) In the part of all new development with frontage to South Street the ground floor level must be no greater than 600mm above the level of the adjacent footpath, and the first floor level must be at least 4 metres above the level of the footpath adjacent to the site. f) The minimum street setback shall be 10 metres at the lot boundary to South Street, and the maximum street setback shall be 12 metres at the lot boundary to South Street, unless Main Roads has no objection to a reduced street setback. g) To prevent excessive breaks in building frontages to South Street, the maximum aggregate width of spaces between or to the side of the building(s) on the lot at ground floor level on the frontage to South Street is no more than 6 metres. h) Where buildings are assessed under Volume 1 of the R-Codes, open space can be reduced to 30% where development respects existing or preferred neighbourhood character. i) At least 10% of the site area to be landscaped with plantings and permeable surfaces. j) Any wall on the boundary of a residential zoned property outside of the sub area to be no more than 3.5m in height and 3m on average with a maximum length of two thirds of the length of the boundary.	pitched roof height of 13 metres. c) Where the development site area comprises of a minimum land parcel of 1,000 sqm or more the following height requirements apply: • The height requirements shall be in accordance with the heights specified in Table 2.1 and clause 2.2 of Volume 2 of the Residential Design Codes for R100 coded land. Height buffer d) Regardless of the height requirement referred to above a height buffer shall apply to development as follows - • A maximum external wall height of 6 metres and top of pitched roof height of 9 metres for development in the sub area within 5 metres of residential zoned properties outside of the sub area. • A maximum external wall height of 9 metres and top of pitched roof height of 12 metres for development in the sub area within 15 metres of residential zoned properties outside of the sub area.
Note: Where the above criteria are not met, the height requirements in 5.1 of Local Planning Area 5 above apply.		

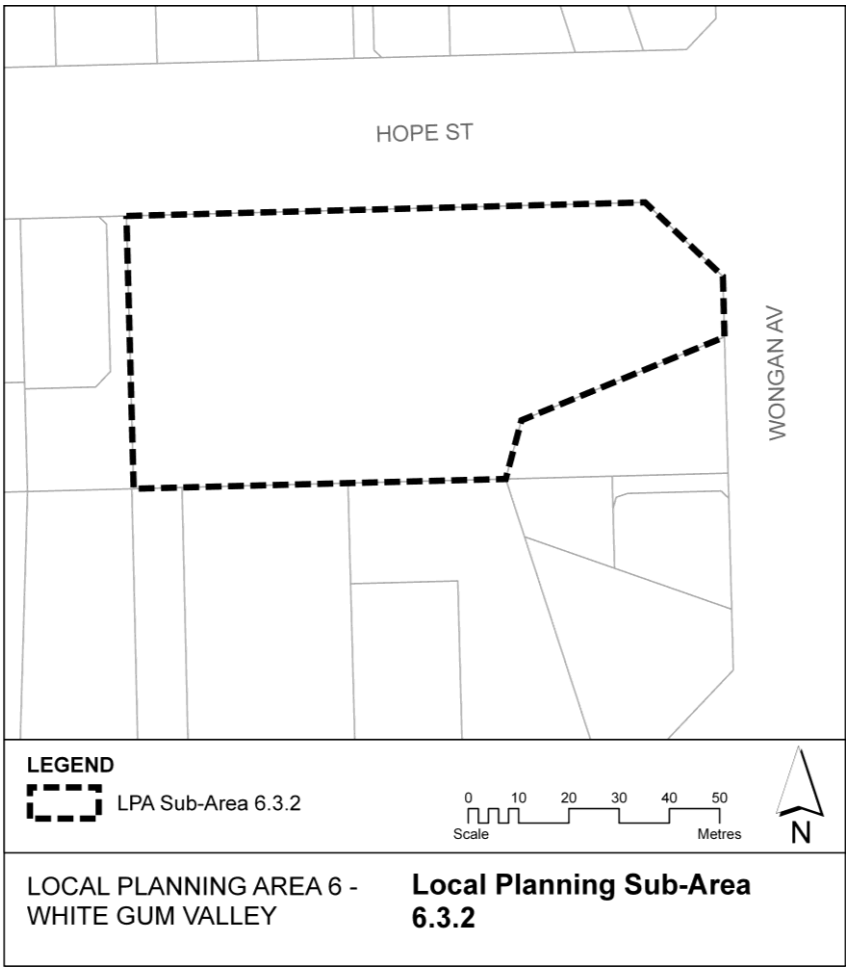
LOCAL PLANNING AREA 6—WHITE GUM VALLEY



6.1	HEIGHT REQUIREMENTS	
	Zone (Within LPA Only)	Maximum External Wall Height
	Neighbourhood Centre	5.5m (except within Sub Area 6.3.1)
	Local Centre	5.5 m
	Residential	All requirements as per the Residential Design Codes and special applications under clause 4.4.
6.2	**MATTERS TO BE CONSIDERED IN APPLYING SPECIFIC AND GENERAL HEIGHT REQUIREMENTS**	
	In granting consent to the maximum heights prescribed, Council shall be satisfied in regard to all of the following— (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of the area, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.	

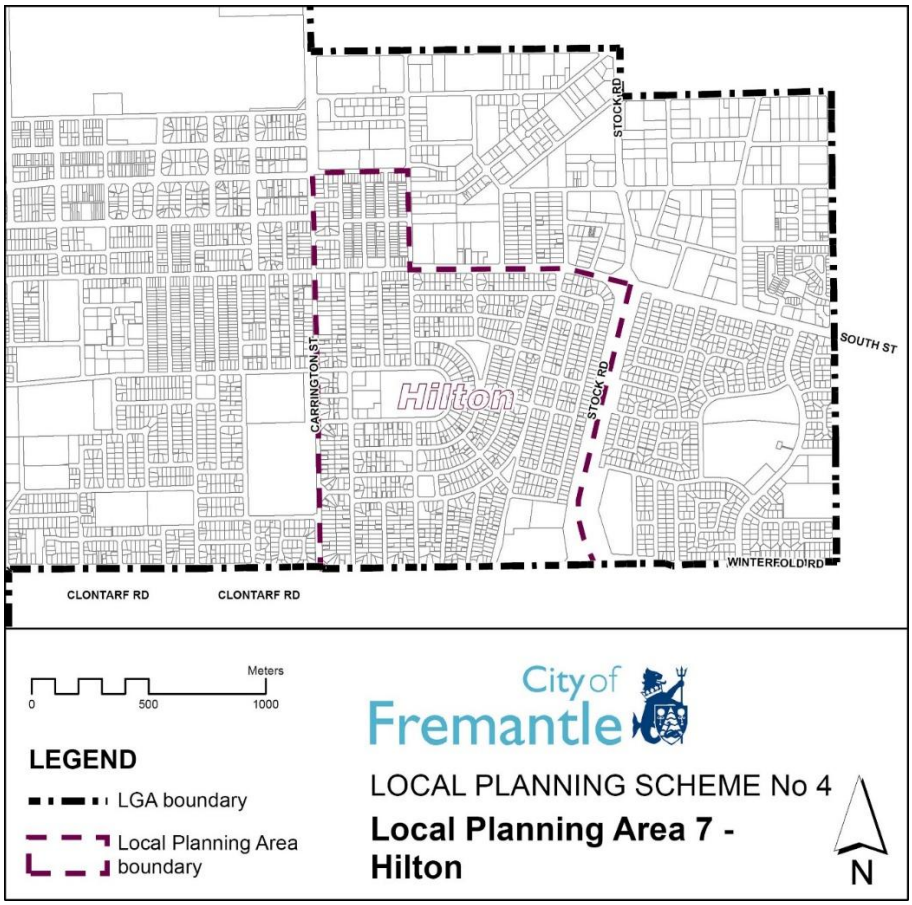
<table>
<tr><th>6.3</th><th colspan="2">SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS</th></tr>
<tr><td>Sub area 6.3.1</td><td colspan="2">
</td></tr>
<tr><td></td><td colspan="2">a) Within sub area 6.3.1, clause 4.2.5 does not apply; and
Additional development standards
b) In applying Additional Development Standards within Sub Area 6.3.1 clause 6.2 ‘Matters to be considered in applying general and specific height requirements’ of Local Planning Area 6 does not apply.
c) A minimum building height of 7 metres, including a building façade on the South Street frontage which incorporates windows and doors at the ground floor and windows to the first floor level to create interest and a sense of activity within the building, applies.
d) Additional development standards shall be in accordance with the criteria and standards set out in the table below:</td></tr>
<tr><td></td><td>Criteria to be met in order for additional development standards to apply</td><td>Additional development standards</td></tr>
<tr><td></td><td>Land use
a) Notwithstanding the provisions of Table 1 – Zoning, residential land uses will not be permitted in new buildings at the ground floor level with frontage to South Street, to ensure activation of development frontages to South Street.
Vehicle access</td><td>Density
a) Residential density code R100.
Height
b) Where the development site area comprises of a minimum land parcel of less than 1,000 sqm the</td></tr>
</table>

	b) Vehicle access to development sites with frontage to South Street and an alternative public road shall only have vehicle access via the alternative public road. Vehicle access shall be designed to encourage coordination of access to adjoining properties. c) Vehicle parking shall only be provided at the rear of buildings and / or below ground level. d) For new development with frontage to South St, a Traffic Impact Assessment is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval. Other design requirements e) In the part of all new development with frontage to South Street the ground floor level must be no greater than 600mm above the level of the adjacent footpath, and the first floor level must be at least 4 metres above the level of the footpath adjacent to the site. f) The minimum street setback shall be 10 metres at the lot boundary to South Street, and the maximum street setback shall be 12 metres at the lot boundary to South Street, unless Main Roads has no objection to a reduced street setback. g) To prevent excessive breaks in building frontages to South Street, the maximum aggregate width of spaces between or to the side of the building(s) on the lot at ground floor level on the frontage to South Street is no more than 6 metres. h) Where buildings are assessed under Volume 1 of the R-Codes, open space can be reduced to 30% where development respects existing or preferred neighbourhood character. i) At least 10% of the site area to be landscaped with plantings and permeable surfaces. j) Any wall on the boundary of a residential zoned property outside of the sub area to be no more than 3.5m in height and 3m on average with a maximum length of two thirds of the length of the boundary.	following height requirements apply: • A maximum external wall height of 10 metres and top of pitched roof height of 13 metres. c) Where the development site area comprises of a minimum land parcel of 1,000 sqm or more the following height requirements apply: • The height requirements shall be in accordance with the heights specified in Table 2.1 and clause 2.2 of Volume 2 of the Residential Design Codes for R100 coded land. Height buffer d) Regardless of the height requirement referred to above a height buffer shall apply to development as follows - • A maximum external wall height of 6 metres and top of pitched roof height of 9 metres for development within 5 metres of residential zoned properties outside of the sub area. • A maximum external wall height of 9 metres and top of pitched roof height of 12 metres for development within 15 metres of residential zoned properties outside of the sub area.
Note: Where the above criteria are not met, the height requirements in 6.1 of Local Planning Area 6 above apply.		

