



# **DYNAMIC PLANNING**

**AND DEVELOPMENTS**

**TOWN OF EAST FREMANTLE  
PROPOSED SCHEME AMENDMENT NO. 17  
LOCAL PLANNING SCHEME NO. 3**

**LOTS 14-19 CANNING HIGHWAY, EAST FREMANTLE  
(EAST TO GLYDE STREET)**

**Project No. 1091**

**February 2021**

(amended for advertising in accordance with WAPC advice 18.2.21)

**Planning and Development Act 2005**

**RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

**TOWN OF EAST FREMANTLE - LOCAL PLANNING SCHEME NO. 3**

**AMENDMENT NO. 17**

Resolved that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- A. Amending Schedule 2 by deleting the information for Lots 14, 15, 16, 17, 18, and 19 Canning Highway, East Fremantle, between Glyde Street and East Street, and replacing it with the following:

No.	Description of Land	Additional Use and/or Development	Special Conditions
A 9	Lots 14, 15, 16, 17, 18 and 19 Canning Highway, East Fremantle, between Glyde Street and East Street	<p>(i) A maximum of R80 residential development, i.e. development above the base density code of R20.</p> <p>(ii) Any dwelling development within this Additional Use area shall be used for residential dwelling purposes only, and shall not be used for any other purpose.</p> <p><b>Note:</b> To qualify for the foregoing additional use, the requirements (Special Conditions) in column 4 applicable to the area, are to be met.</p>	<p>The use of the land for the Additional Use is conditional on development of and compliance with the following:</p> <ol style="list-style-type: none"> <li>1. Local Development Plan approved by the local government depicting coordinated development of Lots 14, 15, 16, 17, 18 and 19.</li> <li>2. The Local Development Plan shall address the following to the satisfaction of the local government:                             <ol style="list-style-type: none"> <li>i. Building massing, height and setbacks to minimise the amenity, overlooking and overshadowing impact to surrounding properties, transitioning to lower heights, no greater than two storeys adjacent to the southern boundary and two storeys on the whole of Lot 19 Canning Highway;</li> <li>ii. Vehicle parking, access and egress arrangements with vehicular access and egress prohibited to/from Canning Highway;</li> <li>iii. Noise mitigation measures pursuant to the Fremantle Inner Harbour Buffer Definition Study requirements;</li> <li>iv. Building, landscaping and access interface measures;</li> <li>v. Development to provide an active edge to all street frontages and provide pedestrian access;</li> <li>vi. Landscape buffer to the southern boundary of all lots and the eastern boundary of part of Lot 15 Canning Highway; and</li> <li>vii. Boundary setbacks.</li> </ol> </li> </ol>

			<ol style="list-style-type: none"> <li>3. No development on the site is to exceed a maximum height of 25.5 metres AHD or 4 storeys or whichever is the lesser, including all roof top services, plant equipment, amenities and the like.</li> <li>4. Development should not exceed a maximum height of 21.0 metres AHD or 3 storeys or whichever is the lesser, within 8 metres of the southern boundary.</li> <li>5. Development should not exceed a maximum height of 17.5 metres AHD or 2 storeys or whichever is the lesser, within 5 metres of the southern boundary.</li> <li>6. Development should not exceed a maximum height of 17.5 metres AHD or two storeys whichever is the lesser on the whole of Lot 19 Canning Highway.</li> <li>7. The Local Development Plan shall have associated Design Guidelines which must be adopted by the Local Government that shall be utilised in determining any application for approval to commence development.</li> <li>8. The special conditions for this Additional Use are not open to variation through any provision of this Scheme or any other mechanism.</li> <li>9. No development approval is to be granted for a development above the base density code of R20 unless a Local Development Plan is prepared and approved by the Local Government.</li> </ol>
--	--	--	---

B. The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- (i) the Amendment is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;
- (ii) the Amendment is not addressed by any local planning strategy; and
- (iii) the Amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

Dated this 8<sup>th</sup> day of December 2020



**GARY TUFFIN**  
(Chief Executive Officer)

## CONTENTS

<b>1.0</b>	<b>INTRODUCTION &amp; PROPOSAL .....</b>	<b>1</b>
<b>2.0</b>	<b>SITE DETAILS.....</b>	<b>2</b>
2.1	Legal Description .....	2
2.2	Regional and Local Context .....	2
<b>3.0</b>	<b>STATUTORY AND STRATEGIC PLANNING FRAMEWORK .....</b>	<b>5</b>
3.1	State Planning Framework .....	5
3.1.1	Metropolitan Region Scheme .....	5
3.1.2	Perth and Peel @ 3.5 Million .....	5
3.1.3	State Planning Policy 5.4 – Road and Rail Noise .....	7
3.1.4	State Planning Policy 7.0 – Design of the Built Environment .....	8
3.1.5	State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments ....	10
3.1.6	Development Control Policy 5.1 – Regional Roads (vehicle access).....	10
3.2	Local Planning Framework .....	10
3.2.1	Town of East Fremantle Local Planning Scheme No. 3.....	10
3.2.2	Town of East Fremantle Draft Local Planning Strategy .....	12
3.2.3	Fremantle Inner Harbour Buffer Definition Study .....	13
3.2.4	Local Planning Policy 3.1.1 - Residential Design Guidelines .....	14
3.2.5	Local Planning Policy 3.1.3 – Town Centre Redevelopment Guidelines.....	15
<b>4.0</b>	<b>AMENDMENT PROPOSAL.....</b>	<b>17</b>
<b>5.0</b>	<b>BUILDING MASSING INVESTIGATION .....</b>	<b>18</b>
<b>6.0</b>	<b>JUSTIFICATION .....</b>	<b>20</b>
<b>7.0</b>	<b>CONCLUSION.....</b>	<b>21</b>

## **FIGURES**

- Figure 1: Regional Context Plan
- Figure 2: Local Context Plan
- Figure 3: Urban Consolidation Principles
- Figure 4: Urban Consolidation Precincts
- Figure 5: Urban Corridor Built Form Intent
- Figure 6: SPP 5.4 Noise Targets
- Figure 7: Town of East Fremantle LPS No. 3 Extract
- Figure 8: LPS No. 3, Schedule 2 Extract

## **APPENDICES**

- Appendix 1: Certificates of Title
- Appendix 2: Building Massing Investigation

## **TABLES**

- Table 1: SPP5.4 Road and Rail Noise - Compliance

## Copyright Statement 2020

© Dynamic Planning and Developments Pty Ltd

Except as permitted under the Copyright Act 1968 (Cth), the whole or any part of this report may not be reproduced by any process, electronic or otherwise, without the specific written permission of the copyright owner, Dynamic Planning and Developments. This includes the adaptation, microcopying, photocopying or recording of the report.

Neither may the information contained in this report be reproduced, transmitted or stored electronically in any form, such as in a retrieval system, without the specific prior written permission of Dynamic Planning and Developments.

This report has been exclusively drafted. No express or implied warranties are made by Dynamic Planning and Developments regarding the research findings and data contained in this report. All of the information details included in this report are based upon the existent land area conditions, research provided and obtained, and so forth as Dynamic Planning and Developments conducted its analysis into the subject proposal and/or project. Dynamic Planning and Developments will not be responsible for the application of its recommended strategies by the Client.

Please note that the strategies devised in this report may not be directly applicable towards another Client. We would also warn against adapting this report's strategies / contents to another land area which has not been researched and analysed by Dynamic Planning and Developments. Instead, please contact Dynamic Planning and Developments to provide a customised report for your specific needs. Otherwise, Dynamic Planning and Developments accepts no liability whatsoever for a third party's use of, or reliance upon, this specific report.

