



Agenda attachments

Strategic Planning and Transport Committee

Wednesday, 16 September 2020, 6.00pm

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**SPT2009-1 LOCAL HERITAGE SURVEY and Heritage List - Annual Update 2020
– Outcomes of consultation**

**ATTACHMENT 1 - Revised physical description of the property and the statement
of significance – 96 Marine Terrace, Fremantle**

**ANNUAL UPDATE OF HERITAGE LIST AND LOCAL HERITAGE SURVEY, 2020
HERITAGE LISTING DETAILS – 96 MARINE TERRACE, SOUTH FREMANTLE - DRAFT**

Changes proposed as part of the 2020 Annual Update of the Heritage List and Local Heritage Survey

Field	Existing details	Proposed modifications
Place	House & Limestone Feature(s), 96 Marine Terrace	No change
Location	96 Marine Terrace, Fremantle	No change
Construction	From 1901	No change
Heritage List	Yes 8 March 2007	No change
Municipal Heritage Inventory	Adopted 18 September 2000	No change
Municipal Heritage Inventory Management Category	Category – Level 3	No change
Statement of Significance	House, 96 Marine Terrace, is a typical rendered masonry, and tile single storey house dating from c1901. The place has aesthetic value for its contribution to the streetscape and the surrounding area. It is representative of the typical workers' houses in the Fremantle area. The place is an example of the Federation Bungalow style of architecture.	House, 96 Marine Terrace, is a typical masonry single storey house from c. 1901 that has undergone some modification during the Post-War era. The place has aesthetic value for its contribution to the streetscape and the surrounding area. It is representative of the typical workers' houses in the Fremantle area. The place is an example of the Federation Bungalow style of architecture. The place demonstrates the evolution of the area and the contribution made to Fremantle and its character by Migrants from Southern Europe.
History	House and Limestone Features, 96 Marine Terrace was built in 1901/02 for Alfred Borchet, a merchant of Fremantle. For a time, the house was known as "Tilbury House" and until the mid-1920s, its address was 109 Fitzgerald Terrace. By 1908, the house was owned by T O Watson and leased to a tenant. The following year, the house was bought by Samuel Hardcastle, who owned it until c. 1915. There were several changes in ownership until 1925, when House, 96 Marine Terrace was bought by Victor Silich. In 1926, Mr Silich built a cottage on the lot (in future, No. 98) by converting existing	No Change

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	stables and adding to them. The Silich family lived in the house (No. 96), while boarders or tenants lived in the cottage. The Silich family comprised Victor and Mandalena Silich, their two girls, four boys and nephew. In 1929, Mr Silich would meet newly arrived immigrants from Yugoslavia at the wharf, take them home, help them buy clothes and train tickets. Many of these men would board with the Silich family for only one night before catching the train to the Goldfields or the south-west, where many of them worked cutting timber. The Silich family also provided meals. Trestle tables would be set up in the long hallway, and according to family memories, at times there were 80 people to feed. In 1934 the family moved to the Whitby Falls Coach House at Mundijong, where they stayed until 1940. Both the house and the cottage in Marine Terrace were leased during this time. From the late 1940s, the cottage was also occupied by members of the Silich family. In 1941, the cottage was given the street number of 98 Marine Terrace. Mandalena Silich died in 1960 and Victor died in 1963. Victor Silich junior purchased the property in 1964. Between 1964 and 1972, the galvanised iron roof was replaced with tile and the bull nosed verandah was replaced. Most of the windows were changed. Victor Silich junior sold the property in 1972, and the new owners demolished the cottage. Since that time, House, 96 Marine Terrace has been occupied by a number of businesses. It has been owned by the Cicerello family since 1980. This place was included in the list of heritage places in the City	
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	of Fremantle identified by the Fremantle Society (1979/80) - BROWN -significant for making a positive contribution to the built environment of Fremantle. This place was also identified in the "Heritage Report on 19th century limestone walls and steps in Fremantle" prepared by Silvana Grassadonia, for the City of Fremantle, 1986. Limestone walls were built around properties in Fremantle to prevent sand drift in response to an early building regulation dating from the 1830s. The use of limestone is part of the Fremantle landscape and gives the City coherence and character. Most of the limestone in small walls came from local quarries.	
Physical description	96 Marine Terrace is a single storey, rendered masonry and tile house built in 1901/02 with an asymmetrical facade designed as an example of the Federation Bungalow style of architecture. The walls are rendered masonry. The roof is hipped and clad with tiles. The facade has one projecting front room with double hung sash windows. The verandah has a separate tiled roof which extends over the protruding front room and is supported by turned timber posts and extra brackets. The front door has a fanlight and there are double hung sash windows to the right hand side. The house is elevated from street level. There is a high limestone wall to the front boundary.	96 Marine Terrace is a single storey, rendered masonry and tile house built in 1901/02 with an asymmetrical facade designed in the Federation Bungalow style of architecture with some modifications in the Post War Era. The walls are rendered masonry. The roof is hipped and clad with tiles. The facade has one projecting front room with double hung sash windows. The verandah has a separate tiled roof which extends over the protruding front room and is supported by timber posts and extra brackets. The front door has a fanlight and there are double hung sash windows to the right hand side. The house is elevated from street level. There is a high limestone wall to the front boundary of recent construction.
Integrity/ Authenticity	Medium degree of integrity (original intent mostly clear, current use compatible, high long term sustainability). Medium degree of authenticity with some original fabric remaining. (These statements based on street survey only).	No change