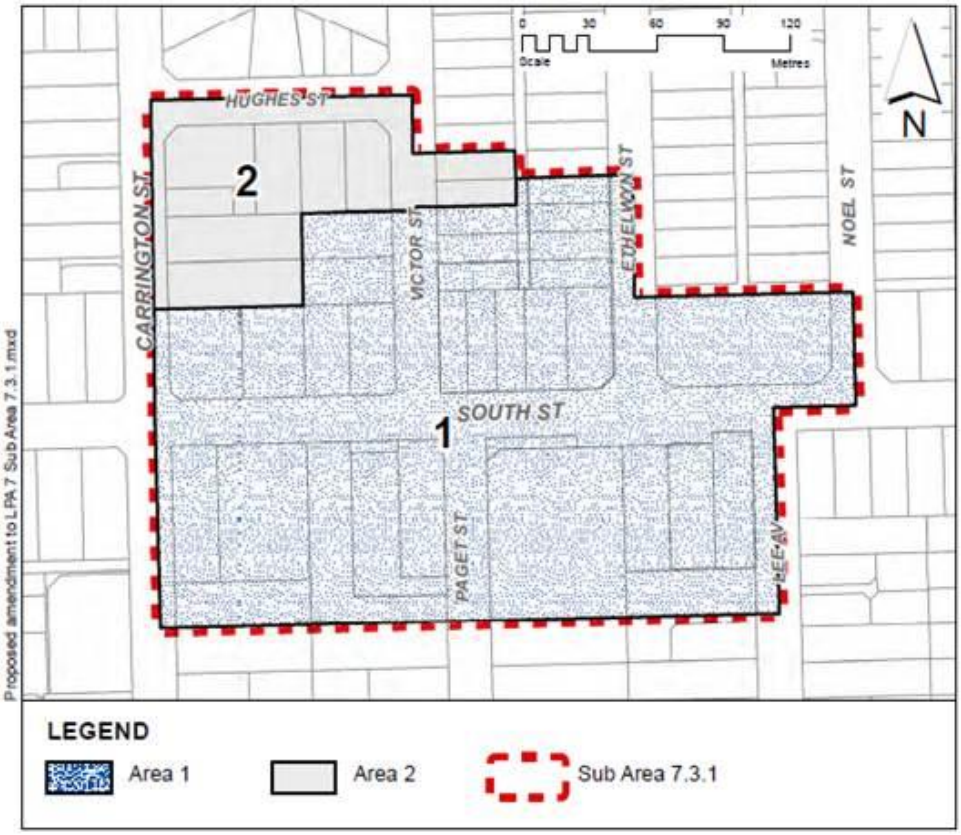
Sub Area 6.3.2		
	LOCAL PLANNING AREA 6 – WHITE GUM VALLEY Local Planning Sub-Area 6.3.2	
	Additional development standards Additional development standards shall be in accordance with the criteria and standards set out in the table below.	
	Requirements (criteria) to be met in order for additional development standards to apply	Additional development standards
	Housing Diversity (a) Diversity of housing typologies is to be demonstrated with: (i) a minimum of 30% of proposed dwellings having a floor area less than 120m^2; and (ii) a maximum of 40% of proposed dwellings having a floor area more than 140m^2. Sustainability (b) The proposed development provides 1.5+ star in excess of the current energy efficiency requirement of the National Construction Code. (c) Each dwelling provides a minimum 2Kw	(a) Residential density code R60. (b) Multiple dwellings will only be permitted in the sub area up to a maximum of two storeys.

	photovoltaic solar panel system. Open Space (d) A minimum of 60% open space as defined by the R-Codes being provided within the development site and supported by a detailed Waterwise landscaping plan. Trees and Landscaping (e) At least 25% of the development site shall be landscaped with Waterwise plantings and permeable surfaces. (f) A deep planting zone minimum 3m dimension and 9m2 in area shall be provided for each single house or grouped dwelling with a minimum 400L approved tree planted in the deep planting zone prior to occupancy of the development. (g) Landscaping treatment of street verges. Built Form (h) Dwellings adjacent to the street shall be provided with direct access from the street, and shall include major openings to habitable rooms overlooking the street. Car Movement and Parking (i) Parking area surface treatments to be water permeable. (j) Consolidated site access points being provided to encourage coordination of access and minimise the number of crossovers. Local Development Plan (k) A local development plan is required to be prepared prior to the approval of any proposed development, addressing the following specific built form considerations: (i) Vehicle and pedestrian access and egress. (ii) Building setbacks, including boundary walls and rear setbacks. (iii) Solar access. (iv) On-site car parking locations. (v) Visitor parking locations (vi) Landscaping and open space provision. (vii) Fencing and retaining walls. (viii) Private open space location and treatments. (ix) The interface with existing development on adjoining lots.	
Note: Where the above criteria are not met, the residential density code as shown on the Scheme Map applies.		

LOCAL PLANNING AREA 7—HILTON



7.1	HEIGHT REQUIREMENTS	
	Zone (Within LPA Only)	Maximum External Wall Height
	Neighbourhood Centre	5.5 m
	Local Centre	6 m
	Commercial	7.5 m
	Residential	All requirements as per the Residential Design Codes and special applications under clause 4.4.
7.2	**MATTERS TO BE CONSIDERED IN APPLYING SPECIFIC AND GENERAL HEIGHT REQUIREMENTS**	
	In granting consent to the maximum heights prescribed Council shall be satisfied in regard to all of the following— (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of the area, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.	

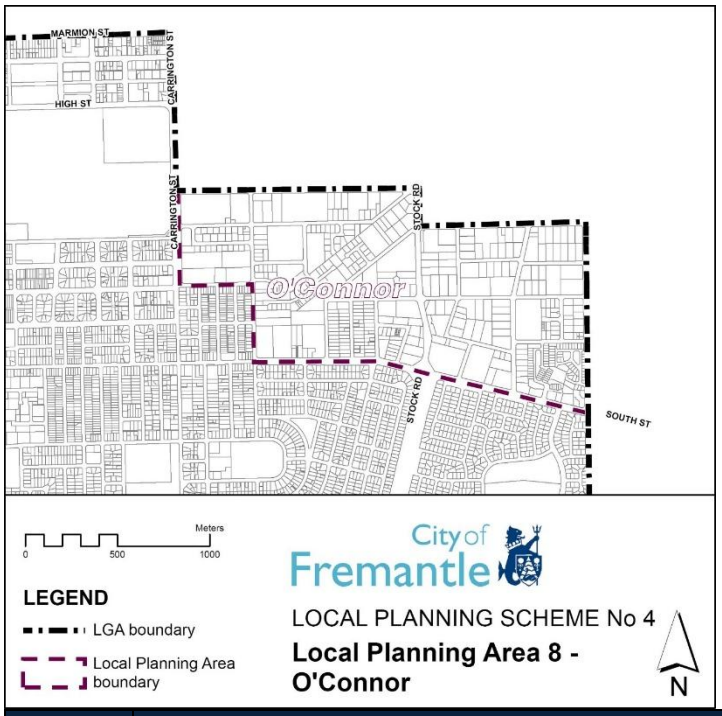
7.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREA	
Sub area 7.3.1		
	General provisions	a) Clause 4.2.5 of this scheme does not apply to this sub area. b) In this sub area, a minimum building height of 7 metres applies where new non-residential development is proposed. c) In this sub area, all new non-residential buildings in Area 1 shall incorporate an activated street frontage to the primary street which incorporates windows and doors at the ground floor and windows to the first floor level. d) Clause 7.2 of Local Planning Area – Hilton does not apply. e) The base density code of R20 applies, however, approval will be granted to development(s) proposed at the higher bonus densities, as set out below, where the development proposal achieves the corresponding design criteria.
	Bonus density R160	**Design criteria required to be met in order for bonus density to apply:** Land use

	Area 1 only) Maximum building height of 17 metres, except for land within 5 metres of the boundary of any lot outside of sub area 7.3.1 where a maximum building height of 14 metres applies.	a) Notwithstanding the provisions of Table 1 – Zoning, residential land uses will not be permitted in new buildings at the ground floor level with frontage to South Street and Carrington Street. Vehicle access b) Development sites with frontage to South Street and an alternative public road shall only have vehicle access via the alternative public road. Vehicle access shall be designed to encourage coordination of access to adjoining properties. c) Vehicle parking shall be located at the rear of buildings, below ground level, or at roof top level subject to suitable screening being provided to ensure that parked vehicles are not visible from the street. d) For new developments fronting South Street, a Traffic Impact Assessment is to be undertaken by a suitability qualified traffic engineer and shall be submitted in support of an application for planning approval. Other e) For new development fronting South Street, Paget Street, Victor Street or Carrington Street, the ground floor level at the street frontage must be no greater than 600mm above the level of the adjacent footpath. The first floor level must be at least 4 metres above the level of the adjacent footpath. f) For new development fronting South Street, the primary street setback shall be a minimum of 10 metres and a maximum of 12 metres. Council may approve a lesser street setback subject to no objection from Main Roads WA. g) For new development fronting roads other than South Street, the primary street setback shall be a minimum of nil and a maximum of 2 metres. h) The maximum aggregate width of spaces between or to the side of building(s) at ground floor level fronting South Street shall be no more than 6 metres on any one development site. i) Notwithstanding part 4.4 of Volume 2 of the R-Codes, each dwelling shall have a minimum outdoor living area of 15m^2. j) At least 10% of the site area shall be landscaped with plantings and permeable surfaces.
	Bonus density R-AC1 **Area 1 only)** Maximum building	**Design criteria required to be met in order for bonus density to apply:** a) All design criteria relating to bonus density of R160 (above) shall be achieved; b) Lot size of 2400m^2 or greater;

	height of 20 metres, except for land within 5 metres of the boundary of any lot outside of sub area 7.3.1 where a maximum building height of 14 metres applies.	c) Incorporates a distinctive architectural feature and achieves exceptional design achieving the principles listed under Schedule A Clause 78B Advisory committee(6)(c) of this scheme; and d) Achieves at least one of the following: • Incorporates a minimum of two levels of non-residential land uses, one of which shall be the ground floor level; • At ground floor level, a minimum of 1000m^2 net lettable area designed for occupation by a single tenancy for 'shop' land use as defined in Schedule 1 – Land Use Definitions of this Scheme; and/or • A minimum of 10% of the residential net lettable area of the development shall be provided in the form of dwellings which meet the definition of 'affordable housing' in Schedule 1 – Land use Definitions of this Scheme.
	Bonus density R100 (Area 2 only) Maximum building height of 14 metres, except for land within 5 metres of the boundary of any lot outside of sub area 7.3.1 where a maximum building height of 11 metres applies.	**Design criteria required to be met in order for bonus density to apply:** a) The development area comprises a minimum of 1000m^2. b) Development sites with a frontage to Carrington Street and an alternative public road shall only have vehicle access via the alternative public road. Vehicle access shall be designed to encourage coordination of access to adjoining properties.

