

**Local Planning Scheme No. 3**  
**Amendment No. 15 - Schedule of Modifications**  
**Royal George Hotel Site**

<b>Council's Amendment No. 15            (endorsed by Council 6 June 2018)</b>	<b>Schedule of Modifications to Amendment No. 15            (to be advertised for public comment)</b>
<p>1. Pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 41(3)(b) of the Local Planning Schemes Regulations 2015 resolves to support complex Amendment No. 15 to Local Planning Scheme No. 3 with proposed modifications to the Scheme Text as outlined below,</p> <p>(i) Deleting clause 5.9.1(a) and clause 5.9.1(b) in relation to a heritage plan; and re-numbering clause 5.9.1 (c) to clause 5.9.1 (a).</p> <p>(ii) Adding a fifth column entitled 'Special Zone – Royal George Hotel' to the Zoning Table after the 'Town Centre' column and inserting the following listed uses and the corresponding use class permissibility symbol:</p> <ul style="list-style-type: none"> <li>- Advertising Sign as 'A' ;</li> <li>- Aged or Dependent Persons Dwelling as 'D';</li> <li>- Amusement Parlour as 'X';</li> <li>- Ancillary Accommodation as 'D';</li> <li>- Bed and Breakfast as 'A';</li> <li>- Caretaker's Dwelling as 'D';</li> <li>- Child Care Premises as 'A';</li> <li>- Cinema / Theatre as 'A';</li> <li>- Club Premises as 'A';</li> <li>- Community Purposes as 'D';</li> </ul>	<p><b><u>Replace Council's Resolution with the following:</u></b></p> <p>Pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 41(3)(b) of the Local Planning Schemes Regulations 2015 resolves to support complex Amendment No. 15 to Local Planning Scheme No. 3 with proposed modifications to the Scheme Text as outlined below:</p> <p>(i) Modifying Section 4.2 Zone Objectives for the 'Special Zone - Royal George Hotel' by adding the following additional points below the existing zone objectives:</p> <p><i>A mixed use development on the northern portion of the site together with the restoration of the existing Royal George Hotel building is considered an appropriate use of the site.</i></p> <p><i>Development must achieve urban design and architecture that is exemplary with respect to heritage conservation, adaptive re-use and multi-residential design. The design of any new development must:</i></p> <p>(a) <i>Provide high quality, contemporary architecture and urban design that responds to and enhances the heritage value of the existing Royal George</i></p>

- Consulting Rooms as 'D';
- Convenience Store as 'A';
- Educational Establishment as 'A';
- Exhibition Centre as 'D';
- Family Day Care as 'D';
- Fast Food Outlet (Refer 5.8.9) as 'A';
- Funeral Parlour as 'A';
- Grouped Dwelling as 'D';
- Home Business as 'D';
- Home Occupation as 'D';
- Home Office as 'P';
- Home Store as 'D';
- Hospital as 'X';
- Hotel A';
- Industry – Cottage as 'D';
- Industry – Service as 'D';
- Market as 'A';
- Medical Centre as 'A';
- Motel as 'A';
- Multiple Dwelling as 'A';
- Night Club as 'X';
- Office as 'A';
- Place of Worship as 'A';
- Pre-School / Kindergarten as 'D';
- Recreation – Private as 'A';
- Residential Building as 'A';
- Restaurant as 'A';
- Service Station as 'X';
- Shop as 'D';
- Showrooms as 'A';
- Single House as 'D';
- Small Bar as 'A';
- Tavern as 'A';

*Hotel, interpreting rather than replicating existing features;*

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

- Telecommunications Infrastructure as 'A'<sup>4</sup>; and
- Veterinary Centre as 'A'; and

(iii) After clause 5.9.1 (a) inserting the following additional clauses:

5.9.2 *In respect of any part of the land other than the Royal George Hotel building itself, development shall not be solely for commercial purposes. A residential component is mandatory and developments shall incorporate a minimum of 60% net lettable area of residential floor space.*

5.9.3 *A mixed use development, comprising the restored Hotel building and small scale commercial activities with residential uses above, which suitably interfaces with the surrounding established residential area is considered an appropriate use of the site.*

5.9.4 *Any development which involves the use or physical alteration of the land or buildings is to be in accordance with a Conservation Management Strategy for Lot 303 (No. 34) Duke Street endorsed by the Heritage Council of Western Australia. Lot 303 is on the Council's Heritage List. Lot 303 is also included on the Register of Heritage Places under the Heritage of Western Australia Act. The use and development of the land will therefore be subject to control both under the Scheme and the Heritage of Western Australia Act.*

5.9.5 *Development of any part of the land will not be supported unless:*

- (i) *The Royal George Hotel building has already been restored to the satisfaction of Council; or*
- (ii) *The development is staged in such a manner as to secure, by staging conditions and/or by appropriate legal agreement with the Town of East Fremantle, legally enforceable means to the satisfaction of Council for achieving the restoration of the Royal*

*which are consistent with the buildings original function and its recognised importance as a community gathering place.*

