

***4.1 - PROPOSED AMENDMENT NO.124 TO TPS NO.4 - KELMSCOTT DISTRICT CENTRE PRECINCT STRUCTURE PLAN IMPLEMENTATION***

WARD : RIVER

FILE No. : - M/74/23

DATE : 5 October 2023

REF : AV

RESPONSIBLE MANAGER : EDDS

APPLICANT : City of Armadale

LANDOWNER : Various

SUBJECT LAND : Various lots in Kelmscott District Centre

ZONING MRS / : Urban; Primary  
: Regional Road; Parks and Recreation

TPS No.4 : District Centre; Special Residential; Residential; Parks and Recreation

**In Brief:**

- The City of Armadale is initiating an amendment to Town Planning Scheme No.4 to ensure consistency between TPS No.4 and the Kelmscott District Centre Precinct Structure Plan. The proposed Amendment includes 10 proposals to modify TPS No.4 maps and text to reflect Precinct Structure Plan built form and land use outcomes.
- The Precinct Structure Plan provides a plan for future subdivision and (re)development coordination in the Kelmscott District Centre. Council considered a report on submissions received during the statutory advertising period in February 2023. Council recommended that the Western Australian Planning Commission approve the Precinct Structure Plan, subject to modifications.
- The Department of Planning, Lands and Heritage has acknowledged that an Amendment is required to implement the Precinct Structure Plan. However it also recommended that the City minimise the extent of modifications to TPS No.4, noting the future preparation of TPS No.5 and the progress of State Government planning reform initiatives.
- Recommend that Council initiate the proposed Amendment, forward the Amendment to the Environmental Protection Authority and Minister for Planning, Lands, Housing and Homelessness, and advertise the Amendment for public review.

**Tabled Items**

Nil.

**Decision Type**

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

### **Officer Interest Declaration**

Nil.

### **Strategic Implications**

- 3.1.1 Facilitate vibrant and prosperous activity centres throughout the City.
- 3.1.1.2 Prepare a District Centre Activity Centre Structure Plan for Kelmscott.
- 4.4.1 Strive to achieve best practice community engagement.
- 4.4.1.3 Seek to implement innovative methods of community engagement, coordinate engagement to reduce the impact on residents of over-consultation and ensure that engagement is timely and meaningful.

### **Legal Implications**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Metropolitan Redevelopment Authority Act 2011*

*Environmental Protection Act 1986*

### **Council Policy/Local Law Implications**

Town Planning Scheme No.4

Local Heritage Survey

Local Planning Strategy 2016

Strategic Community Plan 2020-2030

Corporate Business Plan 2022/23-2025/26

Armadale Activity and Retail (Commercial) Centres Strategy 2020

Local Planning Policies

### **State Government Policy Implications**

Metropolitan Region Scheme

Perth and Peel@3.5Million

South Metropolitan Perth and Peel Subregional Structure Plan

State Planning Policy 4.2 Activity Centres (2020 Draft)

State Planning Policy 7.2 Precinct Design

Armadale Redevelopment Scheme No.2

### **Budget/Financial Implications**

Council endorsed Tender 11 of 2020 to engage Taylor Burrell Barnett and a sub-consultant team to prepare the Precinct Structure Plan documents and supporting Scheme Amendment.

The Council endorsed Precinct Structure Plan applies to a small number of reserves and lots managed by or vested in the City. Precinct Structure Plan outcomes applied through this Scheme Amendment (if initiated) may have land use, management and asset disposal/retention implications for these reserves/lots.

Development and redevelopment of land/built form under the future approved Precinct Structure Plan will predominantly occur through private landowner investment and development decisions over the life of the Precinct Structure Plan.

### **Consultation**

The City consulted with a variety of stakeholders during preliminary Precinct Structure Plan preparation and during formal statutory consultation under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*). In particular, the period between March 2021 and June 2022 involved preparing for, conducting, analysing and applying stakeholder consultation activities/outcomes. Stakeholder consultation involved project notification letters and a project website, online surveys, six Councillor workshops, two landowner and business operator workshops, working groups, individual meetings with major landowners and individual meetings with State Government agencies. Project consultation and engagement activities were informed by Council's endorsed Engagement Strategy (February 2020; D15/2/20).

***Refer to Explanatory Attachment – Preliminary (Phase 1) Consultation and Statutory (Phase 2) Consultation Information attached to this report.***

During the preparation of this Scheme Amendment, City Officers and the lead planning consultant also met and subsequently liaised with the Department of Planning, Lands and Heritage (DPLH) to discuss proposed Amendment No.124 features and approaches. Outcomes of this consultation are discussed later in this report, in conjunction with State Government planning reform projects.

If initiated, Amendment No.124 will be advertised for public review and submissions in accordance with the *Regulations*.