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Condition	Condition assessed as good (assessed from streetscape survey only).	No change
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ATTACHMENT 2 -Revised physical description of the property and the statement of significance – 193 South Terrace, South Fremantle

ANNUAL UPATE OF HERITAGE LIST AND LOCAL HERITAGE SURVEY, 2020

HERITAGE LISTING DETAILS – 193 SOUTH TERRACE, SOUTH FREMANTLE - DRAFT

Changes proposed as part of the 2020 Annual Update of the Heritage List and Local Heritage Survey

Field	Existing details	Proposed modifications
Place	House, 193 South Terrace	No change
Location	193 South Terrace, South Fremantle	No change
Construction	From 1892	1892
Heritage List	Yes 8 March 2007	No change
Municipal Heritage Inventory	Adopted 18 September 2000	No change
Municipal Heritage Inventory Management Category	Category – Level 3	Category – Level 2
Management Category description	The City of Fremantle has identified this place as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and /or its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced.	The City of Fremantle has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.
Statement of Significance	House, 193 South Terrace, is a typical rendered masonry and tile single storey house dating from c1892. The place has aesthetic value for its contribution to the streetscape and the surrounding area. It is representative of the typical workers' houses in the Fremantle area. The place is an example of the Federation Bungalow style of architecture.	House, 193 South Terrace is a large masonry and tile single storey house dating from c1892 which has been designed to address the corner of South Terrace and Louisa Street. The place has aesthetic value for its contribution to the streetscape and the surrounding area. With its high roof, distinctive design and prominent corner location the place has landmark quality in the local area. It is representative of the grander houses that were built in prominent corner sites on major streets in the Fremantle area. The place is an example of the Federation Bungalow style of architecture.
History	House, 193 South Terrace was built in 1892 for Captain Laurie. Circa 1894, it was purchased by Walter Lawrence and from 1896 to c. 1910 was occupied by sisters, Sarah and Rachel Edwards. In 1909/10, the property was	No change

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	purchased by Sydney Hicks, who also purchased the house next door (then 63 Mandurah Road; now 197 South Terrace). A Metropolitan Sewerage plan dated about this time shows a very large brick house with frontages on both South Terrace (then Mandurah Road) and Louisa Street. The house was surrounded by (discontinuous) verandahs. A well was located against the eastern wall of the house. By 1920/21, it was owned by Ellen Hurley and occupied by John Williams and then Charles Sweetman. In 1940/41, House 193 South Terrace was owned and occupied by Frances Barnes. A plan dated 1920 shows a large brick house on the corner of South Terrace and Louisa Street in an L-shape. In 1964, plans were submitted to the City of Fremantle for the addition of a laundry and garage and the reinstatement of an outside wall. This place was included in the list of heritage places in the City of Fremantle identified by the Fremantle Society (1979/80) - BROWN -significant for making a positive contribution to the built environment of Fremantle.	
Physical description	193 South Terrace is a single storey, brick, rendered masonry and tile house with an asymmetrical facade built in 1892 and designed as an example of the Federation Bungalow style of architecture. The walls are red face brick and rendered masonry. The roof is hipped and gabled and clad with tiles. The facade has a projecting room with gable above featuring timber elements and two double hung sash windows. The verandah wraps around the side of the building, has a separate tiled roof and is supported by timber posts with	193 South Terrace is a large single storey, brick and tile house designed in the Federation Bungalow style of architecture. The house has asymmetrically designed facades facing South Terrace and Louisa Street which are symmetrical with each other around the intersection corner. Each facade has a projecting room with a gable roof and adjacent verandah which wraps around the corner of the building. Verandahs also wrap around the rear elevations of the building. The house is elevated from street level with a set of steps leading to the front entrance.