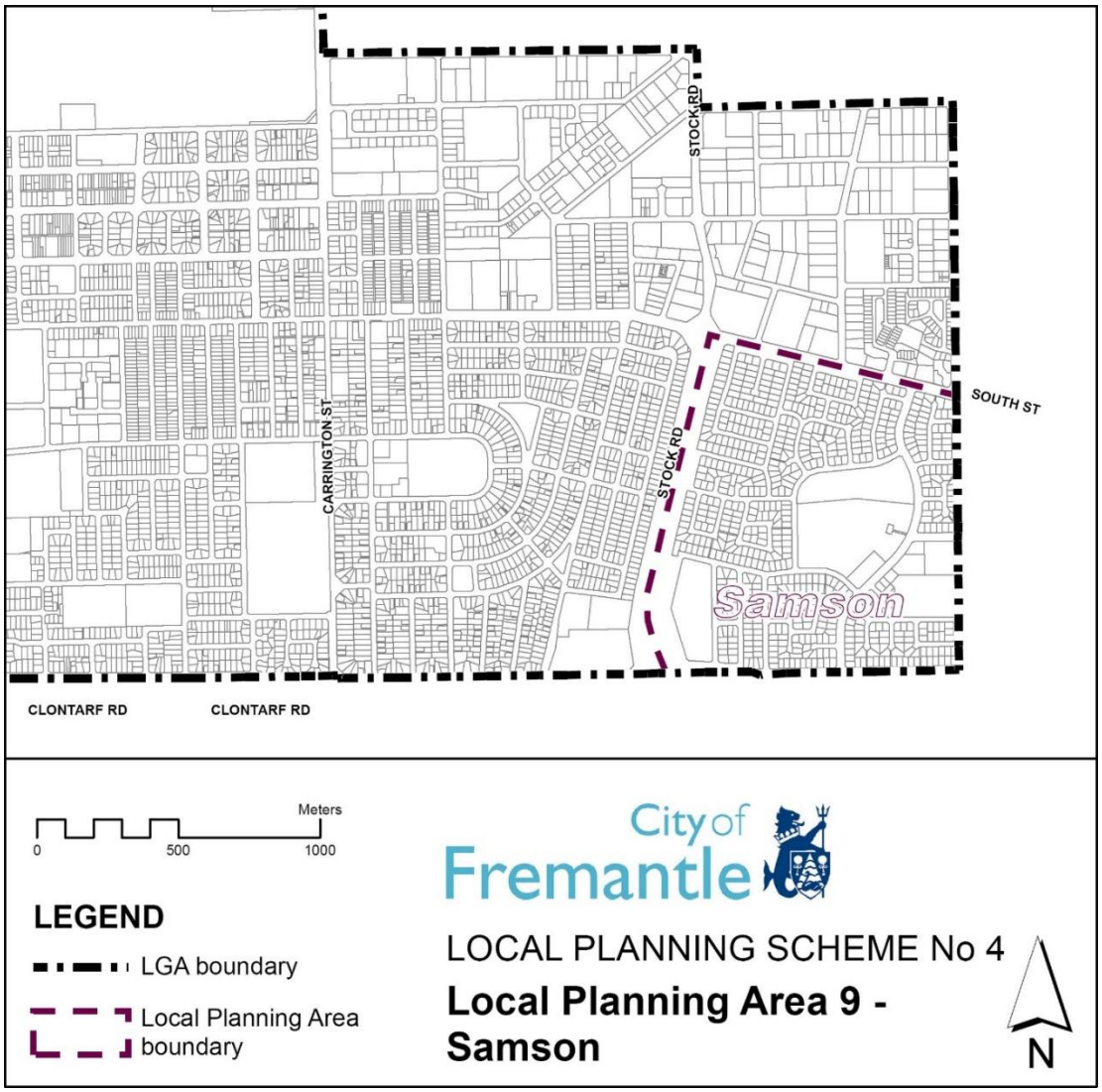
Sub Area 7.3.2		
Location where specific controls may apply	Criteria to be met in order for specific development controls to apply	Specific development controls
Properties in Sub Area 7.3.2 as shown on the above plan	Where: 1. The lot is a corner lot with frontages to more than one public road; or 2. the lot fronts South Street; and 3. no vehicle access is obtained directly from South Street; and 4. development presents a principal building elevation to South Street; and 5. pedestrian access is provided from South Street.	Residential density may be increased up to R60 in the case of development applications. Council will not recommend approval of subdivision of vacant land at a density higher than R30.

LOCAL PLANNING AREA 8—O'CONNOR



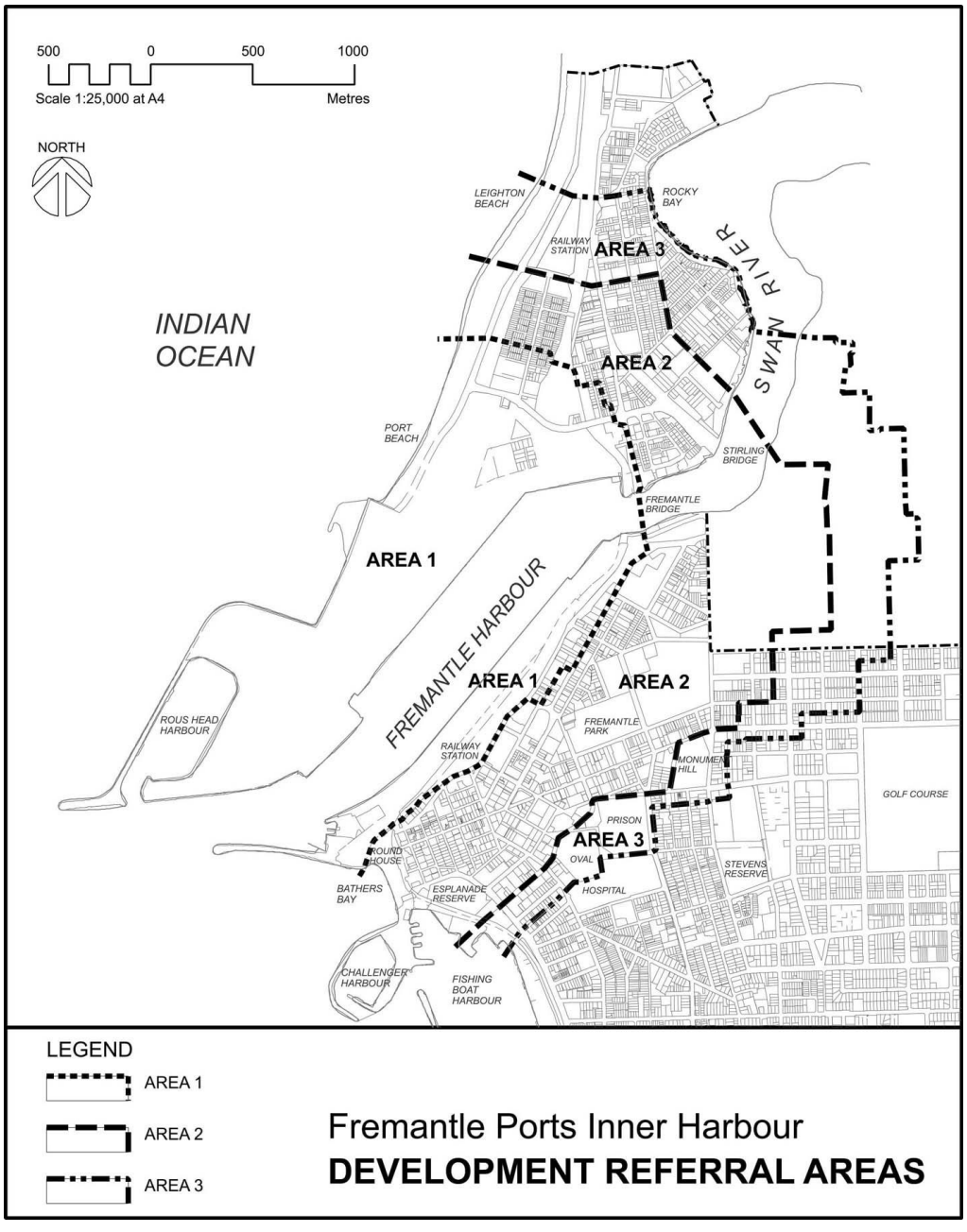
8.1	**HEIGHT REQUIREMENTS**	
	Zone (Within LPA Only)	Maximum Wall Height
	Industrial	—
	Commercial	—
	Neighbourhood Centre	11 m
	Residential	As per the Residential Design Codes and special applications under clause 4.4.
8.2	**MATTERS TO BE CONSIDERED IN APPLYING GENERAL AND SPECIFIC HEIGHT REQUIREMENTS**	
	In granting consent to the maximum heights prescribed Council shall be satisfied in regard to all of the following — (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of the area, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one of all of the above requirements.	
8.3	**SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREA**	
Sub area: 8.3.1		
	Height	Two Storeys (Maximum wall height of 7 metres).
	Refer also to clause 5.6 of the Scheme — O'Connor Industrial Interface Area.	

LOCAL PLANNING AREA 9—SAMSON



9.1	HEIGHT REQUIREMENTS	
	Zone (Within LPA Only)	Maximum Wall Height
	Local Centre	6 m
	Residential	As per Residential Design Codes and special applications under clause 4.4.
9.2	**MATTERS TO BE CONSIDERED IN APPLYING GENERAL AND SPECIFIC HEIGHT REQUIREMENTS**	
	In granting consent to the maximum heights prescribed Council shall be satisfied in regard to all of the following— (a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, (b) the proposal would not be detrimental to the amenity of the area, (c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and (d) any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.	

6.8 Schedule 8 — Referral Area Fremantle Port Authority



6.9 Schedule 9 — Development Plans

DEVELOPMENT PLAN 14 — SOUTH BEACH VILLAGE, SOUTH FREMANTLE

1.0 **OBJECTIVES**

1.1 **Sustainable Development**

(a) Subdivision and development applications will be assessed for their contribution to the environmental, social and economic sustainability of the development and ensure energy efficient housing.

1.2 **Accessibility**

(a) The development area will include an efficient road circulation network for private and public transport vehicles, integrated with adjoining areas. Traffic impact on adjoining streets in South Fremantle will be minimised.

(b) A network of off road paths will provide safe and direct access for pedestrians and cyclists through the site and connecting to existing networks in Fremantle and Cockburn.

1.3 **Social Context**

(a) The development will protect the recreational values of South Beach and open space areas from overlooking, and excessive bulk and scale.

(b) An east-west green link across the site will be provided and will ultimately form part of a link from Clontarf Hill to the ocean.

(c) Landscaping in public areas (open space and verges) will use indigenous coastal species with low water requirements. Use of deciduous trees and introduced species may be permitted if suitable landscaping and maintenance plans are accepted by Council.

1.4 **Urban Form**

(a) The development will create an urban neighbourhood comprising single residential and group dwelling sites.

(b) The dwelling mix will encourage diversity of cultural and lifestyle groups.

(c) The lot size and orientation, and dwelling design will adhere to strict solar access and energy efficiency measures as outlined in this development plan.

(d) Development will respect the character and cultural heritage of South Fremantle.

1.5 **Services**

(a) An integrated urban water management plan will be developed for the site prior to approval of the subdivision that demonstrates efficient use of stormwater and recycling technology throughout the development.

2.0 **DEVELOPMENT REQUIREMENTS**

Road, lane-way and land use configuration should generally be in accordance with the endorsed structure plan for the area (dated April 2003) and shown in figure 1 below.

2.1 **Minor Variations to Structure Plan**

Minor variations to the structure plan may be supported subject to the following—

(a) minimum frontages of 13.5 metres for lots oriented east/west;

(b) apart from the sites designated for group or multiple dwellings (or R40 and above) lot sizes are to be capable of single residential development only; and

(c) the amalgamation of lots to increase the development potential or accommodate group dwellings is not permitted.

3.0 **BUILDING SETBACKS**

3.1 Notwithstanding the provisions elsewhere in the Scheme, all development within the development plan area shall be in accordance with the following building requirements—

TABLE A			Building Setbacks
SETBACKS			
Front			3 m
Carport or garage			As per front setback requirements
Rear access carport or garage			1 m
East/West lots	South side	lower floor	0 m
		upper floor	1.5 m
	North Side	lower floor	3.5 m
		upper floor	3.5 m
North/South lots	West side	lower floor	As per the Residential Design Codes
		upper floor	As above
	East side	lower floor	As above
		upper floor	As above
Rear (north/south orientated lots only)			3.5 m
MINIMUM OPEN SPACE			40%
MINIMUM PRIVATE OPEN SPACE			32 sqm

3.1.1 **Height**

The maximum external height of single residential development shall be 5.5 metres to eaves as determined from adjoining ground level.

Roof pitch shall not exceed 33 degrees with the overall roof ridge shall not exceed 8.5 metres above ground level.

3.1.2 **Averaging Front Setback**

Notwithstanding the minimum front setback set out in Table A, Council may permit the front setback requirement to be averaged subject to the following —

(a) an absolute minimum setback of 1.5 metres, averaging to be in accordance with the methodology outlined in the Residential Design Codes; and

(b) the applicant demonstrating to Council's satisfaction that a reduced setback will not be detrimental to the amenity of the area.