### **BACKGROUND**

The City has prepared Town Planning Scheme No.4 (TPS No.4) Amendment No.124 to implement the Kelmscott District Centre Precinct Structure Plan (Precinct Structure Plan), ensure consistency between the Precinct Structure Plan and TPS No.4 and make minor updates to the District Centre zone in advance of the City's future Town Planning Scheme No.5 (TPS No.5).

The Kelmscott District Centre Precinct Structure Plan provides a plan for future subdivision and (re)development coordination in the Kelmscott District Centre. Further details on the Precinct Structure Plan and local planning frameworks is included below.

### **Kelmscott District Centre & Council-endorsed Precinct Structure Plan**

The Kelmscott District Centre is located approximately 23km south east of the Perth Central Area and 4km north of the Armadale Strategic Centre. The Kelmscott District Centre is characterised by a linear core containing retail, commercial and office development surrounded by a peripheral frame of residential, medical, bulky goods commercial/showroom and commercial development adjoining an approximately 2km length of Albany Highway and the Perth to Armadale Railway Line. Kelmscott Station, within the District Centre, is an important rail and bus interchange point for the local and metropolitan public transport network. The District Centre also abuts/includes areas of public open space, most prominently the Canning River environs and Fancote Park.

The Kelmscott District Centre is the second largest centre in the City of Armadale after the Armadale Strategic Centre. It is also the oldest of three proposed and existing District Centres, a category that includes Harrisdale District Centre (developing) and Hilbert (planned). Kelmscott matured as a suburban centre in the late 1960s and 1970s, with continued development and future opportunities highlighted by its good access to public transport and the Canning River environment.

The City's Local Planning Strategy 2016 identifies the potential for approximately 5,044 additional dwellings within the Kelmscott District Centre catchment by 2036, to support a population increase of more than 6,100 residents. As dwelling and population numbers grow within the Kelmscott District Centre and its catchment, the number and extent of business premises in the Centre is also expected to grow and undergo renewal.

The proposed Precinct Structure Plan (now endorsed by Council and recommended to the Western Australian Planning Commission) creates a contemporary planning framework to plan for this future growth. The Precinct Structure Plan was prepared during 2021 and 2022 with extensive stakeholder input and Council supported the advertising of a draft Precinct Structure Plan at its June 2022 meeting. Council subsequently considered the submissions in February 2023 and recommended that the State Government Western Australian Planning Commission (WAPC), as decision maker, approve the proposed Precinct Structure Plan with modifications. Matters raised during the statutory consultation period are discussed in the June 2022 report to Council.

***Refer to Explanatory Attachment – Kelmscott District Centre Precinct Structure Plan Document Overview***

### **Development WA Redevelopment Area & TPS No.4 Amendment No.112**

In 2006 a core area of the Kelmscott District Centre was transferred to the planning control of the Armadale Redevelopment Authority under its enabling legislation and the Armadale Redevelopment Scheme. The area continued as a Redevelopment Area under the *Metropolitan Redevelopment Authority Act 2011* and remains under the planning control of DevelopmentWA. The City's TPS No.4 does not apply to the Kelmscott Redevelopment Area.

In November 2021, Council granted final adoption to TPS No.4 Amendment No.112. Amendment No.112 proposes to include DevelopmentWA's Kelmscott Redevelopment Area into the TPS No.4 boundary in order for the City to resume planning control over the Precinct once DevelopmentWA normalises its Redevelopment Area (date unconfirmed at this point in time).

Amendment No.112 also proposes to zone the land currently within the Armadale Redevelopment Scheme predominately 'District Centre', with a small land area adjoining the Third Avenue realignment (outside the Precinct Structure Plan area) 'Residential R15/60'. Amendment No.112 also identifies a 'Development Area No.67' designation on Special Control Area Map 3 and associated TPS No.4 Schedule 8 Development (Structure Planning) Area provisions which enable and support the preparation of a Precinct Structure Plan for the Kelmscott District Centre.

The relationship between Amendment No.112 and future Amendment No.124 was discussed with the DPLH during the preparation of Amendment No.124. The City has considered a number of options, including incorporating Amendment No.112 proposals into Amendment No.124. Due to uncertainty over normalisation timeframes and possible impediments to Precinct Structure Plan implementation, the City proposes Amendment No.124 as a stand-alone amendment encompassing the spatial extent of the Kelmscott District Centre outside the Redevelopment Area. Amendment No.112 and Amendment No.124 do not conflict with one another in terms of their individual proposals.

### **Local Planning Strategy 2024 & Future Town Planning Scheme No.5**

The City is currently preparing a proposed Local Planning Strategy 2024, which will be considered by Council in the coming months for recommendation to the State Government WAPC for its endorsement to advertise. The proposed Local Planning Strategy sets out the City's directions for future land use and development over the next 15 to 20 years. It will also guide the preparation of proposed TPS No.5 and future development decisions by Council and determining authorities. The *Planning and Development Act 2005* (the *Act*) requires that the City's future TPS No.5 include all prescribed model provisions (i.e. the Model Scheme Text (MST) as outlined in Schedule 1 of the *Regulations*), unless otherwise approved by the Minister for Planning, Land, Housing and Homelessness.