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	a simple timber balustrade. Under the verandah is the front door with side and fanlights and a double hung sash window to one side. There is a weatherboard addition to one side with tiled roof. There is a rendered chimney evident. The house is elevated from street level with a set of steps leading to the front entrance. There is a rendered masonry and iron wall to the front boundary.	The red face brick walls of the facades are tuck-pointed but parts have been rendered. The roof is hipped and gabled and clad with tiles and there is a rendered brick chimney. The gables to the projecting rooms have a projecting roof verge with battened soffit and decorative timber bracket. There is a diamond shaped timber vent in the gable end. Each projecting room has a pair of double hung sash windows with a rendered architrave. The front verandah has a separate tiled roof supported on timber posts and a simple timber balustrade and concrete floor. The front door with fanlights and sidelights is located under the verandah facing South Terrace. On Louisa Street there is a more modest door with a fanlight only. The doors and double hung sash windows all have rendered architraves. The rear verandahs have hipped roofs separate from the main roof. Those on the west have been fully enclosed with brick walls probably in the Post-War Era and those on the south have been partially enclosed with timber framed walls clad in weatherboards. There is a low rendered masonry and iron wall of recent construction to the front boundary.
Integrity/ Authenticity	High degree of integrity (original intent clear, current use compatible, high long term sustainability). High degree of authenticity with much original fabric remaining. (These statements based on street survey only).	No change
Condition	Condition assessed as good (assessed from streetscape survey only).	No change

**SPT2009-2 SCHEME REVIEW: REVIEW OF LAND USE DEFINITIONS:
PROPOSED SCHEME AMENDMENT**

ATTACHMENT 1 -Proposed Amendment 82 to Local Planning Scheme No. 4

FORM 2A

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

***Local Planning Scheme No. 4
Amendment No. 82***

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

1. Deleting the following definitions from Schedule 1, and removing reference to them, their permissibility and any applicable car parking requirements from Table 1 - Zoning and Table 2 – Vehicle Parking:

Aged and Dependent Persons Dwelling
Bank
Fast Food Outlet
Hardware Store
Health Studio
Industry - Extractive
Industry – General
Liquor Store
Lunch Bar
Nursery
Petrol Filling Station
Public Utility
Shipbuilding
Small Secondary Dwelling
Tourist Accommodation
Storage Yard

2. Amending Schedule 1 – Dictionary of Defined Words and Expressions to replace the definitions of existing land uses as follows:
 - a. Amusement Parlour: means premises —
 - (a) that are open to the public; and
 - (b) that are used predominantly for amusement by means of amusement machines including computers; and
 - (c) where there are 2 or more amusement machines;
 - b. Bed and Breakfast: means a dwelling —
 - (a) used by a resident of the dwelling to provide short term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and

- (b) containing not more than 2 guest bedrooms.
- c. Betting Agency: means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003;
- d. Bulky Goods Showroom: means premises —
 - (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and childrens' goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;
 - or
 - (b) used to sell by retail goods and accessories by retail if —
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
- e. Car Park: means premises used primarily for parking vehicles whether open to the public or not but does not include —
 - (a) any part of a public road used for parking or for a taxi rank; or
 - (b) any premises in which cars are displayed for sale;
- f. Caravan Park: means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1);
- g. Child Care Premises: means premises where —
 - (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or
 - (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided;
- h. Civic Use: means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;
- i. Consulting Rooms: means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
- j. Convenience Store: means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
 - (b) operated during hours which include, but may extend beyond, normal trading hours; and
 - (c) the floor area of which does not exceed 300 m² net lettable area;
- k. Educational Establishment: means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;
- l. Exhibition Centre: means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
- m. Family Day Care: means premises where a family day care service as defined in the *education and Care Services National Law (Western Australia)* is provided;
- n. Fuel Depot: means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —
 - (a) as a service station; or
 - (b) for the sale of fuel by retail into a vehicle for use by the vehicle;
- o. Funeral Parlour: means premises used —
 - (a) to prepare and store bodies for burial or cremation;
 - (b) to conduct funeral services;
- p. Garden Centre: means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;
- q. Grouped Dwelling: has the same meaning as in the Residential Design Codes.
- r. Home Business: means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —
 - (a) does not involve employing more than 2 people who are not members of the occupier's household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 50 m²; and
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- s. Home Occupation: means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —
 - (a) does not involve employing a person who is not a member of the occupier's household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 20 m²; and

- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood;
 and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- t. Home Office: means a dwelling used by an occupier of the dwelling to carry out a home Occupation if the carrying out of the occupation —
 - (a) is solely within the dwelling; and
 - (b) does not entail clients or customers travelling to and from the dwelling; and
 - (c) does not involve the display of a sign on the premises; and
 - (d) does not require any change to the external appearance of the dwelling;
- u. Home Store: means a shop attached to a dwelling that —
 - (a) has a net lettable area not exceeding 100 m²; and
 - (b) is operated by a person residing in the dwelling;
- v. Hospital: means premises that are a hospital within the meaning given in the Health Services Act 2016 section 8(4);
- w. Hotel: means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;
- x. Industry: means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —
 - (a) the storage of goods;
 - (b) the work of administration or accounting;
 - (c) the selling of goods by wholesale or retail;
 - (d) the provision of amenities for employees;
 - (e) incidental purposes;
- y. Licensed Premises – Other: means premises licensed under the Liquor Control Act 1988 but not including a Hotel, Nightclub, Liquor Store, Restaurant, Small Bar, Brewery, or Tavern.
- z. Lunch Bar/Fast Food Outlet: means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten —
 - (a) without further preparation; and
 - (b) primarily off the premises
 But does not include a facility involving sale or serving of food direct to persons driving or seated in motor vehicles.

