

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of South Perth

LOCAL PLANNING SCHEME No. 6 - AMENDMENT No. 63

Ref: TPS/2546

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of South Perth Local Planning Scheme amendment on 14 June 2021 for the purpose of:

1. Amending the Scheme map by recoding the following lots:
From R80 to R-AC0:
 - Lot 51 (No. 25), Lot 79 (No. 17) and Lot 80 (No. 19) Preston Street, Como (Como Central and adjoining site).
 - Lot 4 (No. 171) and Lot 18 (No. 175) Labouchere Road, Como.
 - Lot 299 (No. 10), Lot 414 (No. 12), Lot 415 (No. 12), Lot 416 (No. 14), Lot 417 (No. 14), Lot 1 (No. 16), Lot 2 (No. 16A), Lot 3 (No. 16B), Lot 66 on D5661, Lot 10 (No. 18-22) and Lot 9 (No. 24) Preston Street, Como.
 - Lot 12 (No. 12) and Lot 13 (No. 10) Mary Street, Como.
 - Lot 410 (No. 15), Lot 411 (No. 17) Eric Street, Como.

From R80 to R100:

 - Lot 150 (No. 167) and Lot 19 (No. 169) Labouchere Road, Como.
 - Lot 3 (No. 13), and Lot 14 (No. 19) Eric Street, Como.
 - Lot 1 (No. 2), Lot 2 (No. 4), Strata Plan S08025 (No. 6) and Lot 413 (No. 8) Mary Street, Como.

2. Amending the 'Building Height Limits' map for Precinct 8 - Como Beach;
 - For Lots 1, 2, 412, 413 Mary Street, 13, 14 Eric Street and Lot 19 and 150 Labouchere Road removing height limit controls from the map.
 - For 'Site R' (being Lots 51 and 80 Preston Street, Como) removing height limit controls from the map.
 - For 'Site S' (being Lots 1, 2, 3, 9, 10, 66, 299, 414, 415, 416, 417 Preston Street, 12, 13 Mary Street, 18, 4 Labouchere Road and Lots 410 and 411 Eric Street, Como), removing the height controls from the map.

3. Inserting a new clause 5.4(16) as follows:
 - 16(a) In this sub-clause, 'Site R' means Lots 51, 79 and 80 Preston Street as depicted on the figure below:



Figure 5a: Location of Site 'S' and Site 'R'

- (b) Notwithstanding anything contained in this Scheme or the R-Codes:
- (i) Building heights and setbacks for Site R shall be as follows:
- (A) Clause 6.1A does not apply;
- (B) Buildings up to a maximum height of 3 storeys shall be setback a minimum of nil from the Preston Street and Labouchere Road boundary with the exception of the corner on Labouchere Road for which an appropriate architectural corner element may be approved. The corner element shall be limited to a maximum of 10m from the site corner truncation and up to a maximum height of 4 storeys in total; and
- (C) Buildings up to a maximum height of 3 storeys shall be setback a minimum of nil from the western boundary; and
- (D) No development shall occur within 6 metres of the southern boundary above ground level. Development up to a maximum of four storeys shall be setback a minimum of 6 metres from the southern boundary and development up to a maximum of eight storeys shall be setback a minimum of 16 metres from the southern boundary.
- (E) Buildings above 3 storeys, up to a maximum of 8 storeys, shall be setback a minimum of:
- i. 5 metres from Preston Street and Labouchere Road; and
 - ii. 6 metres from the western boundary.

Notwithstanding the setbacks detailed under clause 16(i)(E), the local government may approve an application if the non-compliance is minor in nature and will not have any adverse

impact upon the amenity of the occupiers or users of the development or the precinct, or upon the likely future development of the precinct.

