

Planning and Development Act 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Subiaco
Local Planning Scheme No. 5 Amendment No. 3

File: TPS/3052

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 abovementioned amendment to the City of Subiaco Local Planning Scheme No. 5 on 04 June 2024 for the purpose of:

1.1 Amend Table 3 of Clause 17 as follows:

- a) Replace the permissibility symbols in the Mixed Use and Local Centre Zones with the following:

| Use and Development Class | Zones | |
|---------------------------|-----------|--------------|
| | Mixed Use | Local Centre |
| Consulting Rooms | P | P |
| Medical Centre | D | D |

- b) Amend the associated Notes as follows:

"Notes:

1. Refer to Schedule 1 - Supplemental Provisions to the Deemed Provisions clause 12(4).
2. The X designation relates to development in the Residential Zone with a density below R80, the A designation relates to development in Residential Zone with a density of R80 and above. Refer to local planning policy relating to restaurant/cafe land use in Residential Zones R80 and above.
3. Refer to clause 32 Table 5 No. 3(1) for additional requirements for non-residential development in the Residential Zone."

- c) Replace the superscript notations within Table 3 of *, *¹ and *² with '¹','²' and '³' respectively.

1.2 Delete sub-clause 26(1) and renumber subsequent sub-clauses.

1.3 In renumbered sub-clause 26(1), amend the Location descriptions as follows:

"Location A - Within an area identified as an Activity Centre as defined by the City of Subiaco Local Planning Strategy.

Location B - Within areas outside of Activity Centres, as defined by the City of Subiaco Local Planning Strategy, but within 800m of a train station on a high frequency rail route or within 250m of a high frequency bus route.

Location C - Not within areas outlined above"

1.4 Amend renumbered sub-clause 26(2) to read:

- a) "In relation to multiple dwellings within areas coded R40 or greater, within mixed use developments and/or within Activity Centres, as defined by the City of Subiaco Local Planning Strategy; acceptable outcome A3.9.2 in element 3.9 Car and bicycle parking in Part 3 Siting the development of the R-Codes is amended to read as follows:"
- b) Amend the associated Definitions as follows:
"Location A: within the defined boundaries of an Activity Centre as defined by the City of Subiaco Local Planning Strategy.
Location B: within areas outside the defined boundaries of an Activity Centre, as defined by the City of Subiaco Local Planning Strategy, but within an 800m walkable catchment of a train station and/or 250m of a stop (bus or light rail) of a high frequency route."

1.5 Amend the Scheme as follows:

- a) Delete clauses 27 and 28
- b) Replace clauses 29 and 30 with:

"29. Other planning codes to be read as part of Scheme

- (1) The planning codes set out in the Table, modified as set out in clause 30, are to be read as part of this Scheme.

Table 4 - State planning codes to be read as part of the Scheme

| |
|--|
| Other planning codes to be read as part of the Scheme |
| There are no other planning codes that are to be read as part of the Scheme. |

- (2) The local government must ensure that each planning code set out in the Table to subclause (1) is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.

30. Modifications of planning codes

There are no modifications to a planning code that, under clause 29, is to be read as part of the Scheme."

1.6 In sub-clause 32(1), amend Table 5 as follows:

- a) Amend No. 1(2) to read:
"(2) The local government will only grant development approval for the demolition of a building or a structure where it is satisfied that the building or structure:
 - (a) Has limited or no cultural heritage significance; and
 - (b) Does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

Note: Clause 61 of Schedule 2 Deemed Provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 exempts requirement for development approval for the demolition of certain buildings and structures.”

1.7 In Clause 33, amend Table 6 as follows:

- a) Amend No. 2 Description of Land to read:
“Lot 900 (No. 10) on D/P: 416362 Rokeby Road, Subiaco”
- b) Amend No. 3 Description of Land to read:
“Lot No. 601 (No. 55) on D/P: 406430 Salvado Road, Subiaco”
- c) Amend No. 4 Description of Land to read:
“Strata Lots 1-21 (No. 531) on Strata Plan: 17651 Hay Street, Subiaco”
- d) Amend No. 5 Description of Land to read:
“Lot No. 101 (No. 388) on D/P: 83867 Hay Street, Subiaco”
- e) Amend No. 6 Description of Land to read:
“Strata Lots 1-36 (No. 184) on Strata Plan 24889 Rokeby Road, Subiaco, Lot 50 (No. 277) on D/P: 45359 Barker Road, Subiaco and Lots 21-24 (No. 218) on D/P: 2240 Park Street, Subiaco”
- f) Amend No. 7 Description of Land to read:
“Lot 229 (No. 121) on D/P: 89002 Railway Road, Subiaco and Lot 230 (No. 374) on D/P: 89002 Bagot Road, Subiaco”
- g) Amend No. 8 Description of Land to read:
“Lot 503 (No. 500) on D/P: 413388 Hay Street, Subiaco”
- h) Amend No. 9 Description of Land to read:
“Lot 600 (No. 588) on D/P: 406430 Hay Street, Subiaco and Lot 601 (No. 5) on D/P: 406430 Wembley Court, Subiaco”
- i) Amend No. 10 Description of Land to read:
“Lot 601 (No. 1) on D/P: 406430 Harborne Street, Subiaco”
- j) Renumber No. 12 and No. 13 to ‘11’ and ‘12’ respectively.