- aa. Medical Centre: means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
- bb. Motel: means premises, which may be licensed under the Liquor Control Act 1988 —
 - (a) used to accommodate guests in a manner similar to a hotel; and
 - (b) with specific provision for the accommodation of guests with motor vehicles;
- cc. Motor Vehicle Repair: means premises used for or in connection with —
 - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
 - (b) repairs to tyres other than recapping or re-treading of tyres;
- dd. Motor Vehicle Wash: means premises primarily used to wash motor vehicles;
- ee. Nightclub: means premises the subject of a nightclub licence granted under the Liquor Control Act 1988.
- ff. Office: means premises used for administration, clerical, technical, professional or similar business activities.
- gg. Park Home Park: means premises used as a park home park as defined in the Caravan Parks and Camping Grounds Regulations 1997 Schedule 8
- hh. Recreation – Private: means premises that are —
 - (a) used for indoor or outdoor leisure, recreation or sport; and
 - (b) not usually open to the public without charge.
- ii. Reception Centre: means premises used for hosted functions on formal or ceremonial occasions.
- jj. Restaurant/Café: means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.
- kk. Restricted Premises: means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —
 - (a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
 - (c) smoking-related implements.
- ll. Service Station: means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —
 - (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or
 - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
- mm. Shop: means premises other than a bulky goods showroom, a Liquor Store — Large or a Liquor Store — Small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services and can include a container deposit scheme return point.
- nn. Short Stay Dwelling: means an existing single house, ancillary dwelling, grouped dwelling or multiple dwelling that is predominantly used for the purpose of providing short term accommodation but does not include a Bed and Breakfast.

- oo. Single House: has the same meaning as in the Residential Design Codes;
- pp. Small Bar: means premises the subject of a small bar licence granted under the Liquor Control Act 1988;
- qq. Tavern: means premises the subject of a tavern licence granted under the Liquor Control Act 1988;
- rr. Telecommunications Infrastructure: means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
- ss. Transport Depot: means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
 - (a) any ancillary maintenance or refuelling of those vehicles; and
 - (b) any ancillary storage of goods brought to the premises by those vehicles; and
 - (c) the transfer of goods or persons from one vehicle to another;
- tt. Veterinary Centre: means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
- uu. Warehouse/Storage: means premises including indoor or outdoor facilities used for —
 - (a) the storage of goods, equipment, plant or materials; or
 - (b) the display or sale by wholesale of goods.

3. Replace references to the 'Superseded land uses' listed below in Table 1 – Zoning, Table 2 – Vehicle Parking and elsewhere in the scheme with the corresponding 'New land uses' listed below:

Superseded land uses	New land uses
Fast Food Outlet	Fast Food Outlet/Lunch Bar
Industry – General	Industry
Lunch Bar	Fast Food Outlet/Lunch Bar
Petrol Filling Station	Service Station
Private Recreation	Recreation - Private
Public Car Park	Car Park
Restaurant	Restaurant/Cafe
Showroom	Bulky Goods Showroom
Telecommunications facility (non low impact)	Telecommunications infrastructure
Veterinary Consulting Rooms	Veterinary Centre
Veterinary Hospital	Veterinary Centre
Warehouse	Warehouse/Storage

4. Adding the following new definitions to Schedule 1 under 'Land Use Definitions':
- a. Animal Establishment: means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre.
 - b. Art Gallery: means premises —
 - (a) that are open to the public; and
 - (b) where artworks are displayed for viewing or sale.
 - c. Brewery: means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988.

- d. **Caretaker's Dwelling:** means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.
- e. **Commercial Vehicle Parking:** means premises used for parking of one or 2 commercial vehicles but does not include —
 - (a) any part of a public road used for parking or for a taxi rank; or
 - (b) parking of commercial vehicles incidental to the predominant use of the land.
- f. **Container Deposit Recycling:** Means premises used to return, consolidate, temporarily store and sort material associated with a container deposit scheme established under Part 5A of the Waste Avoidance and Resource Recovery Act 2007 before transfer to a waste storage facility or resource recovery centre, and may also include the return of small consumer goods or products as an incidental use.
- g. **Drive-through Food Outlet:** means a fast food outlet/lunch bar which includes the sale and serving of food direct to persons driving or seated in motor vehicles.
- h. **Fast Food/Lunch Bar:** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten —
 - (a) without further preparation; and
 - (b) primarily off the premises;
 but does not include a facility involving sale or serving of food direct to persons driving or seated in motor vehicles.
- i. **Large Digital Signage:** means an electronic sign whether freestanding or attached to another structure, and with a display area of greater than 1.5 m²
- j. **Liquor Store – Large:** means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of more than 300 m²;
- k. **Liquor Store – Small:** means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300 m²;
- l. **Residential Aged Care Facility:** a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, but does not include a hospital, rehabilitation or psychiatric facility.
- m. **Resource Recovery Centre:** means premises other than a waste disposal facility used for the recovery of resources from waste.
- n. **Retirement Village:** a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and land uses incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.
- o. **Serviced Apartment:** means a group of units or apartments providing –
 - (a) Self-contained short stay accommodation for guests; and
 - (b) Any associated reception or recreational facilities.
- p. **Tourist Development:** means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or short stay dwelling, used to provide —
 - (a) short term accommodation for guests; and