(ii) Adding a fifth column entitled 'Special Zone - Royal George Hotel' to the Zoning Table after the 'Town Centre' column and inserting the following listed uses and the corresponding use class permissibility symbol:

- Advertising Sign as 'A';
- Aged or Dependent Persons Dwelling as 'D';
- Amusement Parlour as 'X';
- Ancillary Accommodation as 'D';
- Bed and Breakfast as 'A';
- Caretaker's Dwelling as 'D';
- Child Care Premises as 'A';
- Cinema / Theatre as 'A';
- Club Premises as 'A';
- Community Purposes as 'D';
- Consulting Rooms as 'D';
- Convenience Store as 'A';
- Educational Establishment as 'A';
- Exhibition Centre as 'D';
- Family Day Care as 'D';
- Fast Food Outlet (Refer 5.8.9) as 'A';
- Funeral Parlour as 'A';
- Grouped Dwelling as 'D';
- Home Business as 'D';
- Home Occupation as 'D';
- Home Office as 'P';
- Home Store as 'D';
- Hospital as 'X';
- Hotel as 'A';
- Industry- Cottage as 'D';

*George Hotel before commencement of occupation of the use(s) approved for any other areas of the land.*

5.9.6 *Prior to considering a development application, Council shall consult with the Heritage Council of WA and Main Roads WA.*

5.9.7 *Council shall have regard to the Fremantle Ports – Fremantle Inner Harbour Buffer Definition Study and the direct interface with Stirling Highway. The developer shall submit to the Local Government a Noise Management Plan for approval as an additional detail of a Development Approval Application. The Noise Management Plan required shall be implemented to the satisfaction of the Local Government, having regard to any advice from relevant State government authorities and Fremantle Ports.*

5.9.8 *All development is to comply with WAPC State Planning Policy 5.4 ‘Road and Rail Transport Noise and Freight Considerations in Land Use Planning’ and its implementation guidelines.*

*Note: The Local Government may consider requiring notifications on Certificates of Title as per Draft State Planning Policy 5.4 – Road and Rail Noise.*

5.9.9 *The following site and development standards apply to development:*

5.9.9.1 Building Height

The overall maximum building height of development is not to exceed 36.0m Australian Height Datum (AHD) level with the following stipulations:

- (i) Ground floor to first floor height shall be a minimum of 3.2 metres and a maximum of 4.0 metres measured floor to floor, with a minimum floor to ceiling clearance of 3.0 metres. All other floors shall be a maximum height of 3.5 metres per floor measured floor to floor;

- Industry- Service as 'D';
- Market as 'A';
- Medical Centre as 'A';
- Motel as 'A';
- Multiple Dwelling as 'A';
- Night Club as 'X';
- Office as 'A';
- Place of Worship as 'A';
- Pre-School/ Kindergarten as 'D';
- Recreation - Private as 'A';
- Residential Building as 'A';
- Restaurant as 'A';
- Service Station as 'X';
- Shop as 'D';
- Showrooms as 'A';
- Single House as 'D';
- Small Bar as 'A';
- Tavern as 'A';
- Telecommunications Infrastructure as 'A<sup>4</sup>'; and
- Veterinary Centre as 'A'.

(iii) *Deleting Clause 5.9.1(a) and Clause 5.9.1(b) and re-numbering Clause 5.9.1 (c) to Clause 5.9.1.*

(iv) *Inserting the following additional clauses after Clause 5.9.1:*

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

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

*5.9.4 When considering with a development application on which advice has been provided by the State Design Review Panel the decision-maker shall*

- (ii) Projections and external services such as solar collectors, air conditioning units, mechanical plant rooms, lift overruns, antennae and communications masts may exceed maximum building height by up to 1.5 metres provided they are not visible from the street; and
- (iii) No part of the building, any external services, solar collectors, air conditioning units, mechanical plant rooms, lift overruns, antennae and communication masts or the like shall exceed the maximum heights specified in 5.9.9.1. These fixtures must be screened from public view to the satisfaction of the Local Government.

5.9.9.2 Building Setbacks

*(i) In addition to 5.9.9.1 above, development is to be contained within the maximum building heights and minimum setbacks as specified in the table below:*

Maximum Building Height	Minimum Setbacks	
	Duke Street	Stirling Highway
Up to 29m AHD	Nil	Subject to Main Roads WA approval. A nil setback may be considered by the Local Government.
29.0m – 32.5m AHD	3m	
32.5m – 36.0m AHD	5m	

- (iii) Balconies shall not protrude forward of the building setback line.*
- (iii) Development shall be sufficiently setback from the existing Hotel building to the satisfaction of the Local Government in consultation with the Heritage Council of WA.*

5.9.9.3 Street Facades

*Building frontages and facades as they present to Duke Street and Stirling Highway are to be articulated, coloured and detailed to provide*

*have due regard to that advice.*

*5.9.5 In respect of any part of the zone other than the Royal George Hotel building itself, development shall not be solely for commercial purposes. A residential component is mandatory and developments shall incorporate a minimum of 60% net lettable area of residential floor space.*