The status of the City's Local Planning Strategy 2024 and future TPS No.5 were discussed with DPLH during preparation of Amendment No.124. Matters of focus included changes to proposed land use permissibility, WAPC planning reform initiatives (including possible standardisation of land use permissibility), the continued application of a District Centre zone in TPS No.5 (which is not a MST zone as specified in the *Regulations*) and the need to implement the Precinct Structure Plan prior to the future gazettal of TPS No.5.

The City was advised by DPLH that its District Centre zone could be considered for inclusion in TPS No.5, and therefore the City need not change land use zones via Amendment No.124. The City was further advised that it could undertake a general review of the District Centre zone objectives, subdivision/development requirements and land use permissibility to support its future inclusion in TPS No.5.

However, DPLH conveyed its lack of support for significant changes to TPS No.4 land use permissibility ahead of future TPS No.5. DPLH advised that substantial changes to land use permissibility should be avoided so that situations do not arise where development rights are conferred, only to be removed in the short term when TPS No.5 is prepared (on the basis of any current or new MST provisions prepared by the DPLH) and ultimately gazetted. In this regard an approach of undertaking a minor review of the District Centre zone was preferred.

Following receipt of the above advice, the WAPC released its 'Consistent Local Planning Schemes' Report for stakeholder review and comment. This planning reform project, among other things, proposes to standardise land use permissibility and zonings for commercial and industrial zones. These zones include those that would typically be assigned to city/town centres such as Armadale, Kelmscott and Harrisdale. While implementation methods are unconfirmed, they may include one or a combination of methods such as guidelines, model provisions (*Regulations* Schedule 1) or 'Deemed Provisions' (*Regulations* Schedule 2, applicable to every Local Planning Scheme). The City has lodged a submission with the WAPC to identify potential issues with the proposed approaches; the outcomes of this consultation, including the WAPC's final position, may not be known for some time.

The varying advice of DPLH has informed the City's approach to Amendment No.124.

## **DETAILS OF PROPOSAL**

Amendment No.124 primarily proposes to ensure that identified land use zones in the Precinct Structure Plan area connect with an appropriate existing zone in the City's TPS No.4. It also applies other appropriate reservations and development standards for the Precinct Structure Plan Area to properly support the vision and objectives, land use designations, and subdivision and development requirements of the Precinct Structure Plan as supported by Council in February 2023.

The proposals included in Amendment No.124 are listed as follows:

1. Rezoning of Land to District Centre zone
2. Assignment of Density Codes to Kelmscott District Centre Precinct Structure Plan Area
3. Reclassification of Lot 39 (No.24) Page Road, Kelmscott to Parks and Recreation (Local)
4. Rezoning of various lots on Gilwell Avenue/Clifton Street and Lot 802 (No.11) Erica Street to Residential
5. Removal of Special Use Zone 1 from portion of Page Road and Fancote Park
6. Application of Development Area No.67 (Special Control Area Map 3) over the Kelmscott District Centre
7. District Centre Zone Objectives Review
8. District Centre Zone Land Use Permissibility Review
9. TPS No.4 District Centre Zone Plot Ratio Provisions
10. TPS No.4 Schedule 8 Development (Structure Planning) Areas

Full explanation of and justification for the various proposals are discussed in the 'Comment' section of this report.

It is noted that Proposals 7, 8 and 9 above apply to all land in the District Centre zone. The proposals support the overall review of the District Centre zone provisions, which was a feature discussed with DPLH during the preparation of Amendment No.124. The only other precinct zoned District Centre in TPS No.4 is the Harrisdale District Centre; Amendment No.124 does not have any significant implications for this centre.

It should also be noted that there is no current proposal to remove the Restricted Use overlays (RU 1, RU 2 and RU 11) that apply to 'transition' or 'peripheral' areas of the Kelmscott District Centre. The restricted use zonings operate in a positive manner to support core retail activity and function in the town centre while redevelopment demand increases. The operation of Restricted Use zones will require review (in the context of development uptake and market conditions) during TPS No.5 preparation.