- (b) onsite facilities for the use of guests; and
 - (c) facilities for the management of the development.
 - q. Trade Supplies: means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —
 - (a) automotive repairs and servicing;
 - (b) building including repair and maintenance;
 - (c) industry;
 - (d) landscape gardening;
 - (e) provision of medical services;
 - (f) primary production;
 - (g) use by government departments or agencies, including local government.
 - r. Veterinary Centre: means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
 - s. Waste Storage Facility: means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.
5. Amending Table 1 – Zoning to include newly defined land use and specifying permissibility as follows:

Symbol Index							
P	means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.						
D	means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.						
A	means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising) in accordance with clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Schedule 2.	RESIDENTIAL	CITY CENTRE	LOCAL CENTRE	NEIGH/HOOD CENTRE	MIXED USE	COMMERCIAL
							INDUSTRIAL

X	Not Permitted						
<i>Residential Use Classes</i>							
Residential Aged Care Facility	P	D	A	A	D	X	X
Retirement Village	P	D	A	A	D	X	X
<i>Commercial Use Classes</i>							
Art Gallery	X	P	D	D	D	D	X
Commercial Vehicle Parking	X	A	D	D	A	P	P
Drive-Through Food Outlet	X	X	X	X	X	A	X
Fast Food Outlet/Lunch Bar	X	D	D	D	D	D	D
Liquor Store – Large	X	A	A	X	X	A	A
Liquor Store – Small	A	A	A	A	A	X	X
Trade Supplies	X	X	X	X	X	A	P
Veterinary Centre	X	A	A	A	A	A	P
<i>Entertainment Use Classes</i>							
Brewery	X	A	A	X	A	A	D
Recreation - Private	X	D	D	A	D	D	D
Serviced Apartment	A	D	A	A	A	X	X
Tourist Development	X	D	A	A	A	X	X
<i>Industrial Use Classes</i>							
Animal Establishment	X	X	X	X	X	A	D
Caretaker's Dwelling	X	A	X	X	X	D	D
Container Deposit Recycling	X	D	A	A	D	D	P
Large Digital Signage	X	X	X	X	X	X	X
Resource Recovery Centre	X	X	X	X	X	X	D
Waste Storage Facility	X	X	X	X	X	X	D

6. Amending Table 1 – Zoning to modify land use permissibly for the following land uses, as follows:

Symbol Index							
P	means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.						
D	means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.						
A	means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising) in accordance with clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Schedule 2.						
X	Not Permitted						
		RESIDENTIAL	CITY CENTRE	LOCAL CENTRE	NEIGH/ HOOD CENTRE	MIXED USE	COMMERCIAL
							INDUSTRIAL
Grouped Dwelling		P	D	A	A	A	X
Restaurant		A	D	A	A	A	D
Reception Centre		X	P	D	A	D	A

7. Amending Table 2 – Vehicle Parking to include requirements for newly defined land uses as follows:

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
Animal establishment	1 per employee; and 1 drop off/pick up bay per 6 animals.	1: storage area	Class 2: 1 per 8 employees
Art gallery	1:30m ² of public floor area	1: building	class 3: 2 plus 1 per 50 m ² gla

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
Brewery	1: 2.5m ² of public bar area 1: 100m ² gla of space not open to the general public	1: service/storage area	class 1: 1 per 25 m ² bar floor area class 3: 1 per 25 m ² bar floor area
Caretaker's dwelling	1 per dwelling	N/A	N/A
Container deposit scheme	1: 100m ² of container space	1:unit	N/A
Commercial vehicle parking	1: 1 employee	N/A	N/A
Drive-through outlet Fast food outlet / Lunch bar	1: 15 m ² gla	1:service/ storage area	class 1: 1 per 100 m ² gla class 3: 1 per 50 m ² gla
Liquor store – large	1:30m ² nla	1: building	class 1: 1 per 300 m ² gla class 3: 1 per 500 m ² gla (over 1000 m ² gla)
Liquor store – small	1:30m ² nla	1: building	class 1: 1 per 300 m ² gla class 3: 1
Residential aged care facility	1: 3 beds plus 1: 2 staff	1: building	class 1: 1 per 7 beds class 3: 1 per 60 beds
Resource recovery centre	1:1 employee	N/A	N/A
Retirement village	1:dwelling	N/A	1: 4 dwellings
Serviced apartment	1:1 unit or 1: bedroom	1: reception	N/A