Direct all inquiries and correspondence to:



**DYNAMIC PLANNING AND DEVELOPMENTS**  
Suite 15, 29 Collier Road  
MORLEY WA 6062

PO Box 688  
INGLEWOOD WA 6932

Phone: (08) 9275-4433  
Fax: (08) 9275-4455  
E-mail: [admin@dynamicplanning.net.au](mailto:admin@dynamicplanning.net.au)  
Web: [www.dynamicplanning.net.au](http://www.dynamicplanning.net.au)

## 1.0 INTRODUCTION & PROPOSAL

Dynamic Planning and Developments Pty Ltd (DPD) act on behalf of Main Roads Western Australia (MRWA), the registered proprietor of Lots 14, 15 and 17 Canning Highway, East Fremantle. DPD has prepared the following report in order to seek support from the Council of the Town of East Fremantle to initiate an amendment to its Local Planning Scheme No. 3 (LPS No. 3) relating to Lots 14-19 Canning Highway, East Fremantle. The intention of the proposed scheme amendment is to modify the existing Additional Use - A9 provisions relating to the subject site in order to allow residential development at a density of R80 with specific development requirements.

The following report will discuss various issues pertinent to and in support of the proposal including:

- Existing and surrounding land uses;
- Zoning details;
- Strategic planning considerations;
- Statutory planning considerations;
- Justification in support of the proposed scheme amendment; and,
- Overview of the potential future development.

The subject site is presently zoned 'Residential' with an Additional Use designation under the provisions of LPS No. 3 where the maximum residential density is R40 subject to special conditions nominated in Schedule 2. It is intended that the proposed scheme amendment will provide additional development potential on a site that is situated at the entry to the Town on a major transport corridor, being Canning Highway.

The classification of the proposed scheme amendment under the provision of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) is considered to be a complex scheme amendment as it is:

- a) *An amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- b) *An amendment that is not addressed by any local planning strategy; and*
- c) *An amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.*

## 2.0 SITE DETAILS

### 2.1 Legal Description

The relevant properties included in the amendment area (herein referred to as the 'subject site') are legally described as:

Lot	Plan/Diagram	Volume/Folio	Registered Proprietor
14	3954	1502/195	Commissioner of Main Roads
15	3954	1224/370	Commissioner of Main Roads
16	3954	1692/584	The Metropolitan Region Planning Authority
17	3954	1026/405	Commissioner of Main Roads
18	3954	1739/285	State Planning Commission
19	3954	1083/446	Janipet Holdings Pty Ltd

It is noted that the registered land owner of Lot 19 Canning Highway – Janipet Holdings Pty Ltd is a deregistered company. In this regard ownership of the property is vested in ASIC or the Commonwealth. Generally, ASIC are the only party legally able to deal with company property after a company has been deregistered. The Town will correspond with ASIC during the statutory consultation phase of the scheme amendment.

The area of the subject site is approximately 3,665m<sup>2</sup> which consists of approximately 672m<sup>2</sup> of land designated for road widening meaning that the resultant land parcel capable of development would have an area of 2,993m<sup>2</sup>.

A copy of the Certificates of Title for the subject site is contained in **Appendix 1**.

It is noted that this amendment has been prepared in consultation with MRWA and the Western Australian Planning Commission (WAPC) who share an interest in the subject site. The amendment has been acknowledged and they are supportive of the change.

### 2.2 Regional and Local Context

The subject site is located within the Town of East Fremantle local government area which is located approximately 17km south west of the Perth CBD and approximately 2km north east of Fremantle.

The subject site fronts Canning Highway between East Street and Glyde Street. Canning Highway is classified as an 'Other Regional Roads' reservation under the Metropolitan Region Scheme (MRS) with the subject site impacted by the reservation area. Given the subject site's access to Canning Highway and proximity to both Stirling Highway and Queen Victoria Street, it is considered that the wider Perth Metropolitan Area can be accessed with relative ease.

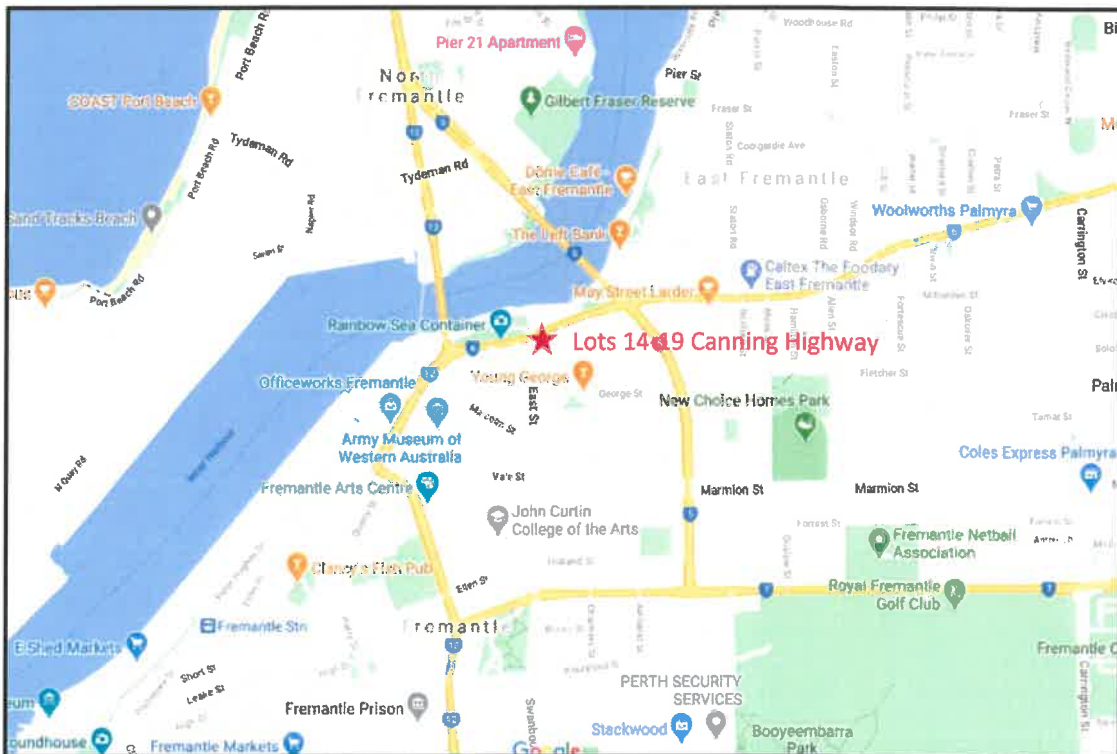
At a local level, the subject site is situated in close proximity to the Swan River with any future development likely to benefit from views towards the river. In addition, the site is located in close proximity to both WH Kitson Park and also the public open space around the Container Rainbow public art installation (within the City of Fremantle) which will afford any future patrons with the ability to undertake passive recreation.



The subject site and surrounding properties are located in the historic Plympton Precinct which consists largely of workers’ cottages which date back to between 1890 and 1910. The built form in the Precinct is dominated by low density single storey dwellings interspersed with contemporary new dwellings and second storey additions to original cottages. A significant number of properties within this precinct have heritage value and any redevelopment of the amendment site should have regard to the relevant heritage classification and policy requirements relevant to buildings in the Precinct.

Also, in close proximity to the subject site is the George Street ‘Mixed Use’ precinct as well as the East Fremantle Town Centre. Both areas provide commercial services and amenities primarily for local residents, while also accommodating higher density apartments which contribute to the housing diversity in the area.

Figures 1 and 2 show the regional and local context of the subject site respectively.



**Figure 1 – Regional Context (Source: Google Maps)**



**Figure 2 - Local Context (Source: Metromaps)**

### **3.0 STATUTORY AND STRATEGIC PLANNING FRAMEWORK**

#### **3.1 State Planning Framework**

##### *3.1.1 Metropolitan Region Scheme*

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme (MRS) and a portion of the subject site is reserved as 'Other Regional Roads' associated with Canning Highway. The proposed amendment to facilitate residential development at a higher density is considered to be consistent with the intent and objectives of the 'Urban' zone.