3.1.3 **Garages and Carports**

All garages and carports will be accessed from laneways where provided. Where there is no rear laneway, carports and garages may be provided with access off the primary street subject to being setback in accordance with requirements outlined above.

3.2 **Group Dwelling Developments**

The following requirements will apply for group dwelling sites —

TABLE B	SETBACKS
Front	As per table A
Carport or garage	As per front setback requirements
Rear access carport or garage	1 m
Side setbacks	As per the Residential Design Codes
MINIMUM OPEN SPACE	40%
MIMIMUM PRIVATE OPEN SPACE	32 sqm

3.2.1 **Height**

The maximum external height shall be 6 metres to eaves as determined from ground level. Roof pitch shall not exceed 33 degrees and the overall roof ridge shall not exceed 9 metres above ground level.

3.3 **Multiple Dwelling Sites**

The following requirements will apply for multiple dwelling sites.

TABLE C	Multiple Dwelling Building Requirements
Setbacks	As per diagram 2 below
Open Space and Plot Ratio	As per the Residential Design Codes
Car parking access layout	All parking areas shall comply with the following design requirements— (a) designed in accordance with the relevant Australian Standard, (b) be located internally on the lot or in a manner that minimises streetscape impact and pedestrian conflicts, and (c) access shall be via the adjoining laneway

3.3.1 **Height**

The maximum external wall height shall be ten metres as measured from ground level.

Roof pitch shall not exceed 33 degrees and the overall roof ridge shall not exceed 14 metres above ground level.

3.4 **Windows—All Development**

All northern walls shall contain glazed (sufficient to allow light penetration) windows of surfaces representing a minimum of 50% of the total wall area —

Windows/glazed surfaces should —

(a) through the use of verandahs and solar pergolas achieve 75% exposure in winter and 100% shade in summer for northern walls;

(b) through the use of verandahs and solar pergolas achieve 75% exposure in winter and 100% shade in summer for eastern and western walls for the major part of the day;

(c) Generally be limited on eastern and western surfaces with preference for vertical emphasis where required.

3.5 **Gas or Solar Hot Water System—All Development**

Council encourages the installation of solar or gas hot water systems for all water heating requirements Gas or solar hot water system panels should be installed so as to minimise visual impact.

3.6 **Insulation—All Development**

All dwellings shall be installed with a minimum R2.5 rating in ceilings or R2 rating together with double sided insulation beneath the roof surface and be of insulated brick cavity or construction with a similar insulation characteristics.

3.7 **Roof Form—All Development**

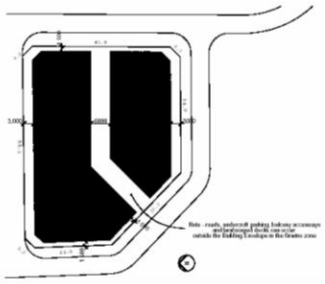
Flat and curved roofs are permitted subject to compliance with insulation requirements and providing they fall within the building envelope as set out in Tables A and B.

3.8 **Noise and Vibration**

Any residential development within 50 metres of the rail line will be required to demonstrate compliance with appropriate vibration and noise criteria as set out by the Environmental Protection Authority.

Figure 1 and 2 Structure plan





DEVELOPMENT PLAN 17 — LEIGHTON, NORTH FREMANTLE

(DA-5, Schedule 6)

1.0 GENERAL

1.1 This development plan applies to the portion of Crown Reserve No. 3730 north Fremantle as shown on Figure 1 attached.

1.2 The use and development of land within the development plan area is to be consistent with the Leighton Development Area Structure Plan and the provisions of this development plan.

1.3 Council has the discretion to approve minor variations to the development plan where consistent with the development plan objectives.

2.0 OBJECTIVES

2.1 Environmental

An integrated design process is to be undertaken to ensure that Ecologically Sustainable Development principles are incorporated from broad-scale planning to individual building design.

Appropriate environmental management measures are proposed to mitigate potential threats to public health and safety and to amenity from surrounding industrial development and major transport infrastructure. These measures are based on the recommendations of the Leighton Regional Planning Guidelines and adopt the As Low as Reasonably Practical principle.

2.1.1 Energy

Principle

- Reduction in household energy demand.

Design standards

- Where possible orientate indoor and outdoor living areas to the north to maximise solar access.
- Use careful site planning to minimise overshadowing of open space and north-facing windows of adjacent buildings.
- Incorporate cross-ventilation where possible.
- Where practical and appropriate skylights or ventilators are to be installed to increase natural ventilation and enhance natural lighting. Where possible stair wells will create a stack effect to enhance natural ventilation and remove warm summer air from upper floors.
- Roof spaces are to be ventilated.
- Control sun access in summer through the use of design elements to minimise the reliance on mechanical systems for temperature control.
- Trees and shrubs are to be selected and positioned to maximise solar penetration in winter and minimise solar access in summer. Positioning of planting is to assist in the enhancement of cool summer breezes and the protection from hot summer and cold winter winds.
- Include controllers in building management systems to maximise the efficiency of high energy use equipment.

- Investigate the use of centralised hot water systems or solar boosted gas hot water systems—incorporating electronic ignition rather than a pilot light to reduce energy consumption.

2.1.2 **Water sensitive design**

Principle

- Minimise water use where practicable.

Design standards

- Plant species that are drought-resistant or will require minimal watering once established.
- Apply water-conserving landscape practices wherever possible.
- Native ground covers and grasses are to be used instead of turf where appropriate.

2.1.3 **Waste minimization**

Principle

- Endeavour to reduce total per capita residential waste going to landfill by encouraging recycling.

Design standards

- A central garbage room is to be included within multiple unit developments to incorporate adequate bins for recyclable and other waste.

2.1.4 **Transportation**

Principles

- Reduce private car use and encourage the use of public transport and pedestrian and bicycle movement.
- Provide reduced on-site parking requirements.
- Transport initiatives to be integrated into local and regional transport systems.
- Develop a comprehensive and accessible direct pedestrian and road system that connect the railway station to the beach.

Design standards

- Secure bicycle storage facilities are to be provided within multiple unit buildings.
- Comply with the requirements of Liveable Neighbourhoods for the provision of accessible dual use paths.
- Create a road network that provides permeability and structure.

2.1.5 **Public health and safety and amenity**

Principles

- Minimise potential risks to human health from contaminated land within the development area.
- Minimise potential amenity impacts from surrounding industrial land uses and transport infrastructure on future development and occupants.
- Minimise potential risks to public safety from surrounding industrial uses.

Design standards

- Proposed development will have regard to potential site contamination and any contamination will be re-mediated prior to development to a standard appropriate for the proposed use.

- Proposed development adjacent to the railway reserve will need to ensure compliance with relevant Australian Standards for noise and vibration levels.
- Lot design and building sitting and design should consider and incorporate measures to minimise the impacts of odour and reduce risk and hazard.

2.2 **Economic**

Principles

- Achieve the highest level economic activity and employment opportunities within the development by encouraging commercial and residential uses.

Design standards

- Promoting commercial uses within the south-western portion of the development area consistent with the designated 70 metre fuel storage buffer area and commercial and residential uses should the buffer be no longer required in the future.
- Promoting active retail uses at street level within appropriate locations through the development as indicated on the structure plan and detailed precinct plan.
- Promoting home occupations and home offices throughout the development area.
- Recognising the potential for short-term rental accommodation and hospitality uses within the development area within the locations indicated on the detailed precinct plan.
- Promoting commercial activity that will strengthen the connection between the railway station and the beach and that will enhance the recreational use of the area.
- Promoting links to the existing social and economic infrastructure of North Fremantle.
- Promoting building design that is flexible enough to accommodate changes in land use over time in response to market demand.

2.3 **Social**

Principles

- To create a proud and vibrant addition to the existing North Fremantle community.

Design standards

- Provide a variety of housing styles to achieve a social mix and affordable housing options.
- Maintain important public ocean vistas through the site and maximise the opportunity for views to the ocean from development within the site.
- Protect the privacy and amenity of beach users.

3.0 STRUCTURE PLAN

The Leighton Development Area Structure Plan forms part of the development plan. The use and development of land within the development plan area is to be consistent with the structure plan attached as Figure 2.

4.0 PRECINCTS

The development plan area is divided into seven development and public space precincts as shown on Figure 3 attached.

5.0 DEVELOPMENT CONTROLS

5.1 Land Affected by Metropolitan Region Scheme Primary Regional Road Reservation

Notwithstanding the Primary Regional Road reservation for the Curtin Avenue extension currently shown in the Metropolitan Region Scheme, and having regard to current

proposals to remove the reservation, the Council may recommend the use and development of land affected by the regional road reservation in accordance with the provisions of this Development Plan.

Upon the removal of the Primary Regional Road reservation under the MRS from the Development Plan area, the land affected by the reservation shall become zoned as Development Zone under the provisions of the Scheme.

5.2 **Land Use**

The preferred and potential uses within each precinct are set out below. Preferred uses are uses that are encouraged within the precinct and are expected to be the predominant uses within the precinct. Potential uses are uses that may also be appropriate within the precinct and can be considered as part of a proposed development. Development applications for and uses not categorised as preferred or potential uses may be considered at the discretion of Council based on the merits of each application. The Model Scheme Text definitions for these land uses are adopted.

Precinct	Preferred uses	Potential uses	Other requirements
DP1	Multiple dwelling	Hotel Residential building	None
DP2A	Multiple dwelling	Hotel Residential building Home occupation Home office	None
DP2B	Multiple dwelling Restaurant/Café Shop Office	Hotel Residential building Home occupation Home office Community purpose Amusement parlour Convenience store Fast food outlet Reception centre Tavern, Cinema/Theatre Medical centre Consulting rooms	Ground floor commercial frontage mandatory and upper floor commercial uses encouraged within areas shown cross-hatched on Figure 3. Ground floor commercial frontage and upper floor commercial uses encouraged within areas shown hatched on Figure 3.
DP3A	Multiple dwelling Restaurant/Café Shop Office	Hotel Residential building Home occupation Home office Community purpose Medical centre Consulting rooms Amusement parlour Convenience store Fast food outlet Reception centre Tavern, Cinema/Theatre	Ground floor commercial frontage mandatory and upper floor commercial uses encouraged within areas shown cross-hatched on Figure 3. Ground floor commercial frontage and upper floor commercial uses encouraged within areas shown hatched on Figure 3.
DP3B	Multiple dwelling Restaurant/Café Shop Office	Hotel Residential building Home occupation Home office Medical centre Consulting rooms Amusement parlour Convenience store	Ground floor commercial frontage mandatory and upper floor commercial uses encouraged within areas shown cross-hatched on Figure 3. Ground floor commercial frontage and upper floor commercial uses

Precinct	Preferred uses	Potential uses	Other requirements
		Fast food outlet Reception centre Tavern, Cinema/Theatre	encouraged within areas shown hatched on Figure 3.
DP4	Multiple dwelling Office	Hotel Residential building Home occupation Home office Medical centre Consulting rooms Amusement parlour Convenience store Fast food outlet Reception centre Tavern, Cinema/Theatre	Ground floor commercial frontage mandatory and upper floor commercial uses encouraged within areas shown cross-hatched on Figure 3.
DP5	Office Multiple dwelling*	Amusement parlour Convenience store Fast food outlet Reception centre Restaurant/Café Shop Tavern, Cinema/Theatre Medical centre Consulting rooms Home occupation Home office, Carpark	
PS1	Parkland Recreation facilities Vehicle access Visitor parking Pedestrian promenade		
PS2	Parkland Recreation facilities Vehicle access Visitor parking Pedestrian promenade		

*Note: This is subject to the fuel storage buffer being no longer required.