Use Class	Car Parking Bays	Delivery Bays	Bicycle Racks
Tourist development	1:4 units or * 1:4 bedrooms	1: reception	Class 2: 1 per 4 units
Trade supplies	1:50m ² gla	1: lot	class 1: 1 per 750 m ² nla class 3: 1 per 1000 m ² nla
Veterinary centre	4: practitioner or* 4: consulting room	1: service/ storage area	class 2: 1 per 8 practitioners
Waste storage facility	1: 1 employee plus 1: 200 m ² of yard area	1: building	N/A

8. Adding a new clause 4.2.6 as follows:

‘Unless otherwise provided for in the scheme, development on land zoned Residential is to comply with the Residential Design Codes.’

9. Replacing the reference to ‘Table 2 – Zoning’ in Schedule 7, clause 2.3.4 with ‘Table 1 – Zoning’.

10. Replacing the reference to ‘Veterinary Clinic, Veterinary Hospital’ in Schedule 2 with ‘Veterinary Centre’.

11. Amending the formatting of all references to land uses defined in the scheme to *lower case bold italics* to reflect the format of the Model provisions for local planning schemes as laid out in Schedule 1 to the Planning and Development (Local Planning Schemes) Regulations 2015.

The amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- The amendment not addressed by a local planning strategy which has been endorsed by the WAPC
- The amendment is of a scale, or will have an impact, that is significant relative to development in the locality.

SPT2009-3- PLANNING RECOVERY INITIATIVES – ADDITIONAL DEVELOPMENT APPROVAL EXEMPTIONS, AND STATE PLANNING REFORMS

ATTACHMENT 1 - Revised draft – Local Planning Policy 1.7



CITY OF FREMANTLE

LOCAL PLANNING POLICY 1.7

DEVELOPMENT EXEMPT FROM APPROVAL UNDER LOCAL PLANNING SCHEME NO. 4

ADOPTION DATE: 22/05/2019 (Council Adoption)
4/10/2019 (Gazettal of Amendment 78 to LPS4)
AMENDED: XXXXX 2020
AUTHORITY: LOCAL PLANNING SCHEME NO. 4 & PLANNING AND
DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS
2015

STATUTORY BACKGROUND

Clause 60 of the *Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015* ('*Deemed Provisions*') requires the prior approval of Council for all development subject to Local Planning Scheme No. 4 (LPS4), except as detailed in Clause 61. Clause 61 lists development which is exempt from approval under the planning scheme and includes the carrying out of works or land use specified in a local planning policy or local development plan.

Clause 3 of the *Deemed Provisions* outlines the parameters for local planning policies and Clause 4 outlines the procedure for making local planning policy. This local planning policy operates under Clause 3 and supplements Clause 61 to outline additional development which is exempt from the requirement to obtain development (i.e. planning) approval under LPS4. It should be read in conjunction with Clause 61 of the *Deemed Provisions*.

Separate policies relating to specific development types include additional exemptions. (e.g. LPP 2.8: Fences Policy, LPP 2.14: Advertisement Policy).

Notwithstanding the provisions of this policy:

- Development approval may still be required for use and/or works carried out on land in certain circumstances, such as sites located within a Bushfire Prone Area or Special Control Area.
- An exempt development cannot contravene any valid conditions of an existing development approval.
- An exemption from the requirement to obtain development approval does not remove the need to seek and obtain any other approval which may be required under any other written law, such as the *Building Act*, *Strata Titles Act*, *Heritage of Western Australia Act* or *Dividing Fences Act*.

PURPOSE

The purpose of this policy is to specify development which does not require planning approval by Council under Local Planning Scheme No. 4 in addition to the exemptions listed under Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('*Deemed Provisions*').

POLICY

The following uses and development are exempt from the requirement to obtain development approval under Local Planning Scheme No. 4:

State of Emergency – Notice of Exemption

1. Development prescribed in exemptions 1.2, 1.3, 6.1 and 6.1 of the Planning & Development (Local Planning Schemes) Regulations - State of Emergency Clause 78H Notice of Exemption dated 30 April 2020, shall also be exempt under the same conditions and for the same period on land within a Heritage Area designated under Local Planning Scheme No. 4, except where the place is:
 - entered in the State Register of Heritage Places;
 - the subject of a Heritage Order; or
 - included on the Heritage List.

Public Works and Temporary Development

2. Works by any public authority acting pursuant to the provisions of any Act on, in, over or under a public street, or works for a utility service.
3. Works urgently necessary for public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment.
4. Any development, excluding signs/advertisements, which are temporary and in existence for less than 14 days or such longer time as the Council agrees.