With regard to the existing 'Other Regional Roads' reservation, it is noted that prior to development occurring, this land will be ceded to facilitate the future road widening of Canning Highway. To ensure Canning Highway receives priority with regard to traffic flow and safety, provisions have been proposed as part of the amendment to make sure any vehicular access to future development will be via East Street or Glyde Street and prohibited from Canning Highway.

##### *3.1.2 Perth and Peel @ 3.5 Million*

Perth and Peel @ 3.5 Million (WAPC, 2018) establishes the strategic planning framework for the Perth and Peel regions. It is intended that each of the sub-regional planning frameworks will define the urban form for the next 30 years with the general intent to limit urban sprawl and encourage greater housing diversity to meet changing community needs.

Of particular relevance to the subject site is the Central sub-regional planning framework which aims to establish a long-term integrated planning framework for land use and infrastructure, with a focus on guiding infill growth in close proximity to the Perth CBD. The primary focus of the Central sub-regional planning framework is to implement ten (10) urban consolidation principles around core growth precincts. The applicable principles and precincts have been summarised below:

Principle	Description
<b>1. Housing</b>	Provide well-designed higher-density housing that considers local context, siting, form, amenity and the natural environment, with diverse dwelling types to meet the needs of the changing demographics.
<b>2. Character and heritage</b>	Ensure the attractive character and heritage values within suburbs are retained and minimise changes to the existing urban fabric, where appropriate.
<b>3. Activity centres</b>	Support urban and economic development of the activity centres network as places that attract people to live and work by optimising land use and transport linkages between centres; protecting identified employment land from residential encroachment, where appropriate, and avoiding contiguous linear or ribbon development of commercial activities beyond activity centres.
<b>4. Urban corridors</b>	The focus for higher-density residential development. Where appropriate, located along transit corridors and promoted as attractive places to live by optimising their proximity to public transport while ensuring minimal impact on the surrounding urban fabric and the operational efficiency of the regional transport network.
<b>5. Station precincts</b>	Where appropriate, focus development in and around station precincts (train stations or major bus interchanges as set out under the METRONET initiative) and promote these precincts as attractive places to live and work by optimising their proximity to public transport while ensuring minimal impact on the operational efficiency of the regional transport network.
<b>6. Industrial centres</b>	Promote the current and proposed supply and/or development of industrial centres as key employment nodes and prevent incompatible residential encroachment on these areas.
<b>7. Public transport</b>	Ensure that most transit corridors are supported by quality higher-density residential land uses and identify where new or improved public transport services will be needed to meet long-term growth, especially current and future train station precincts.
<b>8. Infrastructure</b>	Ensure more efficient use of existing and planned infrastructure to achieve a more sustainable urban environment. Protect existing and proposed infrastructure from incompatible urban encroachment to promote a system where land use developments and infrastructure are mutually compatible.
<b>9. Green network</b>	Preserve and enhance, where appropriate, the green network of parks, rivers, sport/recreation areas, facilities for active open space, conservation and biodiversity areas, and areas with a high level of tree canopy coverage, considered important for the health and wellbeing of the community.
<b>10. Protection</b>	Avoid, protect and mitigate environmental values and promote development that contributes to maintaining air quality and minimises risks of inundation from sea-level rise, flooding or storm surge events and bushfire damage.

**Figure 3 – Urban Consolidation Principles**

Precincts	Description
<b>Activity centres</b>	Activity centres are hubs that attract people for a variety of activities, such as shopping, working, studying and living. These centres mainly consist of a concentration of commercial uses combined with a varying proportion of other land uses such as residential, schools and open space. The role and function of these centres and the diversity of activities within them varies depending on their catchment.
<b>Urban corridors</b>	Urban corridors provide connections between activity centres and maximise the use of high-frequency and priority public transport. Urban corridors shown in the framework represent significant opportunities to accommodate increased medium-rise higher density residential development by good quality, high-frequency public transport.
<b>Station precincts</b>	Station precincts are areas surrounding train stations and major bus interchanges with the potential to accommodate transit-oriented development (TOD), other than areas identified as activity centres in <i>State Planning Policy 4.2 Activity Centres</i> (SPP 4.2).
<b>Industrial centres</b>	Industrial centres are the areas zoned industrial or urban under the region scheme. As there is little land available within the Central sub-region to cater for further industrial development, there is a need to plan, protect and preserve industrial centres within close proximity to primary arterial routes in to and out of the Central sub-region in order to maintain employment diversity.
<b>Green network</b>	Population growth needs and higher density living to be supported by a green network of public and private open spaces. Consisting of public and private open spaces, the green network includes Bush Forever sites, national and regional parks, district and local parks, sports fields, school grounds, community facilities, golf courses, foreshores and beachfront areas connected by streetscapes, trails, cycle paths, and pedestrian footpaths. In describing the green network it is important to identify the destinations, the connecting elements, and the landscape features that create a unique 'sense of place' and contribute to the comfort and appeal of accessing places by cycling and walking.

**Figure 4 – Urban Consolidation Precincts**



The subject site is located within an ‘Urban Corridor’ under the Central sub-regional planning framework which is considered to ‘represent significant opportunities to accommodate increased medium-rise high density residential development by good quality, high-frequency public transport’. An example of the development intent around the designated ‘Urban Corridors’ has been provided below in Figure 5.



**Figure 5 – ‘Urban Corridor’ built form intent (Source: Central sub-regional planning framework)**

It is considered that the intent of the proposed amendment to increase the applicable residential density to R80 at the subject site is consistent with the applicable ‘Urban Corridor’ intent and consequently consistent with the Central sub-regional planning framework and Perth and Peel @ 3.5 Million.

**3.1.3 State Planning Policy 5.4 – Road and Rail Noise**

The subject site’s proximity to Canning Highway, an ‘Other Regional Road’ under the MRS, is such that it is located with a specified trigger distance for the requirements of SPP5.4 to be considered. In this regard this proposed local planning scheme amendment is considering a sensitive land use in close proximity to a key regional transport and freight route.

To mitigate against the impact of the subject site’s proximity to Canning Highway, SPP5.4 specifies a number of noise targets to be achieved as part of any future development. These applicable noise targets are outlined in Table 2 of the policy (refer to Figure 6 below).

Proposals	New/upgrade	Noise targets		
		Outdoor		Indoor
		Day (L <sub>Aeq</sub> (Day) dB) (6 am–10 pm)	Night (L <sub>Aeq</sub> (Night) dB) (10 pm–6 am)	(L <sub>Aeq</sub> dB)
Noise-sensitive land-use and/or development	New noise-sensitive land-use and/or development within the trigger distance of an existing/proposed transport corridor	55	50	L <sub>Aeq</sub> (Day) 40 (living and work areas) L <sub>Aeq</sub> (Night) 35 (bedrooms)

**Figure 6 – SPP 5.4 Noise Targets**

In accordance with Clause 6.5.2 of SPP5.4 the proposed amendment should address noise through the following:

Clause 6.5.2 Requirement	Compliance
<b>Identification of appropriate compatible land use zoning that is commensurate with the function of the transport corridor.</b>	The present zoning permits residential development; this is not being modified as a result of the amendment.
<b>Design solutions that utilise street and lot configuration to screen and/or buffer noise.</b>	Design solutions will be addressed through the required LDP and the development application assessment process.
<b>Consideration of density and built form outcomes that will help alleviate noise and/or manage noise.</b>	The proposed density is considered appropriate. To help alleviate noise impacts, future noise investigations are necessary to determine the required design solutions to manage noise.
<b>Outlining the need for additional noise mitigation measures through quiet house requirements and or noise barriers in accordance with the guidelines.</b>	Future noise investigations as part of the LDP process to determine quiet house requirements.
<b>Consideration to appropriate future planning provisions to ensure more detailed planning is undertaken at the subdivision and development stage.</b>	Provisions requiring acoustic investigations through the LDP are proposed as part of the amendment.