k) Amend renumbered No. 11 Description of Land to read:

“Strata Lots 1-11 (No. 567) S/P: 12758 on Hay Street, Darglish”

l) Amend renumbered No. 12 Description of Land to read:

“Rokeby Road South Precinct as defined by the approved Local Development Plan for the Rokeby Road Precinct.”

m) Amend renumbered No. 12 Requirement to read:

“To be guided by the approved Local Development Plan for the Rokeby Road South Precinct and Schedule 3 Table 9 Part 2.1 of this Scheme.”

1.8 In Schedule 1 - Supplemental Provisions to the Deemed Provisions amend Clause 12(4) as follows:

“Where a proposed ‘consulting rooms’ or ‘office’ use is located in a residential zone and is subject to subclause 12(1) of the Deemed Provisions, the proposed use may be considered an ‘A’ (advertising) use under clauses 17 and 18 of this scheme.”

1.9 In Schedule 1 - Supplemental Provisions to the Deemed Provisions amend Clause 61(1)(k) to read as follows:

“(1) Development approval is not required for works if-

- (a) the works are of a class specified in Column 1 of an item in the below table; and
- (b) if conditions are set out in Column 2 of the below table opposite that item - all of those conditions are satisfied in relation to the works.”

| | Column 1 Works | Column 2 Conditions |
|-----|------------------------|--|
| 22. | The removal of a tree. | The tree is not identified on the significant tree register. |

1.10 In Schedule 1 - Supplemental Provisions to the Deemed Provisions amend Clause 67 as follows:

“(2)(zc) Any advice of the Design Review Panel.”

1.11 Under Schedule 3 - Additional Site and Development Requirements, Tables 8 and 10 amend the Building Setbacks - Rear Minimum Setback as follows:

“The first two (2) storeys have a Nil (0m) setback.
The third (3) storey and above shall be set back at least 6.0m.

If to a right of way, the rear setback shall be sufficient to provide a total vehicle manoeuvring width of 6.0m.”

1.12 Under Schedule 3 - Additional Site and Development Requirements, Table 9 amend the table as follows:

a) Replace the text in Part 2.1 - Rokeby Road South as follows:

| 2.1 Rokeby Road South | |
|------------------------------|---|
| Building height | Development shall not exceed the maximum building height prescribed by the Rokeby Road South Local Development Plan to a maximum building height of five (5) storeys. |
| Building setbacks | Building setbacks shall not be less than the setbacks prescribed in the Rokeby Road South Local Development Plan. |

b) Replace the first row in the Building setback element column in the setbacks table for Part 2.3 as follows:

“First two (2) storeys.”

1.13 Under Schedule 3 - Additional Site and Development Requirements, Table 9 Part 2.4 replace ‘thought’ with ‘through’.

1.14 Under Schedule 3 - Additional Site and Development Requirements, Table 10 amend the Building Setbacks - Street (primary or secondary) Minimum Setback as follows:

“Nil for the first three (3) storeys, 2.0 m for the fourth (4) storey.”

1.15 Under Schedule 5 - Car Parking Standards amend Table 12 as follows:

a) Amend the following Land Use Categories:

- ‘Office, Other commercial’ to be replaced with ‘Office and Other Commercial’; and
- ‘Fast Food, Lunch Bar’ to be replaced with ‘Fast Food/Lunch Bar’.

b) In the Bicycle Parking columns replace all references to class 1, 2 and 3 with class ‘A’, ‘B’ and ‘C’ respectively.

c) Amend the associated Notes as follows:

“Notes:

1. Reference to Activity Centres means within an area identified as an Activity Centre as defined within the City of Subiaco Local Planning Strategy.
2. Class A, B and C bicycle parking facilities are defined under AS2890.
3. Where a standard set out in Table 12 results in a parking requirement that is not a whole number, the requirement is to be rounded up to the next whole number.”

1.16 In Schedule 5 - Car Parking Standards delete sub-clauses (1), (2) and (3).

1.17 Amend the formatting as follows:

- a) Align the text indentation with the remainder of the Scheme text for:
 - Sub-clause 13(1)
 - Sub-clause 13(2)
 - Sub-clause 14(1)
- b) In Schedule 4 - Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan, align the text indentation of Objective '(e)' with the remainder of the objectives.
- c) Amend text size of all Notes to 'size 10'.
- d) In sub-clause 32(1) Table 5 No. 3(2) capitalise the letter 'S' in 'scheme map'.
- e) In Schedule 3 - Additional Site and Development Requirements replace all references of 'metres' with 'm'.
- f) In the tables throughout Schedule 3 - Additional Site and Development Requirements insert full stops '.' after all sentences.
- g) In Schedule 3 - Additional Site and Development Requirements, Table 10 capitalise 'S' in scheme map.

D MCMULLEN
MAYOR

C CAMERON
CHIEF EXECUTIVE OFFICER