Land Use

5. The use of a single house, grouped dwelling or multiple dwelling as a short stay dwelling, where occupied by 6 or fewer persons.
6. Notwithstanding the provisions of clause 3.3 (zoning table) and clauses 4.7.1 to 4.7.4 inclusive (vehicle parking) of LPS4, a change in the use of an existing building in the City Centre zone to any of the following uses:
 - (i) Shop;
 - (ii) Office;
 - (iii) Consulting rooms;
 - (iv) Child care premises;
 - (v) Health studio;
 - (vi) Medical centre;
 - (vii) Restaurant, excepting properties located on Market Street or High Street west of Kings Square; or
 - (viii) Small bar, excepting properties located on Market Street or High Street west of Kings Square.

NOTE: In relation to points (vii) and (viii) above, development approval is required to be sought for change in use to Restaurant or Small Bar for properties on Market

Street or High Street west of Kings Square. The requirement for approval does not automatically preclude the use but makes it subject to a decision of Council.

7. Notwithstanding the provisions of clause 3.3 (zoning table) and clauses 4.7.1 to 4.7.4 inclusive (vehicle parking) of LPS4, a change in the use of an existing building in the Local Centre zone to any of the following uses:
 - (i) Shop – with a net lettable area not exceeding 400m²;
 - (ii) Office; or
 - (iii) Consulting rooms.
8. Notwithstanding the provisions of clause 3.3 (zoning table) and clauses 4.7.1 to 4.7.4 inclusive (vehicle parking) of LPS4, a change of use of a building which currently has development approval for use as a Restaurant or Small Bar to use as a Restaurant or Small Bar where:
 - (i) the building is on land zoned Mixed Use or Local Centre; and
 - (ii) the new use operates in accordance with any conditions of development approval relating to the hours of operation that apply to the currently approved Restaurant or Small Bar use on the subject site.

Additions and Alterations

9. Single storey (ground level) additions and all alterations to a Single House on a lot in a Heritage Area where the works –
 - (i) are located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas); and
 - (ii) are compliant with the applicable deemed-to-comply provisions of the Residential Design Codes and any relevant local planning policy; andexcept where the place is –
 - entered in the State Register of Heritage Places;
 - the subject of a Heritage Order;
 - included on the Heritage List; or
 - located within Special Control Area 5.7 (SCA 5.7).
10. Single storey (ground level) additions and all alterations to Grouped Dwellings where the works –
 - (i) are located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas);
 - (ii) are compliant with the applicable deemed-to-comply provisions of the Residential Design Codes and any relevant local planning policy;
 - (iii) do not propose a boundary wall unless the boundary wall abuts an existing or simultaneously constructed boundary wall of the same or greater dimension; andexcept where the place is –
 - entered in the State Register of Heritage Places;
 - the subject of a Heritage Order;
 - included on the Heritage List;

- located within Special Control Area 5.7 (SCA 5.7).
11. The carrying out of any building or works to a building on the Heritage List which affects only the interior of a building where the works are confined to any of the following:
- Kitchen, bathroom or laundry fit out with no structural alterations;
 - Replacement of light fitting(s);
 - Painting/wall papering/plastering of internal walls;
 - Retiling;
 - Construction of new internal non-masonry, non-load bearing walls;
 - New floor covering placed over but not replacing existing floor surface materials;
 - or
 - Electrical and plumbing works; and
- except where the place is –
- entered in the State Register of Heritage Places; or
 - the subject of a Heritage Order.
12. The modification of major and minor openings to a building where the modification is within the relevant deemed-to-comply provisions of the Residential Design Codes and except where the place is –
- entered in the State Register of Heritage Places;
 - the subject of a Heritage Order; or
 - included on the Heritage List.
13. Outbuildings in Heritage Areas where compliant with the relevant deemed-to-comply provisions of the Residential Design Codes and except where the place is –
- entered in the State Register of Heritage Places;
 - the subject of a Heritage Order;
 - included on the Heritage List;
 - located within Special Control Area 5.7 (SCA 5.7).
14. Patio in Heritage Areas where –
- (i) located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas); and
 - (ii) compliant with the deemed-to-comply provisions of the Residential Design Codes; and
- except where the place is -
- entered in the State Register of Heritage Places;
 - the subject of a Heritage Order;
 - included on the Heritage List; or
 - located within Special Control Area 5.7 (SCA 5.7).
15. Shade structures in Heritage Areas where –
- (i) located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas);

- (i) entered in the State Register of Heritage Places;
 - (ii) the subject of a Heritage Order; or
 - (iii) included on the Heritage List.
22. The maintenance and repair of any building or structure being lawfully used immediately prior to the Scheme having effect except where the place is –
- (i) entered in the State Register of Heritage Places; or
 - (ii) the subject of a Heritage Order.
23. Replacing or altering roofing materials on a building where there is no change to the roof form and pitch except where the place is –
- (i) entered in the State Register of Heritage Places;
 - (ii) the subject of a Heritage Order; or
 - (iii) included on the Heritage List.
24. Adding, altering or replacing external cladding materials on a building where there is no change to the building form and except where the place is –
- (i) entered in the State Register of Heritage Places;
 - (ii) the subject of a Heritage Order;
 - (iii) included on the Heritage List; or
 - (iv) included in a Heritage Area.