**Table 1 – SPP5.4 Road and Rail Noise - Compliance**

With consideration of the above, the proposed amendment, whilst increasing the attainable density, will still result in residential development on the subject site which is generally consistent with what is permitted under the current zoning. Given the site’s proximity to Canning Highway, it is envisaged that as part of a subsequent planning stage, either through the required Local Development Plan or a development application, a detailed acoustic report will be prepared by a suitability qualified acoustic engineer that examines the impact of traffic and freight noise on any residential development. This will then inform the applicable construction standards to be complied with to ensure that the applicable noise targets, outlined in Figure 6 above, are met to demonstrate compliance with SPP5.4.

### 3.1.4 State Planning Policy 7.0 – Design of the Built Environment

State Planning Policy 7.0 (SPP7.0) is a broad State Planning Policy that is applicable to residential development across WA. The policy establishes 10 design principles that should be considered as part of any new residential development, these principles include:

1. *Context and character – Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*
2. *Landscape quality – Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*

3. *Built form and scale – Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*
4. *Functionality and build quality – Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.*
5. *Sustainability – Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*
6. *Amenity – Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.*
7. *Legibility – Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*
8. *Safety – Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*
9. *Community – Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*
10. *Aesthetics – Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*

This policy is primarily applicable at the development application stage of any new residential development, however as part of the scheme amendment process a high level consideration of the above ten design principles has been applied to the proposed increase in residential density at the subject site. This is reflected in the aim of the provisions which:

- respect the heritage value and character of the surrounding area;
- require a landscaping buffer be constructed;
- control and manage the height, scale and bulk impact of future development on the amenity of existing adjoining properties;
- allow for a range of dwelling sizes and bedroom configurations, adding to housing diversity in the area;
- orientate apartment outlook to the north;
- ensure the development addresses the local context and site constraints with regard to avoiding access to Canning Highway and orientation toward the public realm to maximise views toward the river whilst limiting the impact on properties further south;
- limit development to residential use only to prevent amenity impacts on adjoining residential uses;
- require street activation and pedestrian connections to the street through building location and design;
- mitigate overshadowing and overlooking of adjoining properties; and
- promote high quality architecture which reflects the gateway location of the amendment area and which will suitably address the street corners.

### *3.1.5 State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*

Similar to SPP7.0 discussed above, State Planning Policy 7.3 (SPP7.3) is primarily applicable to new residential development proposals as the policy prescribes a wide array of design considerations and objectives to be met in any residential development proposing multiple dwellings (apartments). Whilst not directly applicable to the proposed scheme amendment, SPP7.3 has received some consideration as it is an important tool in understanding the impact of the increased residential density on the adjoining residential properties. This is evident as it provides development requirements for the applicable R80 residential density. Of particular relevance is the primary controls table which essentially establishes a building envelope for any future development. The applicable building envelope for a R80 residential development provides a benchmark set of development standards by which to assess the built form impact on the adjoining residential properties.

Detailed provisions beyond the primary controls table are not of paramount importance at the scheme amendment stage as these will be addressed through subsequent planning stages.

### *3.1.6 Development Control Policy 5.1 – Regional Roads (vehicle access)*

As the subject site is impacted by an ‘Other Regional Roads’ reservation under the MRS associated with Canning Highway, the provisions of DCP5.1 require consideration. In general, the policy seeks to restrict access to regional roads in order to improve traffic flow and safety.

For development on the subject site to comply with the provisions of DCP5.1 it is considered that it will need to be developed holistically. Fortunately, much of the subject site is owned by government authorities and as such a large scale redevelopment of the subject site is a likely outcome. In this regard provisions included in the scheme amendment restrict access to Canning Highway in accordance with DCP5.1.

## **3.2 Local Planning Framework**

### *3.2.1 Town of East Fremantle Local Planning Scheme No. 3*

The subject site falls within the area covered by the Town of East Fremantle LPS No. 3. Under the provisions of LPS No. 3, the subject site is zoned ‘Residential’ with an ‘Additional Use - A9’ designation also applicable as shown in Figure-7 below.



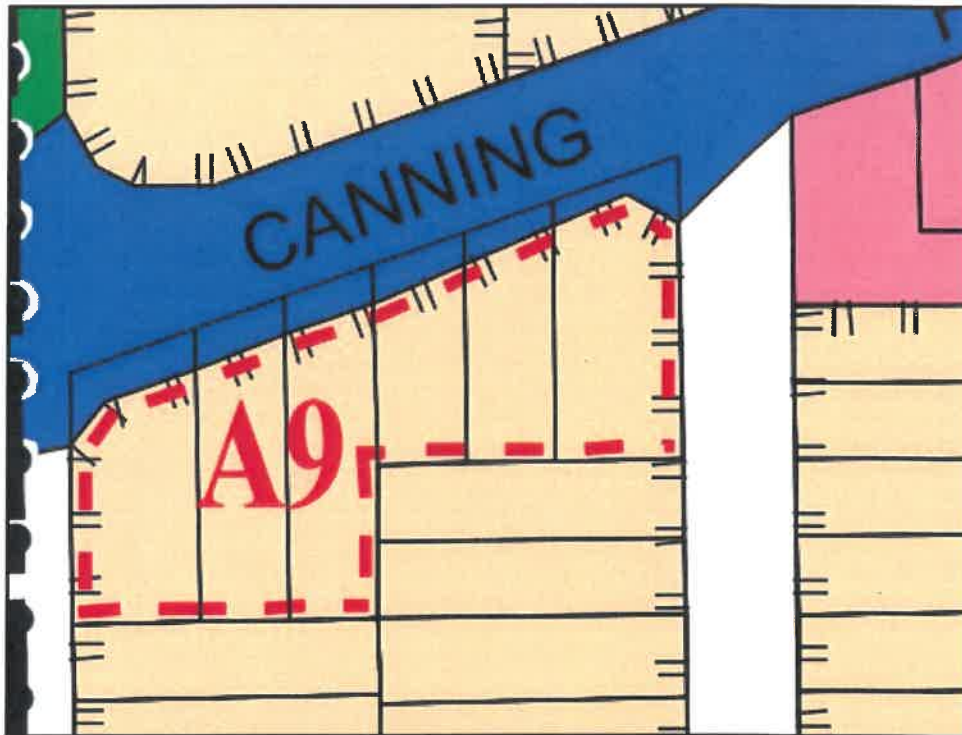


Figure 7 – Town of East Fremantle LPS No. 3 Extract

The existing Additional Use -A 9 provisions are outlined in Schedule 2 of LPS No. 3 and enable residential development on the subject site to a density of R40 if a number of conditions are met. These relevant provisions are outlined below in Figure 8.

A 9	Lots 14, 15, 16, 17, 18 and 19 Canning Highway, between Glyde Street, and East Street	<p>(i) R40 residential development, i.e. development above the base density code of R20, and(ii) ground floor use for Consulting Rooms and/or Home Business, subject to the approval of the local government.</p> <p>Note: To qualify for either of the foregoing additional uses, the requirements (Special Conditions) in column 4 applicable to the site, are to be met.</p>	<p>(a) Development to be designed with frontage and access to East and Glyde Streets;</p> <p>(b) Local government approval to an overall development plan to ensure coordinated development of site;</p> <p>(c) Any buildings proposed to be retained as part of the development to be refurbished to the satisfaction of the local government.</p>
-----	---	---	---

Figure 8 – LPS No. 3, Schedule 2 Extract

As noted in the previous sections above, the proposed scheme amendment seeks approval to amend the abovementioned provisions relating to the existing Additional Use - A9 designation with the intent to increase the attainable residential density at the subject site to R80. In accessing this additional density it is commented that a large number of special conditions are required to be met to ensure any development carefully considers its impact on the adjoining properties that are presently zoned ‘Residential’ with an applicable density of R20.

It is considered that the proposed amendment is not dissimilar to the intent of the existing Additional Use - A 9 provisions and it simply seeks to increase the attainable residential density

and number of special conditions to be complied with. It is considered that the increased residential density is consistent with the applicable state and local government level strategic planning framework applicable at the subject site.