The retail elements within the development area are intended to comprise predominantly festive retail uses that create a vibrant beachside destination for the use of local residents and visitors to the area. This would include retail uses similar to those found along the Fremantle café strip is cafes and restaurants and boutique shops but with a strong connection to the beachside location e.g. swimming and surfing gear. Other forms of retail use including local convenience stores would also be expected but should not be the predominant form of retail use.

5.3 **Building Height**

The building height controls within each precinct are set out below.

Precinct	Maximum storey height	Maximum AHD height
DP1	3	20.5 m
DP2A	5	26.5 m
DP2B	3	20.5 m
DP3A	3	20.5 m
DP3B	5	26.5 m
DP4	5	26.5 m
DP5	5	26.5 m

5.4 **Plot Ratio**

The plot ratio controls within each precinct are set out below

Precinct	Maximum plot ratio
DP1	2:1
DP2A	3:1
DP2B	2:1
DP3A	2:1
DP3B	3:1
DP4	3:1
DP5	3:1

5.5 **Visual Permeability**

The building envelope of development across the entire site must achieve 70 percent east-west visual permeability above a three-storey building height. This means that 30 percent of the length of the site can be developed up to a five-storey building height.

The building envelope of development within DP3B must achieve 40-50 percent east-west visual permeability above a three-storey building height. This means that 50-60 percent of the length of DP3B can be developed up to a five-storey building height.

5.6 **Shadow Generation**

Applications for development must be accompanied by a shadow analysis for dates and times required by Council. The siting and design of five-storey building elements within DP2A must minimise any overshadowing of PS2

5.7 **Car Parking**

Car parking requirements for preferred and potential uses are set out below.

Use	Minimum bays required
Multiple dwelling	1 bay per one-bedroom apartment otherwise 1.5 bays per apartment with 10 percent of required bays dedicated as visitor parking.
Other	As per scheme Resident and employee car parking is to be provided within basement or undercroft parking areas and screened from the street. Short-stay visitor and customer parking is encouraged on-street.

6.0 DESIGN GUIDELINES

Development must be consistent with any design guidelines that apply to the development plan area.

7.0 ENVIRONMENTAL MANAGEMENT

7.1 **Site Consultation**

Where a development application is made for land within the development area the Council shall have regard to the potential contamination associated with prior land use of the area and forward any substantial development applications to the Environmental Protection Authority. A substantial development is where there is a proposed change in land use or the disturbance of a volume of soil greater than or equal to 25 cubic metres but does not include routine maintenance or upgrade works by a public authority.

Where an application is forwarded to the Environmental Protection authority the proposal shall be accompanied by a Detailed Site Investigation to the standards prescribed by the Environmental Protection Authority. The Environmental Protection Authority shall review the application with regard to the potential ecological and human health related risk and may request the Council to impose conditions on any approval to be issued by the Council for the development to address any contamination prior to development. Where remediation is required the Council shall impose a condition on the development approval

that requires the submission of a Site Management Plan and Post-Remediation Validation Report.

The above does not apply where a development application is submitted for approval to demolish a building so as to enable works relating to the subdivision of the land on which the building is located to proceed.

7.2 Noise and Vibration

A noise assessment report is required to accompany a development application for residential or community uses on land located within 80 metres of the railway line. The report must demonstrate compliance with the Satisfactory Recommended Design Sound Levels specified within Australian Standard AS 2107-2000 through the use of acoustic design of residential buildings or other appropriate acoustic barriers or treatments.

A vibration assessment report is required to accompany a development application residential or community uses on land located within 60 metres of the railway line. The report must demonstrate compliance with Australian Standard AD 2670-1990.

7.3 Odour

Notification of potential odour nuisance is to be stated on the titles of land proposed for residential development within the development area.

7.4 Risk Hazard

No residential development will be located within 70 metres of the lot boundary of the site that contain the existing fuel storage facilities south of Walter Place.

Residential development within 300 metres of the lot boundary of the site that contains the existing fuel storage facilities south of Walter Place should be orientated to reduce potential human exposure to major accident events.

A two-metre high wall is to be constructed along the southern edge of the development area to provide a further barrier against radiation from fires associated with the fuel storage facilities.

Windows facing south should be avoided or should be fixed windows to avoid penetration of toxic gas from surrounding industrial development.

Air-conditioning units should be split-systems to preclude the entrapment of noxious and toxic gases and smoke as a result of a major accident event associated with surrounding industrial development.

8.0 ROAD NETWORK

The implementation of the surrounding road network shall be undertaken in accordance with the recommendations of the Leighton Regional Planning Guidelines.

The construction of the Curtin Avenue extension immediately east of the subject land must occur prior to Port Beach Road being removed or realigned.

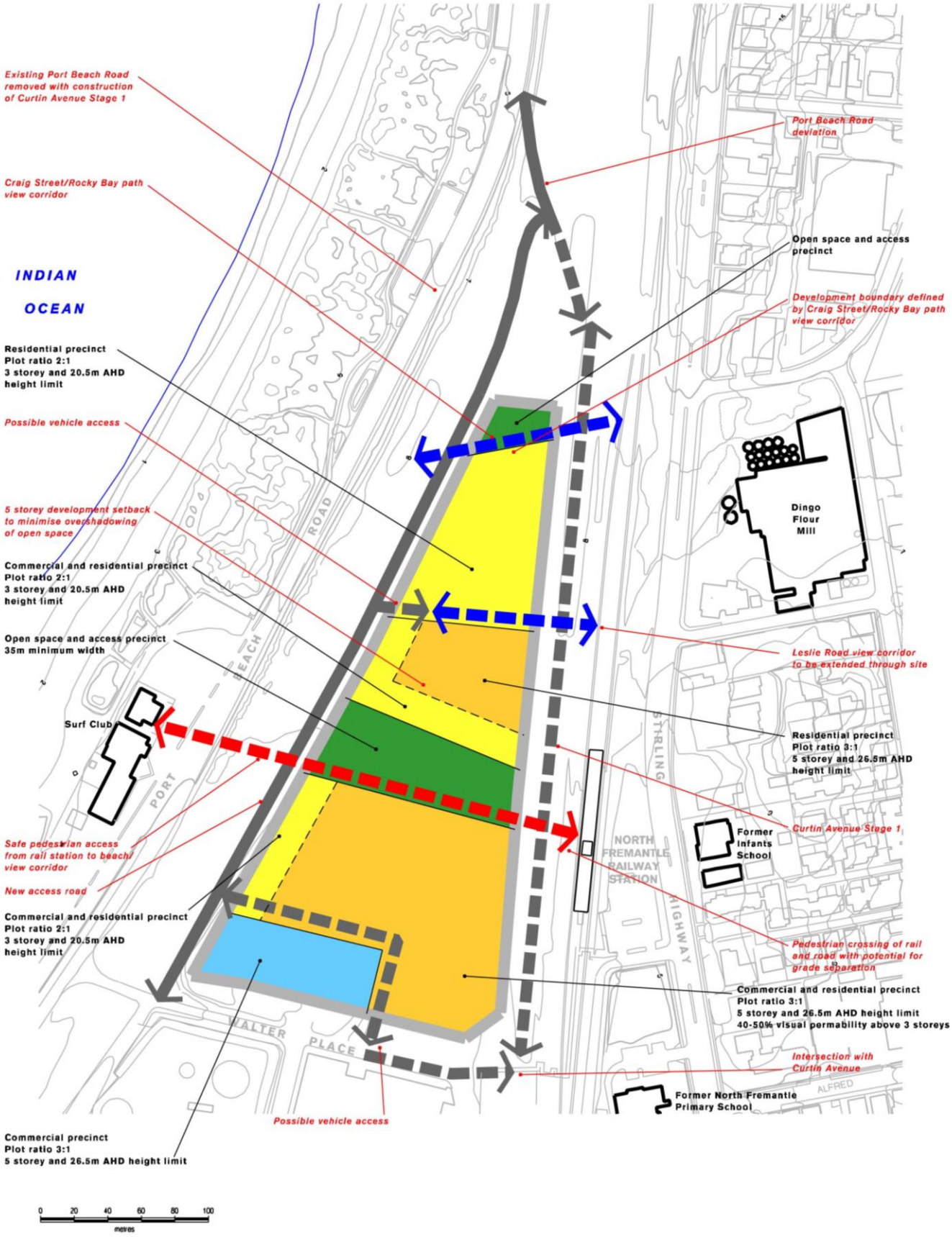
Access and egress from the site to the future Curtin Avenue extension may not be permitted.

No access or egress from the site to Walter Avenue is permitted without the prior approval of Main Roads WA.

9.0 OTHER RELEVANT POLICIES

The provisions of this development plan complement and should be read together with the scheme provisions and the Residential Design Codes and Council planning policies. The policies below should also be considered in the design of residential buildings —

D.B.H1	Urban Design and Streetscape Guidelines
D.B.H2	Front Fences and Screen Walls
D.B.H3	Development Levels
D.C10	Dwellings and Visual Privacy


Existing Port Beach Road removed with construction of Curtin Avenue Stage 1
Craig Street/Rocky Bay path view corridor
INDIAN OCEAN
Residential precinct
Plot ratio 2:1
3 storey and 20.5m AHD height limit
Possible vehicle access
5 storey development setback to minimise overshadowing of open space
Commercial and residential precinct
Plot ratio 2:1
3 storey and 20.5m AHD height limit
Open space and access precinct
35m minimum width
Surf Club
Safe pedestrian access from rail station to beach/ view corridor
New access road
Commercial and residential precinct
Plot ratio 2:1
3 storey and 20.5m AHD height limit
Commercial precinct
Plot ratio 3:1
5 storey and 26.5m AHD height limit
Possible vehicle access
Port Beach Road deviation
Open space and access precinct
Development boundary defined by Craig Street/Rocky Bay path view corridor
Dingo Flour Mill
Leslie Road view corridor to be extended through site
Residential precinct
Plot ratio 3:1
5 storey and 26.5m AHD height limit
Curtin Avenue Stage 1
Former Infants School
NORTH FREMANTLE RAILWAY STATION
Pedestrian crossing of rail and road with potential for grade separation
Commercial and residential precinct
Plot ratio 3:1
5 storey and 26.5m AHD height limit
40-50% visual permability above 3 storeys
Intersection with Curtin Avenue
Former North Fremantle Primary School
PORT BEACH ROAD
WALTER PLACE
STIRLING HIGHWAY
ALFRED
0 20 40 60 80 100
metres



The road network included within this plan is conceptual only and further more detailed analysis will be undertaken prior to subdivision to confirm road alignments both within and adjoining the subject land.

N

0 20 40 60 80 100
metres

- Residential
- Commercial
- Commercial/Residential
- Open Space/Access/Parking
- View corridor
- Indicative road network/on-street parking
- Ground floor commercial frontage mandatory and upper floor commercial uses encouraged
- Ground floor commercial frontage and upper floor commercial uses encouraged with special design rules to ensure appropriate interface between private and public space

Figure No: 3 (Sheet 1 of 2)

Title: **Detailed Precinct Plan** Date: 29 January 2004 Revision No: 2

THE PLANNING GROUP

DP1 Development Precinct 1

Land Use	Preferred uses:	Multiple dwelling
	Potential uses:	Hotel Residential building
Built Form	Building height:	maximum 3 storeys maximum height 20.5m AHD
	Plot Ratio:	2:1

DP2A Development Precinct 2A

Land Use	Preferred uses:	Multiple dwelling
	Potential uses:	Hotel Residential building Home occupation Home office
Built Form	Building height:	maximum 5 storeys setba k to minimise overshadowing of PS2 maximum height 26.5m AHD
	Plot Ratio:	3:1

DP2B Development Precinct 2B

Land Use	Preferred uses:	Multiple dwelling Restaurant Shop Office
	Potential uses:	Hotel Residential building Home occupation Home office Community purpose Amusement parlour Convenience store Fast food outlet Reception centre Tavern Cinema/Theatre Medical centre Consulting rooms
Built Form	Building height:	maximum 3 storeys maximum height 20.5m AHD
	Plot Ratio:	2:1

DP3A Development Precinct 3A

Land Use	Preferred uses:	Multiple dwelling Restaurant Shop Office
	Potential uses:	Hotel Residential building Home occupation Home office Community purpose Medical centre Consulting rooms Amusement parlour Convenience store Fast food outlet Reception centre Tavern Cinema/Theatre
Built Form	Building height:	maximum 3 storeys maximum height 20.5m AHD
	Plot Ratio:	2:1

DP3B Development Precinct 3B

Land Use	Preferred uses:	Multiple dwelling Restaurant Shop Office
	Potential uses:	Hotel Residential building Home occupation Home office Community purpose Medical centre Consulting rooms Amusement parlour Convenience store Fast food outlet Reception centre Tavern Cinema/Theatre
Built Form	Building height:	maximum 5 storeys maximum height 26.5m AHD
	Plot Ratio:	3:1
	Visual permeability:	40-50% above 3 storeys for north-south oriented buildings.