- (F) Development designed such that a shadow cast at midday on 21 June onto any adjoining property does not exceed 35% of the site area.
- (ii) Land Use
- (A) Notwithstanding Table 1, the following land uses shall be 'P' ('Permitted') uses in Site R:
- i. Home Business
 - ii. Mixed Development;
 - iii. Multiple Dwelling;
 - iv. Single Bedroom Dwelling;
 - v. Office;
 - vi. Shop; and
 - vii. Liquor Store – Small
- (B) Notwithstanding Table 1, the following land uses shall be 'D' (Discretionary) uses in Site R:
- i. Aged or Dependent Persons Dwelling;
 - ii. Aged or Dependent Persons Amenities;
 - iii. High Level Residential Aged Care Facility;
 - iv. Small Bar;
 - v. Reception Centre.
- (C) 'Dual key' dwellings (accessed from the same front door) shall be counted as one dwelling for all standards including car parking. Such 'Dual Key' dwellings are not permitted to be further strata titled;
- (D) A 'take away food outlet' use shall not include a 'drive-through' component.
- (iii) Carparking
- (A) Minimum car parking and bicycle parking shall be varied from the provisions of Table 6 of the Scheme, as below:
- i. Shop – 4 car bays per 100m² net lettable area;
 - ii. Liquor store (small) – 4 car bays per 100m² net lettable area; and
 - iii. Restaurant, Tavern and Small Bar – 1 car bay per 20m² of net lettable area.

- (B) Notwithstanding Table 6 and Clause (iii)(A) above, the local government may approve a lesser number of car, motorcycle/scooter or bicycle parking bays where a Parking Needs Assessment prepared by a qualified traffic engineer demonstrates that the proposed number of bays is sufficient, having regard to:
 - i. Different periods of peak demand;
 - ii. The surrounding highly walkable environment;
 - iii. The availability of public transport, bicycle parking and end of trip facilities.
- (C) Minimum car parking for land uses not stipulated in (iii)(A) shall be in accordance with the Scheme.

(iv) Public Benefits

In respect of development on Site R, any comprehensive new development on these lots shall include:

- (A) The provision of a publicly accessible plaza within the development, to be retained in private ownership and maintained by the landowner.
- (B) the upgrade or payment of the upgrading of Preston Street surface treatment, street furniture and street trees abutting the respective property to the back of the respective kerb to the satisfaction of the local government.

4. Inserting a new clause 5.4(17) as follows:

- 17 (a) In this sub-clause, 'Site S' means Lots 1, 2, 3, 9, 10, 66, 299, 414, 415, 416, 417 Preston Street, 12, 13 Mary Street, 18, 4 Labouchere Road and Lots 410 and 411 Eric Street, Como as depicted on the figure below:

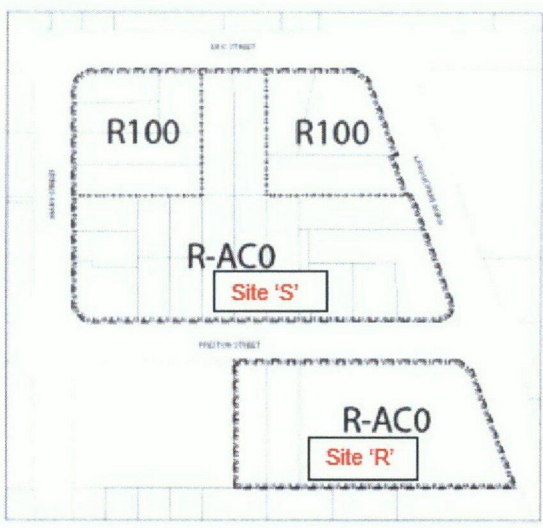


Figure 5b: Location of Site 'S' and Site 'R'