### 3.2.2 Town of East Fremantle Draft Local Planning Strategy

At present, the Town of East Fremantle is seeking consent to advertise its Draft Local Planning Strategy (Draft Strategy) for public comment. The Draft Strategy is based on the Town's Strategic Community Plan 2017-27 key vision to create an *'inclusive community, balancing growth and lifestyle'*. To achieve this vision the Town has established a range of strategic priorities and principles grouped into the following five (5) categories:

1. Social (Social connection, inclusive and safe community).
2. Economic (Sustainable, 'locally' focused and easy to do business with).
3. Built Environment (Accessible, well-planned landscapes which are in balance with the Town's heritage and open spaces).
4. Natural Environment (Maintaining and enhancing the Swan River foreshore and other green open spaces with a focus on environmental sustainability and community amenity).
5. Leadership and Governance (A pro-active, approachable Council which values consultation transparency and accountability).

Of relevance to the subject amendment are the built environment priorities and principles and what the strategy intends for the subject site. In accordance with the Draft Strategy, the subject site is identified as representing a strategic western entry point to the Town and potentially suitable for residential development at a medium to high density.

The Draft Strategy also identifies the subject site as a Planning Area for investigation for urban consolidation. The background information and analysis report supporting the Draft Strategy considers this as a site with possible opportunity for further development for the following reasons:

- Residential density at R40 is currently permitted under additional use rights and multiple dwellings are already a possible land use on this site.
- It is predominantly under public agency ownership.
- The site is strategically located as a potential landmark at the western gateway to the Town.
- The site has the potential for river views.
- Current land use has not reached full potential (most properties vacant).
- It is located directly opposite an existing and developed R80 site.

The Draft Strategy provides an indication of the proposed urban form for the planning areas may be supported or intended to be investigated in consultation with the community, with specific reference to Appendix A2 - Streetscape character types of SPP 7.3 – Residential Design Codes Volume 2 – Apartments. For the subject site, a suburban context – medium rise streetscape character is considered.

This is envisaged by the Draft Local Planning Strategy as predominantly 3 storeys built form, with potential for up to 5 storeys closer to the corner of East Street. A mixture of apartments

and townhouse/villa grouped dwellings/terrace development with opportunity for setbacks and heights transitioning on the fringe where the site interfaces with the established suburban areas and incorporating heritage properties into overall design concepts. The Draft Local Planning strategy also indicates that a local development plan may be appropriate to ensure new development is well-coordinated with adjoining suburban character and heritage listed sites and access is provided as an alternative to Canning Highway.

The Draft Strategy also notes a number of considerations associated with future development of this site, including:

- Heritage listed properties in the vicinity.
- MRS reserve for Important Regional Road (Canning Highway) encroachment and restricted access.
- Mitigation of noise from Canning Highway (within 200m).
- Fremantle Ports Buffer Area 2.
- Minimising effects of built form and traffic on adjacent low density residential properties.

In light of the abovementioned, the proposed amendment is considered to be generally consistent with the intentions of the Draft Strategy for the following reasons:

- The proposed residential density is R80 which is consistent with a medium-rise residential density in accordance with SPP 7.3 (Volume 2) as this refers to apartment developments up to 3-4 storeys.
- The proposed maximum height of four (4) storeys is within the three (3) to five (5) storey range contemplated for the subject site in the Draft Local Planning Strategy.
- The proposed amendment specifies a maximum height of two (2) storeys adjacent to the existing low density residential development to minimise any resultant development impacts on these properties.
- The proposed amendment requires the preparation of a local development plan which is entirely consistent with the Draft Local Planning Strategy.

In light of the above the proposed amendment is considered to be consistent with the Town of East Fremantle draft LPS and as such entirely appropriate for initiation and adoption.

### *3.2.3 Fremantle Inner Harbour Buffer Definition Study*

In considering the subject site's proximity to the Fremantle Port, the subject amendment should consider the provisions of the Fremantle Inner Harbour Buffer Definition Study. This study established Buffer Guidelines which were intended to provide guidance for land use planning around the Inner Harbour. These guidelines recognise the strategic importance of the port operations and growth, whilst promoting compatible land uses and protection of the amenity of residents living within the buffer.

The buffer comprises of three areas based on varying levels of technical criteria of risk, noise and odour. These three areas have been summarised below:

- Area 1 – Restricted Access Area – Immediately surrounding the Inner Harbour  
Excludes the establishment of additional sensitive uses other than residential uses

and with residential uses having a high level of protective conditions relating to maintaining public safety and ameliorating the impacts of odour and noise.

- Area 2 – Control Area – Intermediate Buffer Zone  
Allows the establishment of sensitive land uses with a medium level of protective conditions.
- Area 3 – Discretionary Area – Outer Buffer Zone  
Allows the establishment of sensitive land uses with protective conditions implemented at the discretion of Council.

The subject site is located in Buffer Area 2 and in accordance with the recommendations of the Fremantle Inner Harbour Buffer Definition Study it is expected that the Town will notify Fremantle Ports of its intention to amend the local planning scheme should the amendment be initiated by Council.

It is also noted that the location of the amendment area within Buffer Area 2 will result in a number of built form requirements which will be applicable to future residential development on the site. A summary of the applicable requirements is noted below:

#### *Windows and Openings*

- a. *Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.*
- b. *All safety glass shall be manufactured and installed to an appropriate Australian Standard.*

#### *Air conditioning Systems*

- a. *All air conditioning systems shall incorporate the following features: i) multiple systems to have internally centrally located shut down point and associated procedures for emergency use, ii) preference for split “refrigerative” systems.*

#### *Construction*

- a. *Adopt the general principles of quiet house design for residential developments.*
- b. *All developments shall incorporate roof insulation.*

Should the amendment be approved any residential development at the subject site will be subject to assessment under the above requirements through the Town’s Local Planning Policy 3.1.1 - Residential Design Guidelines.

#### *3.2.4 Local Planning Policy 3.1.1 - Residential Design Guidelines*

The Town of East Fremantle Local Planning Policy 3.1.1 – Residential Design Guidelines (LPP3.1.1) represents a consolidation of a number of now revoked Local Planning Policies. The intent of the policy is to guide residential development within the Town of East Fremantle by augmenting existing requirements applicable under SPP7.3.

In accordance with the provisions of LPP3.1.1, the subject site is located within the Plympton Precinct. The policy is set out in a similar manner to SPP7.3 in that it establishes a range of performance criteria and acceptable development provisions to be met in each precinct on

numerous design elements. As the policy deals with detailed design requirements, it has a limited application to the proposed scheme amendment. It is envisaged that these requirements will be considered as part of subsequent planning stages such as through the Local Development Plan process and the development application phase of any project.

### 3.2.5 Local Planning Policy 3.1.3 – Town Centre Redevelopment Guidelines

In accordance with the Town of East Fremantle Local Planning Policy 3.1.3 – Town Centre Redevelopment Guidelines (LPP3.1.3), the subject site is located within the ‘Frame Precinct’. The desired intent of the Frame Precinct is to provide a predominantly medium-density residential transition between the town centre and the surrounding suburban residential areas. It is envisaged that this transitional area would consist of more urban forms of development such as multiple and grouped dwellings.

This policy establishes a range of design elements with associated performance criteria and acceptable development standards to be considered as part of any redevelopment proposal. Applicable provisions outlined in the policy that warrant some consideration as part of the proposed amendment include:

- A maximum plot ratio of 2:0 for the Frame Precinct – the proposed scheme amendment proposes a R80 residential density which as per SPP7.3 is limited to a plot ratio of 1:0.
- A maximum building height of 3 storeys – the proposed amendment considers a maximum building height of up to 4 storeys which is in excess of the limit prescribed by LPP3.1.3. This is considered acceptable for the following reasons:
  - LPP3.1.3 allows variations to the acceptable development standards where proposals can meet the relevant performance criteria. In this regard the additional scheme amendment provisions to control the future built form and the location of a fourth storey is considered to provide a framework (i.e. through the provisions of a Local Development Plan) where future development is able to meet the relevant performance criteria of the Frame Precinct in regard to built form, scale and height. These performance criteria are listed below:
    - establish a scale of development that is reflective of the centre’s role as an urban village;
    - maintain an attractive scale to streets and other public spaces through the use of appropriate building facade heights, particularly for the lower and most visible levels of buildings where they define the edge of a street or other public space;
    - establish a reasonable transition between larger scaled development within an activity centre and the domestic scale of any existing adjacent residential development; and
    - modulate the building mass to create visual interest and break down the perceived scale of large developments.