DP4 Development Precinct 4

Land Use	Preferred uses:	Multiple dwelling Office
	Potential uses:	Hotel Residential building Home occupation Home office Amusement parlour Convenience store Fast food outlet Reception centre Restaurant Shop Tavern Cinema/Theatre Medical centre Consulting rooms
Built Form	Building height:	maximum 5 storeys maximum height 26.5m AHD
	Plot Ratio:	3:1

DP5 Development Precinct 5

Land Use	Preferred uses:	Multiple dwelling[1] Office
	Potential uses:	Amusement parlour Convenience store Fast food outlet Reception centre Restaurant Shop Tavern Cinema/Theatre Medical centre Consulting rooms Home occupation Home office Car park
Built Form	Building height:	maximum 5 storeys maximum height 26.5m AHD
	Plot Ratio:	3:1

1 This is subject to the fuel storage buffer being no longer required

PS1 Public Space 1

Preferred uses:	Parkland Recreation facilities Vehicle access Visitor parking

PS2 Public Space 2

Preferred uses:	Parkland Recreation facilities Vehicle access Visitor parking Pedestrian promenade

This concept has been prepared for the purpose of meeting client specifications. The drawing does not constitute an invitation, agreement or contract (or any part thereof) of any kind whatsoever.

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Figure No: 3 (Sheet 2 of 2)

Title: **Detailed Precinct Plan**

Date: 29 January 2004 Revision No: 2

Scale: NTS Job No: 704.068

Designer: Drawn: L.C.

E Reference: Sep 03 Precinct Plan.fh10

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DEVELOPMENT PLAN 20—SEALANES AND WOOL TESTING AUTHORITY SITES, SOUTH FREMANTLE (DA-6, Schedule 6)

1.0 GENERAL

1.1 This development plan applies to the land shown on Figure 1 (attached) which generally lies between South Terrace and Marine Terrace in South Fremantle.

1.2 The use and development of land within the development plan area is to be consistent with the Sealanes Structure Plan and the provisions of this development plan.

1.3 Council has the discretion to approve minor variations to the development plan where consistent with the development plan objectives.

2.0 OBJECTIVES

2.1 Environmental

An integrated design process is to be undertaken to ensure that ecologically sustainable development principles are incorporated from broad-scale planning to individual building design.

2.1.1 Energy

Principle

- Reduction in household energy demand

Design standards

- Where possible orientate indoor and outdoor living areas to the north to maximise solar access.
- Use careful site planning to minimise overshadowing of open space and north-facing windows of adjacent buildings.
- Incorporate cross-ventilation where possible.
- Where practical and appropriate skylights or ventilators are to be installed to increase natural ventilation and enhance natural lighting. Where possible stair wells will create a stack effect to enhance natural ventilation and remove warm summer air from upper floors.
- Roof spaces are to be ventilated.
- Control sun access in summer through the use of design elements to minimise the reliance on mechanical systems for temperature control.
- Trees and shrubs are to be selected and positioned to maximise solar penetration in winter and minimise solar access in summer. Positioning of planting is to assist in the enhancement of cool summer breezes and the protection from hot summer and cold winter winds.
- Include controllers in building management systems to maximise the efficiency of high energy use equipment.

2.1.2 Water sensitive design

Principle

- Minimise water use where practicable.
- Water sensitive drainage and landscape design required.

Design standards

- Plant species that are drought-resistant or will require minimal watering once established.

- Apply water-conserving landscape practices wherever possible.
- Reuse of stormwater on site encouraged.

2.1.3 **Movement**

Principle

- Reduce private car use and encourage the use of public transport and pedestrian and bicycle movement.
- Provide optimum on-site parking requirements.
- Develop a comprehensive pedestrian system that connects South Terrace to Marine Terrace and the beach.

Design standards

- Secure bicycle storage facilities are to be provided within multiple unit buildings.
- Create a road and access network that provides permeability and structure.

2.1.4 **Public health and safety and amenity**

Principles

- Minimise potential risks to human health from contaminated land within the development area.
- Minimise potential amenity impacts from adjacent transport infrastructure on future development and occupants.

Design standards

- Proposed development will have regard to potential site contamination and any contamination will be remediated prior to development to a standard appropriate for the proposed use.
- Proposed development adjacent to the railway reserve will need to ensure compliance with relevant Australian Standards for noise and vibration levels.

2.2 **Economic**

Principles

- Provide opportunities for economic activity and employment within the development plan area Design standards.
- Promoting commercial uses along the southern end of South Terrace to further strengthen the Davilak commercial node.
- Promoting active retail and commercial uses at street level within appropriate locations throughout the development as indicated on the structure plan and detailed precinct plan.
- Promoting home occupations and home offices within appropriate locations throughout the development area.
- Promoting the appropriate type of and scale of commercial activity that will strengthen the connections between South Terrace and Marine Terrace and the beach and that will enhance the recreational use of the area.
- Promoting links to the existing social and economic infrastructure of South Fremantle.
- Promoting building design that is flexible enough to accommodate changes in land use over time in response to market demand.
- Buildings should be designed to ensure compatibility between residential and commercial uses wherever possible.

2.3 Social

Principles

- To create a proud and vibrant addition to the existing South Fremantle community.

Design standards

- Provide a variety of housing styles to achieve a social mix and affordable housing options.
- Open up public ocean vistas and physical access through the site.
- Maximise the opportunity for views to the ocean from development within the site.
- Protect the privacy and amenity of beach users.

3.0 STRUCTURE PLAN

The Sealanes Structure Plan forms part of the development plan. The use and development of land within the development plan area is to be consistent with the structure plan attached as Figure 2.

4.0 PRECINCTS

The development plan area is divided into nine development and public open space precincts as shown on Figure 3 attached.

5.0 DEVELOPMENT CONTROLS

5.1 Land Use

The preferred and potential uses within each precinct are set out below. Preferred uses are uses that are encouraged within the precinct and are expected to be the predominant uses within the precinct. Potential uses are uses that may also be appropriate within the precinct and can be considered as part of a proposed development. Development applications for and uses not categorised as preferred or potential uses may be considered at the discretion of Council based on the merits of each application. The Model Scheme Text definitions for these land uses are adopted.

Precinct	Preferred uses	Potential uses	Other requirements
DP1	Single house Grouped dwelling Home Business, occupation & office In hatched area— Restaurant/Café Shop, Office Community purpose Convenience store	Residential building In hatched area only— Fast food outlet Consulting rooms	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.
DP2	Multiple dwelling Grouped dwelling Home Business, occupation & office	Residential building Restaurant/Café	None
DP3	Single house, Grouped dwelling, Home Business, occupation & office In hatched area— Restaurant/Café Shop, Office Community purpose	Residential building In hatched area only— Fast food outlet Consulting rooms	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.

Precinct	Preferred uses	Potential uses	Other requirements
	Convenience store		
DP4	Multiple dwelling Grouped dwelling Home Business, occupation & office	Residential building Restaurant/Café	None
DP5	Single house Grouped dwelling Home Business, occupation & office In hatched area only— Restaurant/Café Shop, Office Community purpose Convenience store	Residential building In hatched area only— Fast food outlet Consulting rooms	Ground floor commercial frontage encouraged within areas shown hatched of Figure 3.
DP6	Multiple dwelling Grouped dwelling Home Business, occupation & office	Residential building Restaurant/Café	None
DP7	Single house Grouped dwelling Home Business, occupation & office In hatched area only— Restaurant/Café Shop, Office Community purpose Convenience store	Residential building In hatched area only— Fast food outlet Consulting rooms	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.
DP8	Single house Grouped dwelling Home Business, occupation & office In hatched area only— Restaurant/Café Shop, Office Community purpose Convenience store	Residential building In hatched area only— Fast food outlet Consulting rooms	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.
POS	Open space Recreation facilities Pedestrian promenade		

The retail elements within the development area are intended to comprise predominantly local service retail uses that build on the Davilak node for the use of local residents and visitors to the area. This would include retail uses similar to those found along the Fremantle café strip i.e. cafes and restaurants and boutique shops. Other forms of retail use including local convenience stores would also be expected but should not be the predominant form of retail use.

A separate development application for occupancy of all commercial units will be required. Uses should not compromise the architectural or building design features. Uses should be consistent with and compliment the residential amenity of the neighbourhood.

Note: The above table refers to "Residential Buildings". The definition of such a use is determined by the R Codes and essentially permits short term accommodation such as hostels or serviced apartments but does not include hotels, motels, or hospitals.

5.2 Density

A maximum of 150 new dwellings will be constructed on the site. Base on the gross site area of 2.4 hectares, this equates to an overall site density of R60. As the site is to be divided into 8 development precincts, figure 2 indicates the maximum density applicable to each development precinct. Council will not support any additional density bonuses on this site.

5.3 Building Height, Setbacks and Site Coverage

The following development controls within each precinct are set out below.

Precinct	Maximum storey height	Maximum height (above ground level) [1,2]	Minimum primary street setback[3]	Minimum total open space % of site
DP1	3	12.5 m	Nil	30%
DP2	4*	15.0 m	Nil[3]	40%
DP3	3	12.5 m	Nil	30%
DP4	4*	15.0 m	Nil[3]	40%
DP5	3	12.5 m	Nil	30%
DP6	4*	15.0 m	Nil[3]	40%
DP7	3	12.5 m	Nil	30%
DP8	3	12.5 m	Nil	30%

*Only a portion of these precincts will be permitted to be constructed to four-storeys, as per section 5.5.

[1] Building height to be measured from finished ground level to top of the roof ridge.

[2] Any fill proposed on site will comply with City policy DBH 3, Development Levels. Fill will be required to create level development sites; however, no fill will be permitted above the highest existing level on the lot or as per any approved subdivision.

[3] A 15 metre setback from Marine Terrace will be required for the four-storey elements.

5.4 Plot Ratio

The plot ratio controls within each precinct are set out below.

Precinct	Maximum plot ratio	Precinct	Maximum plot ratio
DP1	2:1	DP5	2:1
DP2	3:1	DP6	3:1
DP3	2:1	DP7	2:1
DP4	3:1	DP8	2:1

5.5 Bulk and Scale

In order to control bulk and mass on site, a maximum of 15% of the gross site area (2.46 ha) will be permitted to be constructed to four-storeys. In floor area terms, this will translate to 3690 square metres (not including balconies, machinery, air-conditioning and non habitable floor space). Consistent with 5.3 above, four-storey elements are permitted in and will be allocated between DPs 2, 4 and 6 only.

5.6 Shadow Generation

Applications for development must be accompanied by a shadow analysis for dates and times as required by Council.

5.7 Car Parking

Car parking requirements for preferred and potential uses are set out below.