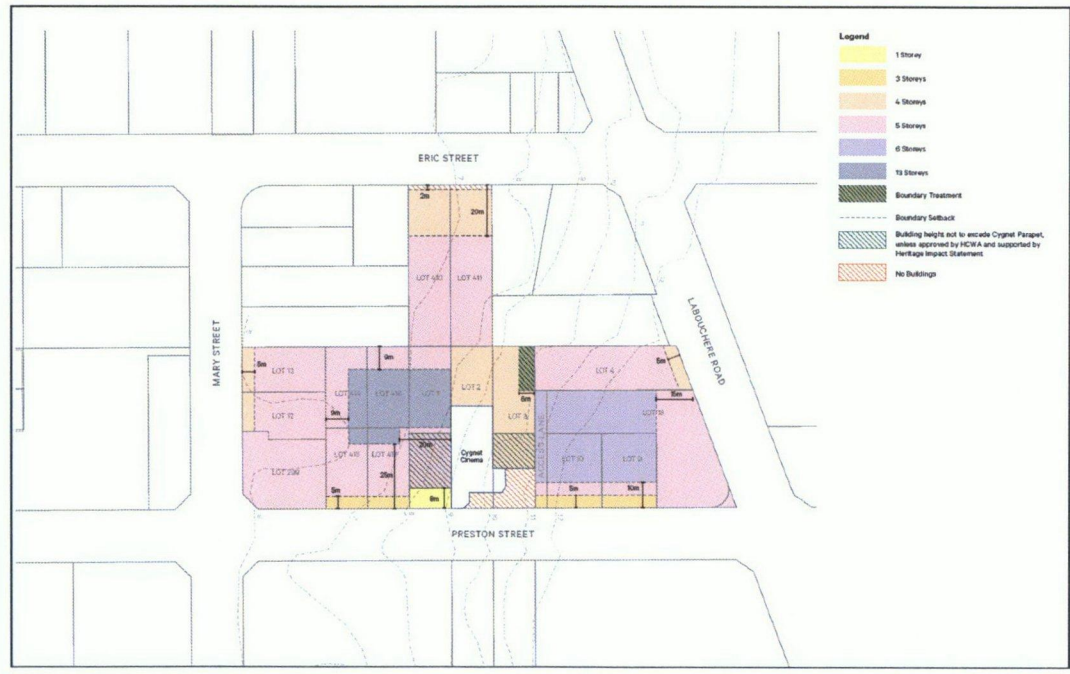


Figure 6: Maximum height of buildings on Site 'S'

- (b) Notwithstanding anything contained in this Scheme or in the R-Codes, the following development standards apply in respect of Site S:
 - (i) Building heights
 - (A) The Building Height Limits are depicted on Figure 6.
 - (B) Clause 6.1A does not apply to Site S.
 - (ii) Street and lot boundary setbacks

- (A) The setbacks from the street and lot boundaries are identified in Figure 6.
 - (B) The local government may, notwithstanding non-compliance with the setbacks shown in Figure 6, approve an application if the non-compliance is minor in nature and will not have any adverse impact upon the amenity of the occupiers or users of the development or the precinct, or upon the likely future development of the precinct.
 - (C) Buildings shall be setback a minimum of 6 metres from the boundary that divides Lot 4 Labouchere Road and Lot 3 Preston Street, with landscaping required to this boundary. Any application for approval of substantial development on Lot 3 Preston Street shall be accompanied by a Landscape and Maintenance Plan that demonstrates how landscaping and/or wall treatments will be provided in the area shown on Figure 6 as "Boundary treatment" and maintained by the owner thereafter.
 - (D) For all lots excluding Lots 410 and 411, a parapet wall may be permitted in accordance with SPP 7.3.
- (iii) Special provisions for the Cygnet Cinema
- (A) Notwithstanding the height and setbacks in Figure 6, development on lots directly abutting the Cygnet Cinema must be in accordance with the advice received from the Heritage Council under section 75 of the *Heritage Act 2018*.
- (ii) Land Use
- (A) Notwithstanding Table 1, the following land uses shall be 'P' ('Permitted') uses in the 'Neighbourhood Centre Commercial' Zone:
 - i. Cinema/Theatre;
 - ii. Home Business;
 - iii. Mixed Development;
 - iv. Multiple Dwelling;
 - v. Single Bedroom Dwelling;
 - vi. Office;
 - vii. Shop.
 - (B) Notwithstanding Table 1, the following land uses shall be 'D' (Discretionary) uses in the 'Neighbourhood Centre Commercial' Zone.

- i. Aged or Dependent Persons Dwelling;
- ii. Aged or Dependent Persons Amenities;
- iii. High Level Residential Aged Care Facility;
- iv. Small Bar;
- v. Reception Centre.