LPP 3.1.3 is just one consideration in the preparation and adoption of the proposed scheme amendment. In this regard other strategic planning documents such as the Draft Local



Planning Strategy indicate that there is an ability for 3-5 storeys to be considered at the subject site given its 'urban corridor' and gateway location where increases in dwelling density are considered suitable.



#### 4.0 AMENDMENT PROPOSAL

The proposed complex scheme amendment seeks approval to increase the attainable residential density at the subject site by modifying the existing Additional Use - A9 provisions. Specifically, the amendment seeks to:

- Increase the applicable residential density that is attainable at the subject site from R40 to R80;
- Introduce a range of special conditions, including the preparation of a Local Development Plan to ensure that future uses and development are appropriately controlled to manage the impact on the adjoining residential area and are respectful of the existing character of the area; and
- Formulate associated Design Guidelines to guide the built form and architectural outcome of the Amendment site.

The special conditions to be introduced to 'Schedule 2: Additional Use Sites and Requirements' are intended to provide an appropriate set of development standards to enable development at a higher density to be balanced against protecting amenity in the Plympton Precinct.

The R80 density was the preferred development option because it yielded a viable number of apartments (~29) which could be constructed in two, three and four storey buildings, in a design intent similar to the development on the opposite side of Canning Highway. This higher density would be achievable subject to the land being used only for residential purposes (i.e. no commercial tenancies which are to remain concentrated in the Town Centre) and preparation of a Local Development Plan (to the satisfaction and approval of Council).

The Local Development Plan is to encompass all six lots in the Additional Use – A9 area and is to address the matters listed below:

- building massing;
- vehicle parking, access and egress;
- noise mitigation;
- building, landscaping and access interface (with residential) areas;
- provision of an active edge to all street frontages and pedestrian access;
- landscape buffer to the southern residential boundary;
- rear boundary setbacks;
- building heights limits:
  - maximum of two storeys, 5m from the southern boundary;
  - maximum of three storeys, 8m from the southern boundary; and
  - maximum of two storeys on the whole of Lot 19 Canning Highway.

The aim of the Local Development Plan is to limit building height and setbacks to minimise the impact on adjacent streets and properties, in particular the predominantly single storey heritage residential area. Building height is 'stepped down', transitioning from four storeys on Canning Highway to two storeys at the residential interface.

Other controls are intended to minimise noise and visual amenity impacts upon nearby residential properties and to minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties through the appropriate siting of the three to four storey buildings predominantly along Canning Highway, with residences further protected by a landscape buffer strip.

Buildings are required to face Canning Highway and the Glyde and East Street frontages, to encourage building design that overlooks the streets and provides good accessibility for pedestrians and residents.

Also, the requirement for the formulation of associated Design Guidelines for the Amendment site, is intended to require a very high standard of architecture, commensurate with the gateway site and increase the compatibility of new dwellings with existing built form and heritage dwellings.

## 5.0 BUILDING MASSING INVESTIGATION

In order to provide a contextual reference for the likely development outcome Mackay Urban Design was engaged to carry out a building massing investigation. The intent being to explore the impact of various development built form types and densities which ultimately defined the applicable local planning scheme amendment which seeks to increase the attainable dwelling density to R80. The findings of the massing investigations relating to the R80 dwelling density have been summarised below:

To demonstrate the applicable impact of the R80 density Mackay Urban Design formulated block diagrams to portray building heights, massing, overshadowing and general building layout/configuration. Within the applicable investigation the following assumptions are noted:

1. The site area for the purposes of calculating plot ratio has included the road widening area. This is consistent with previous State Administrative Tribunal decision making and also the definition of plot ratio which is *'the ratio of gross plot ratio area of buildings on a development site to the area of land in the site boundaries'*. As the current site boundaries include the road area, this land area is assumed to be incorporated into the calculation of plot ratio. Should the site be subdivided prior to redevelopment the site area and plot ratio would be reduced.
2. The development yield has assumed an average dwelling unit size of 95m<sup>2</sup> which is the equivalent of a three (3) bedroom apartment.
3. A requirement for 36 car bays.

A copy of the applicable investigation is contained in **Appendix 2** of this submission.



The key findings applicable to the R80 scenario include:

Development Scenario Findings	Image
<p><b>Residential development at a density of R80</b></p> <ul style="list-style-type: none"> <li>• Yield – 29 dwellings at an average unit size of 95m<sup>2</sup>. This is likely to consist of a range of apartment types ranging from one (1) bedroom apartments up to three (3) or even four (4) bedroom apartments.</li> <li>• Plot Ratio – 2,786m<sup>2</sup> at 0.96:1;</li> <li>• Car Parking – 36 bays; and</li> <li>• Over-shadowing – 36.8%.</li> </ul>	

Based on the building massing investigation the R80 density scenario was considered to be the most appropriate for a number of reasons, specifically:

- It assumes a 4 storey height limit which is well within the range prescribed by the Town of East Fremantle draft LPS (i.e. 3-5 storeys).
- It provides for a dwelling yield of 29 dwellings at an average unit size of 95m<sup>2</sup> which is the equivalent of a 3 bedroom dwelling.
- The impacts of building bulk and overshadowing at the recommended proposed R80 density are minimal when compared with an R40 built form (current approved framework) as an additional 10% overshadowing on the most impacted lot is the outcome.

It is important to note that this investigation is not absolute and may not completely reflect the resultant built form or final building design on these lots; it is for indicative purposes only. It is, however, useful to define the contents of the respective scheme amendment and various design provisions that will need to be addressed through a subsequent Local Development Plan as required by the proposed scheme amendment provisions.

## 6.0 JUSTIFICATION

In light of the matters presented in the preceding sections of this report, the proposed complex scheme amendment is considered to be justified and appropriate for initiation for advertising and ultimately approval based on the following reasons:

- The site context applicable at the subject site is such that it is located on a key transport route (Canning Highway), has access to a high frequency bus route, is located in close proximity to high quality public open space and also a range of local services and amenities, including the East Fremantle Town Centre and George Street. In considering the applicable site context it is considered that the site is appropriate for infill development at a higher density than what is currently prescribed (R40).
- The proposed amendment is generally consistent with Perth and Peel @ 3.5 Million and the related central sub-regional planning framework as the subject site is located in an 'Urban Corridor' which is intended to facilitate medium rise residential development at densities greater than R60. As the proposed amendment proposes a residential density of R80 with a maximum height of 4 storeys, it is considered that this constitutes medium rise residential development in line with the Perth and Peel @ 3.5 Million vision for the relevant 'Urban Corridors'.
- The proposed amendment is generally consistent with the Town of East Fremantle draft LPS and Planning Area 7 as the amendment supports medium rise residential development with a maximum height of four (4) storeys which is in line with the three (3) to five (5) storey range provided by the LPS. In addition the amendment has also carefully considered the impact on the adjoining low density and low scale (i.e. a mix of single and two storey) residential development by limiting building height to two (2) storeys adjacent to the boundary and also requiring a Local Development Plan to be prepared to further define and limit the development's impact.
- The proposed amendment and the likely resultant built form have been examined in detail through a building massing investigation which compared various development density scenarios and confirmed that the R80 density scenario is the most appropriate. This was determined with consideration of facilitating a meaningful medium density development that complies with the applicable strategic planning framework whilst also balancing the impact on the adjoining residential zoned land.
- The proposed amendment has included provisions to control the future built form, vehicle access and parking. The aim being to ensure that redevelopment of the amendment site results in a lowering of building height and scale from Canning Highway to the existing workers' cottages, the screening of parking and limiting of vehicle access in order to respect the heritage value and unique character and streetscapes of the Plympton Precinct.