External Fixtures (General)

25. External fixtures installed on a building to which the R-Codes do not apply, except where the place is:
- (i) entered in the State Register of Heritage Places;
 - (ii) the subject of a Heritage Order;
 - (iii) included on the Heritage List; or
 - (iv) included in a Heritage Area.
26. External fixtures on a place on the Heritage List where –
- (i) not exceeding 1.8m in height and fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets); or
 - (ii) fixed to a plane of the roof of a building which faces the rear or a side boundary (excluding roof planes facing secondary streets), or to a flat roof, and projecting no more than 1m above the part of the existing roof to which the fixture is attached and no greater than 2m wide, or projecting no more than 2m above the highest part of the existing roof at any point in the case of an aerial or antenna; and
 - (iii) in all circumstances the maximum diameter of a satellite antenna or dish permitted without development approval is 1m.
27. External fixtures in a Heritage Area where –
- (i) not exceeding 1.8m in height and fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets); or

- (ii) fixed to a plane of the roof of a building which faces the rear or a side boundary (excluding roof planes facing secondary streets), or to a flat roof, and projecting no more than 1m above the part of the existing roof to which the fixture is attached or projecting no more than 2m above the highest part of the existing roof at any point in the case of an aerial or antenna; and
- (iii) in all circumstances the maximum diameter of a satellite antenna or dish permitted without development approval is 1m.

Minor Structures and Other Fixtures

28. Air conditioning units on a place on the Heritage List or in a Heritage Area where –

- (i) not exceeding 1.8m in height and fixed to a wall of a building which faces a side boundary (excluding walls facing secondary streets);
- (ii) fixed to a wall or roof plane of a building which faces the rear boundary at a height not exceeding the highest part of the existing roof at any point; or
- (iii) excluding places on the heritage list an air conditioning unit on a building with a flat roof, in a position where the top of the air conditioning unit is not more than 1m above the highest part of the existing roof at any point.

29. Water tanks on a place on the Heritage List or in a Heritage Area where –

- (i) fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets) at a height not exceeding the eaves height; or
- (ii) free standing and located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas), and no greater than 2.4m in height if more than 1m from any boundary, or 1.8m in height if less than 1m from any boundary.

30. Minor structures where –

- (i) Within the primary street setback area below 2m in height excluding clothes lines; or
- (ii) Below 3m in other cases; and

except where the place is –

- entered in the State Register of Heritage Places; or
- the subject of a Heritage Order.

31. Flag poles where –

- (i) free standing and not more than 6m in height, and
- (ii) not used for advertising purposes; and

except is –

- entered in the State Register of Heritage Places; or
- the subject of a Heritage Order.

Demolition and Removal

32. Removal of trees or vegetation areas except where those which are identified on the *Register of Significant Trees or Vegetation Areas*, or where required to be retained on a site through a condition of development approval.

33. The demolition of a building on a lot to which the R-Codes do not apply, except where located in a place that is:
- (i) entered in the State Register of Heritage Places;
 - (ii) the subject of a Heritage Order;
 - (iii) included on the Heritage List; or
 - (iv) included in a Heritage Area.
34. Demolition of the following structures on a place in a Heritage Area:
- (i) Outbuildings not of masonry or limestone construction with a floor area of less than 25sqm;
 - (ii) Minor structures;
 - (iii) Patios;
 - (iv) Shade Structures;
 - (v) Carports;
 - (vi) External Fixtures;
 - (vii) Air Conditioners;
 - (viii) Private swimming pools and outdoor spas;
 - (ix) Flag poles; and
 - (x) Water tanks.
35. Demolition of internal and boundary / dividing fences in Heritage Areas except where the place is:
- (i) entered in the State Register of Heritage Places;
 - (ii) the subject of a Heritage Order; or
 - (iii) included on the Heritage List.

Definitions:

Heritage Area – an area designated as having cultural heritage significance within the Local Planning Scheme area under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Heritage List – a list identifying places within the Local Planning Scheme area of cultural heritage significance, and worthy of built heritage conservation, under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Heritage Act – refers to the *Heritage of Western Australia Act 1990*, as amended, or subsequent legislation which supersedes this Act.

State Heritage Register – refers to the Register of Heritage Places prepared under the Heritage Act.

Heritage Order – refers to an Order made under Part 6 of the Heritage Act.

Review information and related documentation

Reviewing officer: **Manager Strategic Planning**

Policy adopted:	22/05/2019 - SPT1905-3
Policy amended:	XXXXX 2020
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015; Planning and Development Act 2005
Delegations:	NA
Related documents:	NA
Next review date:	1 May 2020