Use	Car parking bays required
Single dwellings	2 (maximum)
Multiple and group dwelling	1 bay per one-bedroom apartment otherwise 1.5 bays per apartment with 10 percent of required bays dedicated as visitor parking (minimum requirements)
Other	as per scheme

Resident and employee car parking is to be provided within basement or undercroft parking areas and screened from the street. Short-stay visitor and customer parking is encouraged on-street.

6.0 DESIGN GUIDELINES

Development must be consistent with any design guidelines that apply to the development plan area.

7.0 ENVIRONMENTAL MANAGEMENT

7.1 Site Contamination

Where a development application is made for land within the development area, the Council (or Western Australian Planning commission in the case of subdivision applications) shall have regard to the potential contamination associated with prior land use of the area and forward any substantial development applications to the Environmental Protection Authority. A substantial development is where there is a proposed change in land use or the disturbance of a volume of soil greater than or equal to 25 cubic metres but does not include routine maintenance or upgrade works by a public authority or a local government authority.

Where an application is forwarded to the Environmental Protection Authority the proposal shall be accompanied by a Detailed Site Investigation Plan to the standards prescribed by the Environmental Protection Authority. The Environmental Protection Authority shall review the application with regard to the potential ecological and human health related risk and may request the Council/determining authority to impose conditions on any approval to be issued by the Council/determining authority for the development to address any contamination prior to development. Where remediation is required, the Council/determining authority shall impose a condition on the development approval that requires the submission of a Site Investigation Management Plan and Post-Remediation Validation Report.

The above does not apply where a development application is submitted for approval to demolish a building so as to enable works relating to the subdivision of the land on which the building is located to proceed.

7.2 Noise and Vibration

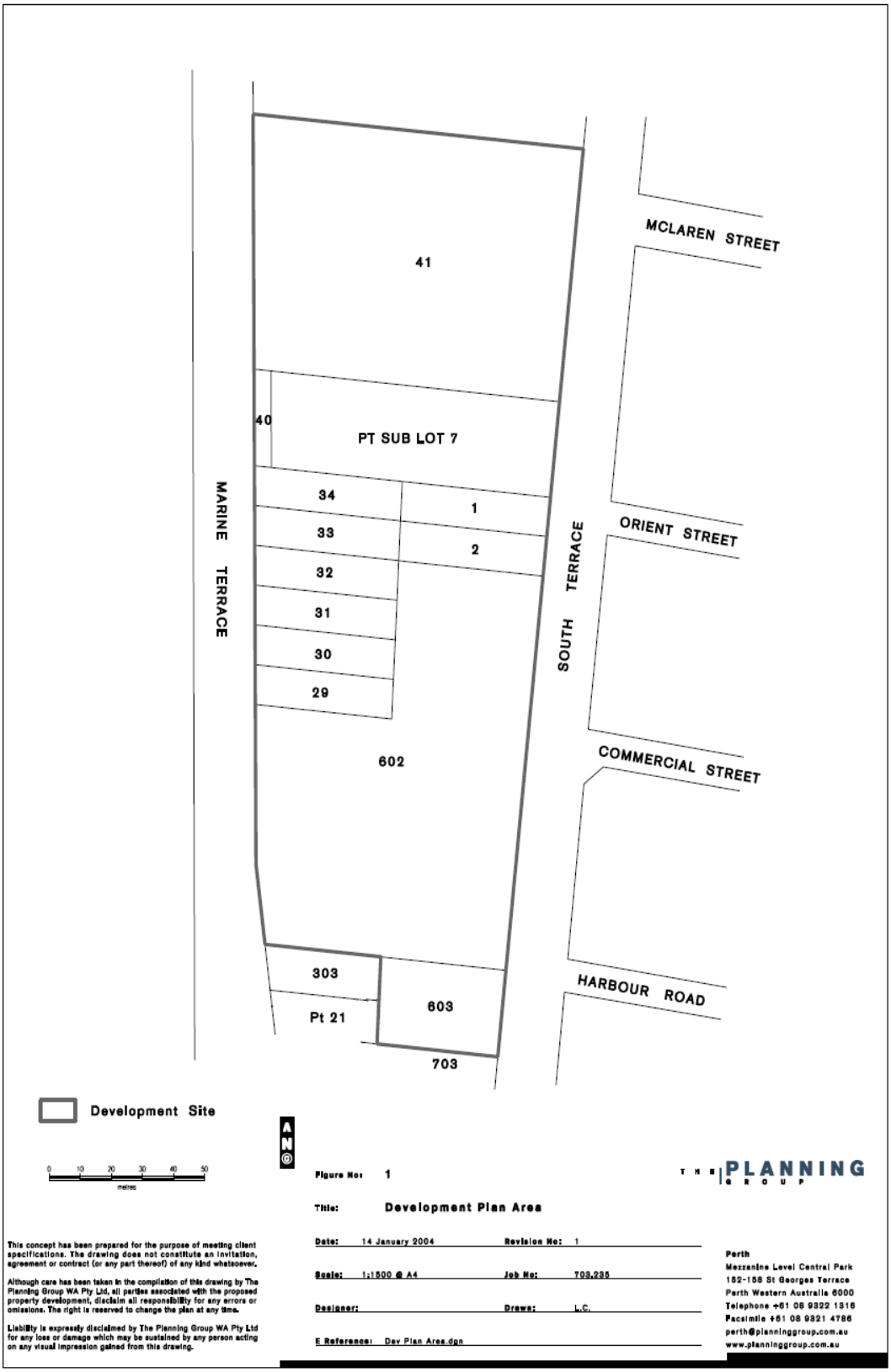
A noise assessment report is required to accompany a development application for residential or community uses on land located within 80 metres of the railway line. The report must demonstrate compliance with the Satisfactory Recommended Design Sound Levels specified within Australian Standard AS 2107-2000 through the use of acoustic design of residential buildings or other appropriate acoustic barriers or treatments.

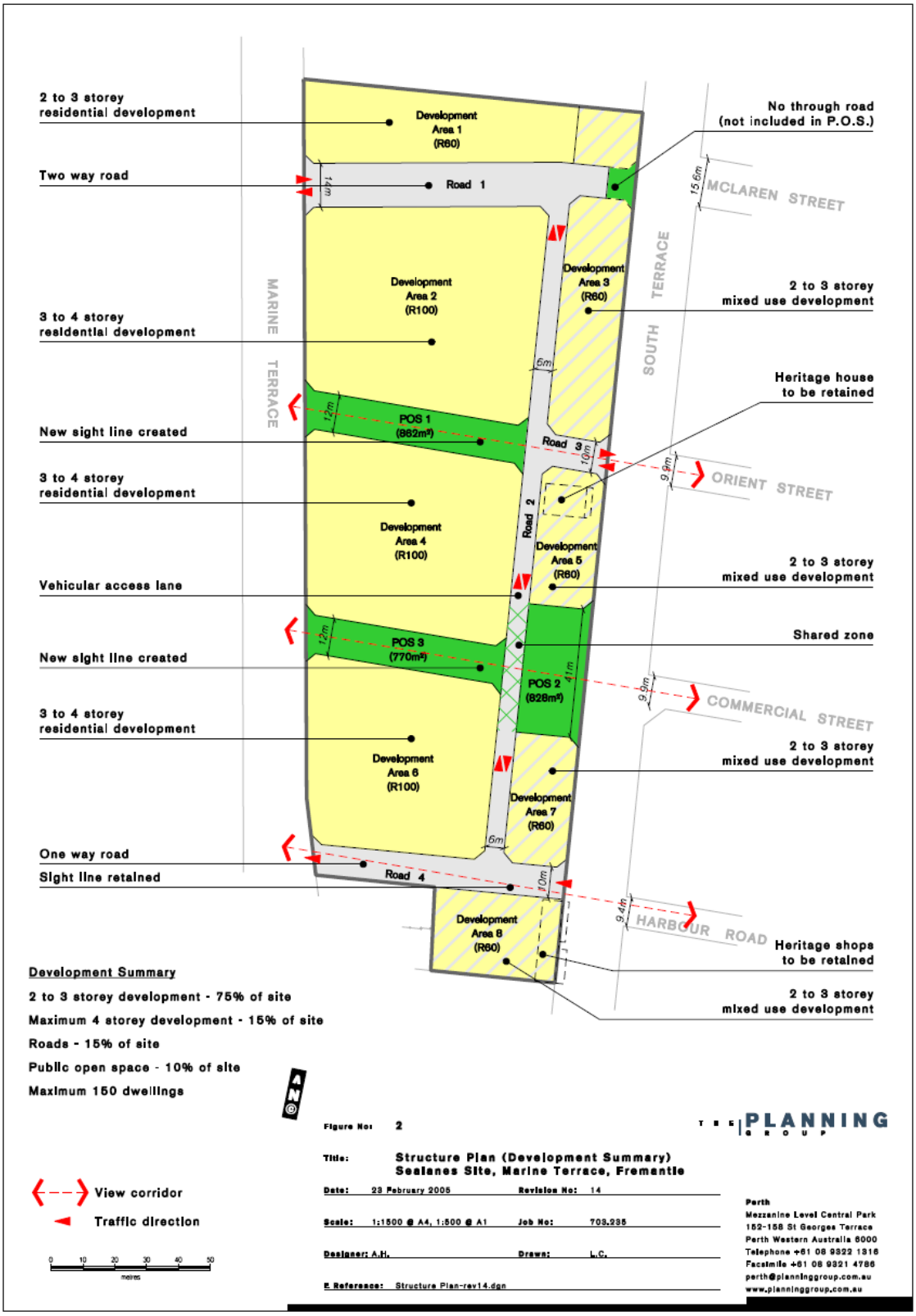
A vibration assessment report is required to accompany a development application for residential or community uses on land located within 60 metres of the railway line. The report must demonstrate compliance with Australian Standard AS 2670-1990.

8.0 OTHER RELEVANT POLICIES

The provisions of this development plan complement and should be read together with the scheme provisions and the Residential Design Codes and Council planning policies. The policies below should also be considered in the design of residential buildings—

D.B.H1 Urban Design and Streetscape Guidelines
D.B.H2 Front Fences and Screen Walls
D.B.H3 Development Levels
D.C.10 Dwellings and Visual Privacy


41
40
PT SUB LOT 7
34
33
32
31
30
29
1
2
602
303
Pt 21
603
703
MARINE TERRACE
SOUTH TERRACE
MCLAREN STREET
ORIENT STREET
COMMERCIAL STREET
HARBOUR ROAD
Development Site
0 10 20 30 40 50
metres
N
Figure No: 1
Title: Development Plan Area
Date: 14 January 2004
Revision No: 1
Scale: 1:1500 @ A4
Job No: 703.235
Designer:
Drawn: L.C.
E Reference: Dev Plan Area.dgn
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2 to 3 storey residential development
Two way road
3 to 4 storey residential development
New sight line created
3 to 4 storey residential development
Vehicular access lane
New sight line created
3 to 4 storey residential development
One way road
Sight line retained
Development Area 1 (R60)
Road 1
Development Area 2 (R100)
Development Area 3 (R60)
POS 1 (982m²)
Road 3
Development Area 4 (R100)
Road 2
Development Area 5 (R60)
POS 3 (770m²)
POS 2 (828m²)
Development Area 6 (R100)
Development Area 7 (R60)
Road 4
Development Area 8 (R60)
MARINE TERRACE
SOUTH TERRACE
No through road (not included in P.O.S.)
MCLAREN STREET
2 to 3 storey mixed use development
Heritage house to be retained
ORIENT STREET
2 to 3 storey mixed use development
Shared zone
COMMERCIAL STREET
2 to 3 storey mixed use development
HARBOUR ROAD
Heritage shops to be retained
2 to 3 storey mixed use development
Development Summary
2 to 3 storey development - 75% of site
Maximum 4 storey development - 15% of site
Roads - 15% of site
Public open space - 10% of site
Maximum 150 dwellings
View corridor
Traffic direction
Figure No: 2
Title: Structure Plan (Development Summary)
Sealanes Site, Marine Terrace, Fremantle
Date: 23 February 2006
Revision No: 14
Scale: 1:1500 @ A4, 1:500 @ A1
Job No: 703.235
Designer: A.H.
Drawn: L.C.
E Reference: Structure Plan-rev14.dgn
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DP1 Development Precinct 1