## 7.0 CONCLUSION

The proposed complex scheme amendment to modify the existing Addition Use - A9 provisions applicable at the subject site to allow residential development at a density of R80 is considered justified based on the aforementioned sections of this report and in summary:

- The proposal has considered the State Planning Framework, specifically:
  - Perth and Peel @ 3.5 Million
  - State Planning Policy 5.4 – Road and Rail Noise
  - State Planning Policy 7.0 – Design of the Built Environment
  - State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments
  - Development Control Policy 5.1 – Regional Roads (vehicle access)
  - Metropolitan Region Scheme
  
- The proposal is generally consistent with the applicable Local Planning Framework, specifically:
  - The objectives applicable to the Residential zone in accordance with the Town of East Fremantle Local Planning Scheme No. 3
  - Town of East Fremantle Draft Local Planning Strategy
  - Local Planning Policy 3.1.1 – Residential Design Guidelines
  - Local Planning Policy 3.1.3 – Town Centre Redevelopment Guidelines
  
- The proposed draft amendment will facilitate residential development in line with the applicable draft strategic planning framework whilst also considering the impact on the adjoining low density residential development.

In this regard it is respectfully requested that the Town of East Fremantle favourably consider the proposal based on its merits and proceed to initiate the scheme amendment for advertising for public comment.



**APPENDIX 1**  
**CERTIFICATES OF TITLE**



REGISTER NUMBER <b>17/P3954</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1026 FOLIO 405

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 17 ON PLAN 3954

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

COMMISSIONER OF MAIN ROADS OF WATERLOO CRESCENT, EAST PERTH

(T E773347 ) REGISTERED 20/12/1991

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	1026-405 (17/P3954)
PREVIOUS TITLE:	483-194
PROPERTY STREET ADDRESS:	17 CANNING HWY, EAST FREMANTLE.
LOCAL GOVERNMENT AUTHORITY:	TOWN OF EAST FREMANTLE
RESPONSIBLE AGENCY:	MAIN ROADS WESTERN AUSTRALIA



REGISTER NUMBER <b>19/P3954</b>	
DUPLICATE EDITION <b>1</b>	DATE DUPLICATE ISSUED <b>14/6/2013</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1083 FOLIO 446

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 19 ON PLAN 3954

**REGISTERED PROPRIETOR:  
(FIRST SCHEDULE)**

JANIPET HOLDINGS PTY LTD OF 93 CANNING HIGHWAY, EAST FREMANTLE  
(T B275066 ) REGISTERED 13/1/1977

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:  
(SECOND SCHEDULE)**

1. \*J951348 CAVEAT BY DEANNE MARLENE QUINLAN LODGED 13/10/2006.
2. \*M230834 CAVEAT BY ALEXANDER CAMPBELL MCPHERSON AS TO ONE UNDIVIDED THIRD SHARE ONLY. LODGED 5/4/2013.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1083-446 (19/P3954)  
PREVIOUS TITLE: 838-137  
PROPERTY STREET ADDRESS: 27 CANNING HWY, EAST FREMANTLE.  
LOCAL GOVERNMENT AUTHORITY: TOWN OF EAST FREMANTLE

WESTERN



AUSTRALIA

REGISTER NUMBER <b>15/P3954</b>	
DUPLICATE EDITION <b>1</b>	DATE DUPLICATE ISSUED <b>11/10/2006</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1224** FOLIO **370**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 15 ON PLAN 3954

**REGISTERED PROPRIETOR:  
(FIRST SCHEDULE)**

COMMISSIONER OF MAIN ROADS OF WATERLOO CRESCENT, EAST PERTH

(AN J928041 ) REGISTERED 25/9/2006

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:  
(SECOND SCHEDULE)**

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1224-370 (15/P3954)  
 PREVIOUS TITLE: 40-72  
 PROPERTY STREET ADDRESS: 9 CANNING HWY, EAST FREMANTLE.  
 LOCAL GOVERNMENT AUTHORITY: TOWN OF EAST FREMANTLE  
 RESPONSIBLE AGENCY: MAIN ROADS WESTERN AUSTRALIA



WESTERN AUSTRALIA



REGISTER NUMBER <b>14/P3954</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1502 FOLIO 195

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 14 ON PLAN 3954

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

COMMISSIONER OF MAIN ROADS OF WATERLOO CRESCENT, EAST PERTH

(T C248433 ) REGISTERED 6/11/1981

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1502-195 (14/P3954)  
PREVIOUS TITLE: 172-60  
PROPERTY STREET ADDRESS: 7 CANNING HWY, EAST FREMANTLE.  
LOCAL GOVERNMENT AUTHORITY: TOWN OF EAST FREMANTLE  
RESPONSIBLE AGENCY: MAIN ROADS WESTERN AUSTRALIA

NOTE 1: A000001A PENDING SURVEY - DIAGRAM 85393.





REGISTER NUMBER <b>16/P3954</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1692 FOLIO 584

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

  
REGISTRAR OF TITLES 

**LAND DESCRIPTION:**

LOT 16 ON PLAN 3954

**REGISTERED PROPRIETOR:  
(FIRST SCHEDULE)**

THE METROPOLITAN REGION PLANNING AUTHORITY OF 22 SAINT GEORGE'S TERRACE, PERTH  
(T D110070 ) REGISTERED 16/9/1985

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:  
(SECOND SCHEDULE)**

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1692-584 (16/P3954)  
PREVIOUS TITLE: 1049-675  
PROPERTY STREET ADDRESS: 15 CANNING HWY, EAST FREMANTLE.  
LOCAL GOVERNMENT AUTHORITY: TOWN OF EAST FREMANTLE  
RESPONSIBLE AGENCY: WESTERN AUSTRALIAN PLANNING COMMISSION



REGISTER NUMBER <b>18/P3954</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1739 FOLIO 285