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

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

Maximum Plot Ratio

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

*5.9.7.2 The maximum plot ratio excludes the floor space of the existing Royal George Hotel Building.*

*5.9.7.3 Clause 5.9.7.1 is not open to variation through any provision of this scheme or any other mechanism.*

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

Building Height and Setbacks

*5.9.7.5 The maximum height of development within the zone is not permitted to exceed seven storeys above natural ground level measured at the lowest point of the Lot 303 boundary fronting Duke Street.*

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

*5.9.7.7 Notwithstanding Clause 5.9.7.6 development shall be sufficiently setback from the existing Royal George Hotel building to the satisfaction of the decision maker in consultation*

*visual interest and positively contribute to the character of the neighbourhood to the satisfaction of the Local Government. Creation of expansive blank walls and featureless glazing is prohibited.*

#### 5.9.9.4 Residential Development

- (i) Clause 5.3.4 of the Scheme is disapplied in relation to development within the Special Zone – Royal George Hotel.*
- (ii) With exception of building height and building setbacks residential development shall be in accordance with State Planning Policy 3.1 - Residential Design Codes - Part 6 for multiple dwellings and Part 5 for grouped and aged and dependent persons' dwellings (dependent on the form of dwelling type for aged and dependent persons' dwellings Part 6 may be applied).*

#### 5.9.9.5 Vehicle Parking

*Notwithstanding any other provision of this Scheme or of the Residential Design Codes the following applies:*

- (i) Vehicle parking for commercial and other non-residential uses shall be provided in accordance with the provisions of the Scheme and the standards set out in Schedule 10 of the Scheme and the specifications in Schedule 11 of the Scheme.*
- (ii) Clauses 5.8.5, 5.8.6, 5.8.7 and 5.8.8 of the Scheme also apply to development within 'Special Zone – Royal George Hotel'.*
- (iii) Parking for residential development shall be provided in accordance with State Planning Policy 3.1 - Residential Design Codes.*
- (iv) Vehicle parking shall be located either behind street front tenancies or dwellings, below ground level when viewed from the street, or otherwise suitably screened from view from the street to the satisfaction of the Local Government.*
- (v) To the extent that vehicle parking is required for the residential component all vehicle parking for the residential component of the development shall be provided on-site in accordance with a traffic and parking management plan, to the Local*

*with the Heritage Council of WA and having regard to the advice of the State Design Review Panel.*

*5.9.7.8 Development above the eaves height of the existing Royal George Hotel building is to be set back from the Duke Street boundary and the Royal George Hotel building, and located to maintain primary views from the immediate and surrounding locality to the Royal George Hotel building, including its cupola.*

*5.9.7.9 In considering the height and setbacks of proposed development, the decision maker shall have due regard to the advice of the State Design Review Panel and the objectives of the zone.*

#### Vehicle Parking

*5.9.7.10 Parking for non-residential development within the Special Zone - Royal George Hotel shall be in accordance with the requirements provided for Commercial Zones in Clause 5.8 of the scheme.*

*5.9.7.11 Should the decision maker determine that demand for parking may be lessened due to alternative modes of transport, reciprocal or shared parking arrangements, it may consider reducing the requirement for car parking spaces by a maximum of 20% of the requirements of Schedule 10 of the Scheme where it can be demonstrated to its satisfaction that:*

- (a) The peak demand for parking by two or more uses will not occur at the same time;*
- (b) The combined supply of car parking is sufficient to meet the estimated peak combined demand;*
- (c) The arrangements are secured and that any future change will not result in a shortfall; and*
- (d) Parking arrangements are detailed in a Parking Management Plan.*

*Government's satisfaction, being submitted and approved at Development Approval application stage.*

5.9.9.6 Access

- (i) No vehicular access is permitted to or from Stirling Highway or George Street.*
- (ii) Only one vehicular access point is permitted to or from Duke Street, unless otherwise approved by the Local Government.*

5.9.10 Variations to Site and Development Standards and Requirements

- (i) If a development proposed within the Special Zone – Royal George Hotel is the subject of an application for planning approval and does not comply with a standard or requirement prescribed or adopted by this clause 5.9.9, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit with the exception of the standards required by clause 5.9.9.1 and 5.9.9.2 which shall not be varied either under this clause or clause 5.6.1.*
- (ii) In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —*
  - a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the Local Planning Schemes Regulations 2015; and*
  - b) have regard to any expressed views prior to making its determination to grant the variation.*

*(iii) The power conferred by this clause may only be exercised if the local government is satisfied that*

*a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the Planning and Development (Local Schemes) Regulations 2015 Schedule 2 and the objectives of the Special Zone – Royal George Hotel; and*

*b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

*5.9.11 General*

*In addition to the matters referred to in Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 the local government shall have regard to the objectives for the Special Zone – Royal George Hotel when:*

*(i) determining an application for planning approval; and*

*making a recommendation on an application for subdivision approval in relation to land within Special Zone – Royal George Hotel.*