- (C) 'Dual key' dwellings (accessed from the same front door) shall be counted as one dwelling for all standards including car parking. Such 'Dual Key' dwellings are not permitted to be further strata titled;
 - (D) A 'take away food outlet' use shall not include a 'drive-through' component;
- (iii) Carparking

Minimum car parking shall be varied from the provisions of Table 6 of the Scheme as follows:

- (A) Car parking for uses in the Neighbourhood Centre Commercial zone may be provided on land zoned Residential where located on the same Certificate of Title.
- (B) Minimum car parking and bicycle parking shall be varied from the provisions of Table 6 of the Scheme, as below:
 - i. Shop – 4 car bays per 100m² net lettable area;
 - ii. Liquor store (small) – 4 car bays per 100m² net lettable area;
 - iii. Cinema/theatre – 1 car bay per 5 seats; and
 - iv. Restaurant, Tavern and Small Bar – 1 car bay per 20m² of net lettable area.
- (C) Notwithstanding Table 6 and Clause (v)(B) above, the local government may approve a lesser number of car, motorcycle/scooter or bicycle parking bays where a Parking Needs Assessment prepared by a qualified traffic engineer demonstrates that the proposed number of bays is sufficient, having regard to:
 - i. Different periods of peak demand;
 - ii. The surrounding highly walkable environment;
 - iii. The availability of public transport, bicycle parking and end of trip facilities; and,
 - iv. Reciprocity of parking.

(D) Minimum car parking for land uses not stipulated in (v)(B) shall be in accordance with the Scheme.

(iv) Public Benefits

In respect of development on Site S, any comprehensive new development on this site shall provide the following:

(A) For Lots 1 to 3 (No.16) Preston Street – the 'Cygnet Cinema' site, the provision or payment of a public plaza and streetscape upgrades to the northern side of Preston Street and include the carriageway for the frontage of the said lots to the satisfaction of the local government;

(B) For Lots 1 to 3 (No.16) Preston Street – the 'Cygnet Cinema' site, the provision of a Conservation Management Plan for the Cygnet Theatre. Development shall be carried out in accordance with any approved conservation management plan to the satisfaction of the Local Government.

(C) For all remaining lots with frontage to Preston Street, the upgrade or payment of the upgrading of Preston Street surface treatment, street furniture and street trees abutting the respective property to the back of the respective kerb to the satisfaction of the local government;

(D) A minimum of 50% of the dwellings per development application (excluding student accommodation) developed to a 'Silver' standard and 5% 'Platinum' standard as per the Liveable Housing Design Guidelines issued by Liveable Housing Australia (or equivalent).

(E) A minimum 5-star Green Star rating or equivalent rating tool unless otherwise agreed by the local government.

5. Inserting a new clause 5.4(18) as follows:

18 (a) This sub-clause, applies to Lots 1, 2, 412, 413 Mary Street, 13, 14 Eric Street and Lots 19 and 150 Labouchere Road, Como being the R100 coded lots depicted on the figure below:

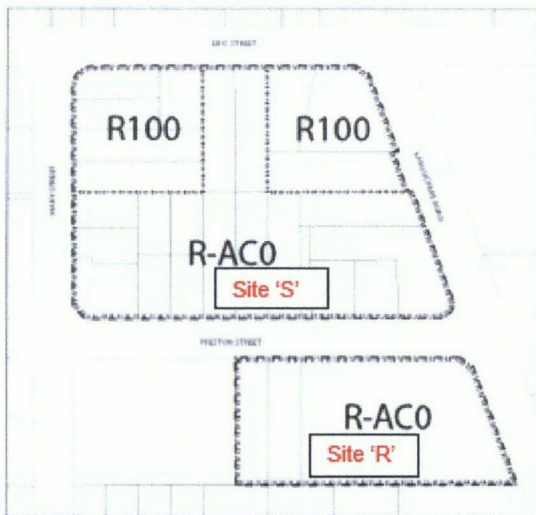


Figure 5c: Location of Site 'S' and Site 'R'

- (b) The Building Height Limit for lots referenced in subclause 18(a) is 4 storeys.
- (c) Clause 6.1A does not apply to lots referenced in subclause 18(a).

G MILNER
MAYOR

G GLASS
CHIEF EXECUTIVE OFFICER