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 18 ON PLAN 3954

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

STATE PLANNING COMMISSION OF 22 SAINT GEORGE'S TERRACE, PERTH

(T D321279 ) REGISTERED 11/9/1986

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

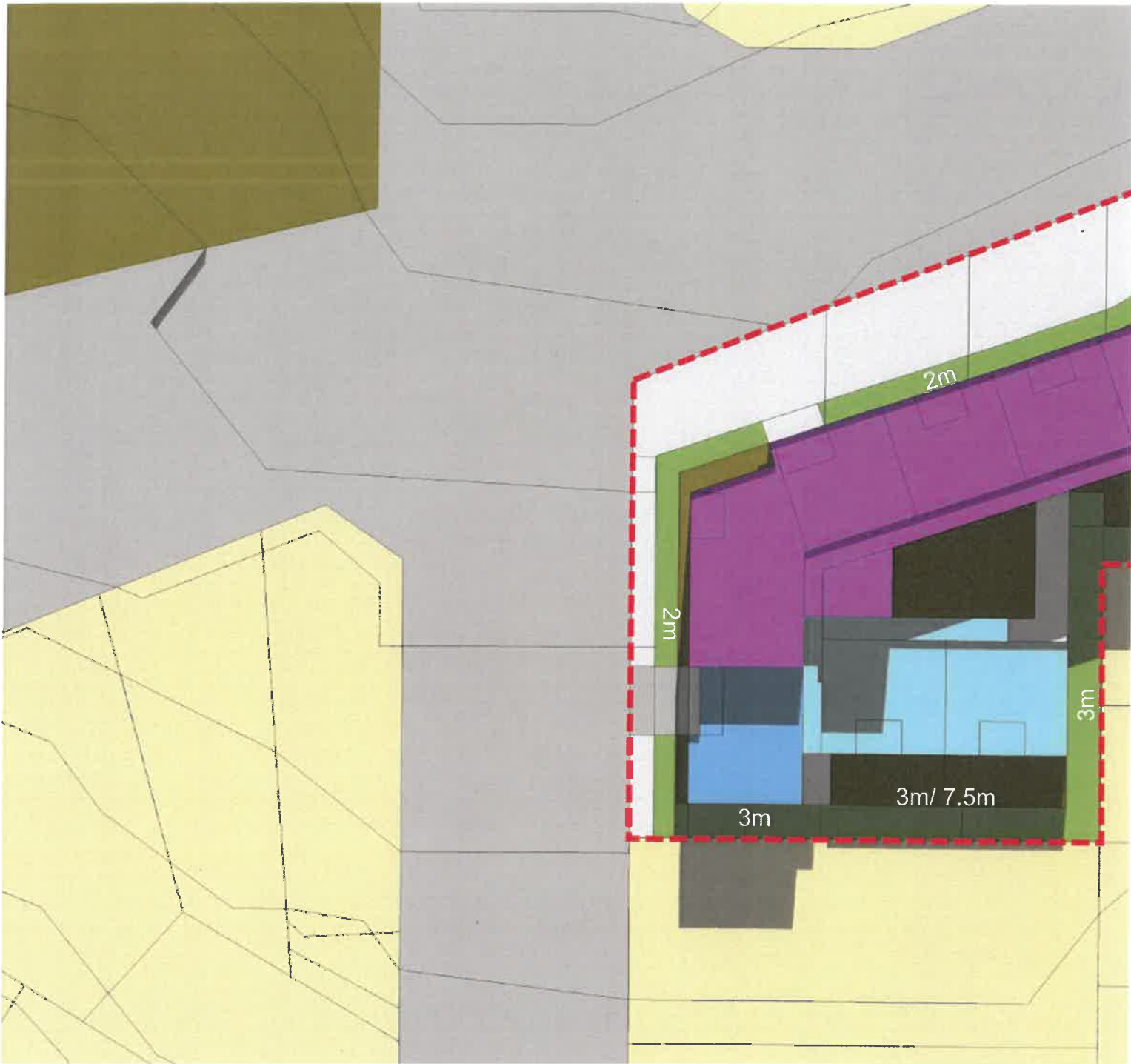
**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1739-285 (18/P3954)  
PREVIOUS TITLE: 180-69  
PROPERTY STREET ADDRESS: 19 CANNING HWY, EAST FREMANTLE.  
LOCAL GOVERNMENT AUTHORITY: TOWN OF EAST FREMANTLE  
RESPONSIBLE AGENCY: WESTERN AUSTRALIAN PLANNING COMMISSION

APPENDIX 2  
**BUILDING MASSING INVESTIGATION**

# Built form scenario 1: R80



## Building height key



2 storeys



3 storeys



4 storeys



5 storeys



6 storeys



7 storeys

14-18 Canning Highway, East Fremantle

**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

**TOWN OF EAST FREMANTLE  
LOCAL PLANNING SCHEME NO.3  
AMENDMENT NO. 17**

That Council in accordance with:

- A. Section 72 of the *Planning and Development Act 2005*, resolves to adopt (initiate) Amendment No. 17 of the Town of East Fremantle Local Planning Scheme No. 3 as outlined below; and**

*Amend Schedule 2 by deleting the information for Lots 14, 15, 16, 17, 18, and 19 Canning Highway, East Fremantle, between Glyde Street and East Street, and replacing it with the following:*

No.	Description of Land	Additional Use and/or Development	Special Conditions
A 9	Lots 14, 15, 16, 17, 18 and 19 Canning Highway, East Fremantle, between Glyde Street, and East Street	<p>(i) A maximum of R80 residential development, i.e. development above the base density code of R20.</p> <p>(ii) Any dwelling development within this Additional Use area shall be used for residential dwelling purposes only, and shall not be used for any other purpose.</p> <p><b>Note:</b> To qualify for the foregoing additional use, the requirements (Special Conditions) in column 4 applicable to the area, are to be met.</p>	<p>The use of the land for the Additional Use is conditional on development of and compliance with the following:</p> <ol style="list-style-type: none"> <li>1. Local Development Plan approved by the local government depicting coordinated development of Lots 14, 15, 16, 17, 18 and 19.</li> <li>2. The Local Development Plan shall address the following to the satisfaction of the local government:                             <ol style="list-style-type: none"> <li>viii. Building massing, height and setbacks to minimise the amenity, overlooking and overshadowing impact to surrounding properties, transitioning to lower heights, no greater than two storeys adjacent to the southern boundary and two storeys on the whole of Lot 19 Canning Highway;</li> <li>ix. Vehicle parking, access and egress arrangements with vehicular access and egress prohibited to/from Canning Highway;</li> <li>x. Noise mitigation measures pursuant to the Fremantle Inner Harbour Buffer Definition Study requirements;</li> </ol> </li> </ol>

		<ul style="list-style-type: none"> <li>xi. Building, landscaping and access interface measures;</li> <li>xii. Development to provide an active edge to all street frontages and provide pedestrian access;</li> <li>xiii. Landscape buffer to southern boundary of all lots and the eastern boundary of part of Lot 15 Canning Highway; and</li> <li>xiv. Boundary setbacks.</li> </ul> <ol style="list-style-type: none"> <li>3. No development on the site is to exceed a maximum height of 25.5 metres AHD or 4 storeys or whichever is the lesser, including all roof top services, plant equipment, amenities and the like.</li> <li>4. Development should not exceed a maximum height of 21.0 metres AHD or 3 storeys, whichever is the lesser, within 8 metres of the southern boundary.</li> <li>5. Development should not exceed a maximum height of 17.5 metres AHD or 2 storeys, whichever is the lesser, within 5 metres of the southern boundary.</li> <li>6. Development should not exceed a maximum height of 17.5 metres AHD or two storeys whichever is the lesser on the whole of Lot 19 Canning Highway.</li> <li>7. The Local Development Plan shall have associated Design Guidelines which must be adopted by the Local Government that shall be utilised in determining any application for approval to commence development.</li> <li>8. The special conditions for this Additional Use are not open to variation through any provision of this Scheme or any other mechanism.</li> <li>9. No development approval is to be granted for a development above the base density code of R20 unless a Local Development Plan is prepared and approved by the local government.</li> </ol>
--	--	---

**B. Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 17 of the Town of East Fremantle Local Planning Scheme No. 3 is a complex amendment for the following reasons:**

- (i) the amendment is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;**
- (ii) the amendment is not addressed by any local planning strategy; and**
- (iii) the amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.**

**COUNCIL ADOPTION**

This Complex Amendment was adopted by resolution of the Council of the Town of East Fremantle at the Ordinary Meeting of the Council held on the 8<sup>th</sup> day of December, 2020.

  
.....  
**MAYOR**  
  
.....  
**CHIEF EXECUTIVE OFFICER**

**COUNCIL RESOLUTION TO ADVERTISE**

by resolution of the Council of the Town of East Fremantle at the Ordinary Meeting of the Council held on the 8<sup>th</sup> day of December, 2020 proceed to advertise this Amendment.

  
.....  
**MAYOR**  
  
.....  
**CHIEF EXECUTIVE OFFICER**

**COUNCIL RECOMMENDATION**

This Amendment is recommended for support/not to be supported by resolution of the local government at the Ordinary Meeting of the Council held on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_ and the Common Seal of the Town of East Fremantle was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
**MAYOR**  
.....  
**CHIEF EXECUTIVE OFFICER**

**WAPC ENDORSEMENT (r. 63)**

.....  
**DELEGATED UNDER S.16 OF THE  
PLANNING AND DEVELOPMENT ACT, 2005**

DATE.....

**APPROVAL GRANTED**

.....  
**MINISTER FOR PLANNING**

DATE.....