Land Use	Preferred uses:	Single house Grouped dwelling Home occupation Home office Home business
	Potential uses:	Residential building Restaurant In hatched area: Restaurant Shop Office Community purpose Convenience store Residential building In hatched area only: Fast food outlet Consulting rooms
	Other requirements:	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.
Built Form	Building height:	maximum 3 storeys maximum height 12.2m
	Plot Ratio:	maximum 2:1

DP2 Development Precinct 2

Land Use	Preferred uses:	Multiple dwelling Grouped dwelling Home occupation Home office Home business
	Potential uses:	Residential building Restaurant
Built Form	Building height:	maximum 4 storeys maximum height 15m
	Plot Ratio:	maximum 2:1

DP3 Development Precinct 3

Land Use	Preferred uses:	Single house Grouped dwelling Home occupation Home office Home business In hatched area: Restaurant Shop Office Community purpose Convenience store
	Potential uses:	Residential building In hatched area only: Fast food outlet Consulting rooms
	Other requirements:	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.
Built Form	Building height:	maximum 3 storeys maximum height 12.2m
	Plot Ratio:	maximum 2:1

DP4 Development Precinct 4

Land Use	Preferred uses:	Multiple dwelling Grouped dwelling Home occupation Home office Home business
	Potential uses:	Residential building Restaurant
Built Form	Building height:	maximum 4 storeys maximum height 15m
	Plot Ratio:	maximum 2:1

DP5 Development Precinct 5

Land Use	Preferred uses:	Single house Grouped dwelling Home occupation Home office Home business In hatched area Restaurant Shop Office Community purpose Convenience store
	Potential uses:	Residential building In hatched area only: Fast food outlet Consulting rooms
	Other requirements:	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.
Built Form	Building height:	maximum 3 storeys maximum height 12.2m
	Plot Ratio:	maximum 2:1

DP6 Development Precinct 6

Land Use	Preferred uses:	Multiple dwelling Grouped dwelling Home occupation Home office Home business
	Potential uses:	Residential building Restaurant
Built Form	Building height:	maximum 4 storeys maximum height 15m
	Plot Ratio:	maximum 2:1

DP7 Development Precinct 7

Land Use	Preferred uses:	Single house Grouped dwelling Home occupation Home office Home business In hatched area Restaurant Shop Office Community purpose Convenience store
	Potential uses:	Residential building In hatched area only: Fast food outlet Consulting rooms
	Other requirements:	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.
Built Form	Building height:	maximum 3 storeys maximum height 12.2m
	Plot Ratio:	maximum 2:1

DP8 Development Precinct 8

Land Use	Preferred uses:	Single house Grouped dwelling Home occupation Home office Home business In hatched area Restaurant Shop Office Community purpose Convenience store
	Potential uses:	Residential building In hatched area only: Fast food outlet Consulting rooms
	Other requirements:	Ground floor commercial frontage encouraged within areas shown hatched on Figure 3.
Built Form	Building height:	maximum 3 storeys maximum height 12.2m
	Plot Ratio:	maximum 2:1

POS Public Open Space

Preferred uses:	Parkland Recreation facilities Vehicle access Visitor parking



Figure No: 3

Title: Detailed Precinct Plan

Date: 23 Feburary 2005 Revision No: 8

Scale: NTS Job No: 703.235

Designer: A.H. Drawn: L.C.

E Reference: Precinct Plan-rev8.fh10

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6.10 Schedule 10 — Development Contribution Areas

Ref No:	
Area:	
Provisions:	
Participants and Contributions:	

6.11 Schedule A – Supplementary provisions to the deemed provisions

Note: Refer to the Planning and Development (Local Planning Schemes) Regulations 2015

Schedule A - Supplemental Provisions to the deemed provisions

Clause 8 *[Note MHI/Heritage List]*

(5) The places included in the Fremantle Municipal Heritage Inventory are deemed to be included on the Heritage List, excepting those classified as Heritage Record Only.

Clause 9 *[Note: MHI/Heritage Area]*

(10) A precinct or area included in the Fremantle Municipal Heritage Inventory (also known as the Municipal Heritage Inventory) under Town Planning Scheme No. 3 is deemed to have been designated by the Council under this Scheme as a Heritage Area.

Clause 13A Conservation of Significant Trees or Vegetation Areas

(1) The Council may establish and maintain a register of significant trees to identify those trees or vegetation areas within the Scheme area considered worthy of conservation under the provisions of the Scheme, together with a description of each tree or vegetation area and the reasons for its entry.

(2) In considering a proposal to include a place on the register of significant trees, the Council shall —

(a) notify in writing the owner and occupier of the place where the tree is located and provide them with a copy of the description referred to in clause 4.1 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 date specified in the notice,

(c) carry out such other consultations as it thinks fit, and

(d) consider any submissions made and resolve to enter the place on the register of significant trees with or without modification or reject the proposal after consideration of the submissions.

Clause 13B Archaeological investigation

(1) Subject to clause 13B(2), where development approval is granted in respect of a place within a Heritage Area or included on the Heritage List, the Council may impose a condition on that development approval which requires an archaeological investigation of the place to be undertaken and a report of that investigation to be provided to the Council for its information prior to the commencement of that approved development.

(2) The condition referred to in clause 13B(1) may be imposed where:

(a) the place to which the development approval relates:

(i) is a vacant site at the time the development approval is granted; or

(ii) will be wholly or substantially redeveloped if the development approval is implemented.

(b) the Council has reasonable evidence the place may include contents, materials or objects that have aesthetic, historic, scientific, or social significance for the present community and future generations; and

(c) the contents, materials and objects referred to in clause 13B(2)(b) are not subject to the *Aboriginal Heritage Act, 1972*.

(3) Where an archaeological investigation is required to be undertaken it shall be:

(a) conducted at the expense of the applicant for development approval;

(b) conducted by a suitably qualified person; and

(c) conducted in accordance with any local planning policies adopted by Council with respect to archaeological investigations provided any such policy has been approved by the Western Australian Planning Commission.

(4) Clauses 13B(1) to (3) do not affect the operation of the Aboriginal Heritage Act, 1972.

Clause 72 *Note: Temporary approval*

(1) Despite any other provision of the Scheme to the contrary, if the Council considers that any use should be permitted on any land temporarily, it may give development approval strictly limited in time as a temporary approval.

(2) The Council may approve a temporary use in respect of any use class, but it shall only give such approval in respect of a use which would not ordinarily be permissible in the relevant zone where—

(a) no building would be placed on the land unless it could be readily adapted for use for a purpose permitted in the zone, or which might preclude or inhibit the ultimate use of the land for a permitted purpose;

(b) the use would be compatible with the use of adjoining properties or the predominant use of land in the immediate locality; and

(c) the use would not be prejudicial to the amenity of the locality.

(3) Before approving a temporary use under the provisions of this subclause the Council shall advertise the proposal and consult with the public in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

(4) The Council shall not approve a temporary use for more than two years.

(5) The Council shall only approve a temporary use in the Residential Zone if the use proposed will not be offensive, unsightly or otherwise considered to be detrimental to the amenity of the neighbourhood.

(6) Notwithstanding the generality of the foregoing, the Council in approving a temporary use may impose conditions appropriate to the circumstances, including, but without limiting the generality of the foregoing, a condition requiring the proponent to enter into an agreement in regard to the termination of the use.

(7) The prerequisites for Council approval included in this clause are in addition to any of the other matters to which it is required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 78A Heritage Advisory Committee

(1) The Council may establish a heritage advisory committee to advise it on any matter in relation to conservation and heritage.

(2) The membership of the Committee may include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the conservation or adaptation of places of cultural heritage significance, and a person representing the community with an interest in heritage conservation.

Clause 78B Advisory Committees

(1) The Council may from time to time establish Advisory Committees to advise it on any matters in the Scheme, subject to such terms of reference, procedures and conditions of office as the Council thinks fit.

(2) The membership of an Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the Council have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee, but the number of members shall not be more than five.

(3) The Advisory Committee shall comprise no more than 5 members appointed by the Council and shall be chaired by a person elected by the Committee.

(4) A member of an Advisory Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.

(5) When dealing with any matter involving an application for development approval or structure plans or when dealing with any other matter involving a development or land use proposal, the Council shall have due regard to any relevant recommendation of any Advisory Committee.

(6) The Council will establish and maintain a Design Advisory Committee, subject to the requirements of clauses 78B(1) to (5) inclusive, to advise it on any matters related to the design quality of development.

(a) The Council shall prepare and adopt a Local Planning Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* that details the type and scale of development applications and planning proposals that will be referred to the Design Advisory Committee.

(b) Notwithstanding the provisions of any Local Planning Policy prepared under clause 78B(6)(a), the Council shall not determine a development application that proposes a building with a building height of 11 metres or greater in any zone other than the Residential or Industrial zones or a development application proposed under clause 5.7 Special control area provisions for small infill development, without first referring the application to the Design Advisory Committee for advice and having regard to the advice provided by the Design Advisory Committee.

(c) In providing advice to the Council, the Design Advisory Committee shall have due regard to the following matters, in association with the local planning policy prepared under clause 78B(6)(a), to assist in determining the design quality of the development –

(i) Character

Whether the development promotes character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture.

(ii) Continuity and enclosure

Whether the development promotes the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas.

(iii) Quality of the public realm

Whether the development promotes public spaces and routes that are attractive, safe, uncluttered and work effectively for all in society, including disabled and elderly people.

(iv) Ease of movement

Whether the development promotes accessibility and local permeability by making places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport.

(v) Legibility

Whether the development promotes legibility through development that provides recognisable routes, intersections and landmarks to help people find their way around.

(vi) Adaptability

Whether the development promotes adaptability through development that can respond to changing social, technological and economic conditions.

(vii) Diversity

Whether the development promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.

Clause 78C Reference Committees

(1) The Council may from time to time establish Reference Committees to advise it on any matters of community interest subject to such terms, procedures and conditions of office as the Council thinks fit.

(2) The Council shall determine which if any matters are referred to the Reference Committee for consideration and advice.

(3) Reference Committees shall represent the community of a specified locality within the district and comprise residents and ratepayers from that locality.

(4) A Reference Committee shall comprise no more than seven residents and/or ratepayers appointed by the Council and shall be chaired by a person elected by the Committee.

(5) A member of the Reference Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.

(6) When dealing with any matter of community interest including Applications for development approval, structure plans or when dealing with any matter involving a development or land use proposal referred to it by the Council, the Council shall have due regard to any relevant recommendation of any Reference Committee.

Clause 78D Site Notification

(1) Where the development of land is to be delayed for any reason the Council may require the owner of the land to erect a sign on the site advising the public of the proposed use of the land and if known the likely date of commencement or anticipated completion.

(2) Any sign erected under clause 78D(1), shall include the name, address and contact telephone number of the owner or a representative of the owner for the purpose of receiving enquiries from the public.

(3) The Council may under any circumstances that it sees fit require the landowner of any public or private land to erect a sign to provide advice to the public about the ownership of the land, the responsibility for the care and maintenance of the land and any development thereon and the names and telephone numbers of the authority which have been responsible for the approval of the use or development of the land for the purpose of receiving enquiries from the public.