## COMMENT

### Proposal 1 – Rezoning of Land to District Centre Zone

Proposal One:

- a) Rezones Lot 12 (No.38), Lot 60 (No.36), Lot 64 (No.32), Lot 65 (No.34), Lot 581 (No.40) and Lot 582 (No.42) Streich Avenue and portion of Lot 800 Albany Highway (No.2907) as depicted on the Scheme Amendment Map from ‘Residential (R15/60)’ to ‘District Centre’; and
- b) Rezones Lots 1-2 (No.14-14a), Lot 6 (No.8), Lot 7 (No.10a), Lot 10 (No.32), Lot 21, Lot 21 (No.16) Lot 23 (No.12), Lot 32 (No.20), Lot 35 (No.18), Lot 33 (No.28), Lot 34 (No.30) and Lot 40 (No.22) Page Road and Lot 8 (No.26) Gilwell Avenue (Proposal 2) as depicted on the Scheme Amendment Map from ‘Residential (R15/40)’ to ‘District Centre’.

The objectives, land use permissibility and subdivision and development standards of TPS No.4 are considered to be generally consistent with the intent of the Precinct Structure Plan and accommodate its subdivision/development outcomes for the majority of the Precinct Structure Plan area (excluding the lower density residential lots along Gilwell Avenue). Specifically, the District Centre zone is considered appropriate for the Precinct Structure Plan area for the following reasons:

- The Centre is identified as a ‘District Centre’ under State Planning Policy 4.2 Activity Centres;
- It provides for a variety of retail, commercial and residential land uses;
- It accommodates existing commercial land uses within the core;
- The District Centre zone in TPS No.4 is currently applied within the centre (prior to Precinct Structure Plan preparation);
- The District Centre zone is the closest aligned zone to support the land use zone designations under the Precinct Structure Plan (which are Commercial, Mixed Use Retail Core and Mixed Use Residential); and
- The approach is consistent with the approach proposed under Amendment No.112.

It should be noted that Lot 160 (No.10) Ottaway Street and Lot 161 (No.2933) Albany Highway, which are within the Precinct Structure Plan area, are not proposed to be rezoned to District Centre in this Amendment. These two lots were the only high-exposure residential lots on Albany Highway identified for District Centre zoning through the Precinct Structure Plan preparation process. City Officers consider that a precautionary approach is warranted for these two sites because there is uncertainty over future land use permissibility. The ultimate finalisation of the WAPC’s ‘Consistent Local Planning Schemes’ planning reform project will give greater clarity on model land use zones and permissibility, particularly for vehicle-oriented commercial land uses. In addition, City Officers do not wish to set land use permissibility expectations for these high exposure sites via this Amendment, only for permissibility to be altered again in the short term via TPS No.5 (including consideration of MST provisions) or possible Deemed Provisions. Applicable land use and built form provisions will be best clarified with certainty through TPS No.5.

In contrast, proposed District Centre zoning over identified lots along Streich Avenue and Page Road can be retained in Amendment No.124 as the risk of unintended consequences with respect to vehicle-oriented commercial land uses is much lower. These areas have smaller lot sizes, long-established community and medium density residential land uses and/or development constraints.

### **Proposal 2 – Assign Density Codes to Kelmscott District Centre Precinct Structure Plan Area**

Proposal Two amends and applies the R60, R-AC1, R-AC3 and R-AC 4 residential density codes to various lots within the Kelmscott District Centre as depicted on the Scheme Amendment Maps.

TPS No.4 Clause 4.2.6 currently provides that in areas zoned District Centre the maximum density of development shall be determined by the local government, subject to suitability and impact considerations. The clause states:

*“4.2.6 In those non-residential zones in which grouped or multiple dwellings are permitted at the discretion of the local government (Local Centre, District Centre and Mixed Business / Residential), the maximum density of development shall be determined by the local government, taking into consideration the suitability of the area for the proposed development and the likely impact of the development on the amenity of the locality.”*

As much of the land within the Amendment No.124 area and the Precinct Structure Plan area is either currently zoned District Centre or proposed to be zoned District Centre, TPS No.4 as currently worded results in the residential density for much of the Precinct Structure Plan area being determined at the discretion of the local government. In order to implement the residential density allocated on the Precinct Structure Plan map, Amendment No.124 applies the R60, R-AC1, R-AC3 and R-AC4 Residential Density Code to various lots within the District Centre in accordance with the density codes depicted on the Precinct Structure Plan.

It is noted that the Armadale Strategic Metropolitan Regional Centre Precinct Structure Plan adopted the approach of applying a residential density code of R-AC0 to the City center area. The R-AC0 code defers density controls to a local planning scheme, local development plan and/ or precinct controls as applicable. In the particular context of the Kelmscott District Centre this approach was considered to add an additional layer of complexity, and therefore the Precinct Structure Plan applies specific density codes.

The density coding proposed under the Precinct Structure Plan is directly aligned with the applicable provisions of State Planning Policy 7.3 Residential Design Codes (SPP 7.3). Importantly, Precinct Structure Plan provisions will take precedence in the case of any inconsistencies, as SPP 7.3’s Primary Control Table (Table 2) is a ‘default’ table of standards *“and does not supersede any development standard provided by a local planning scheme, local planning policy, structure plan, activity centre plan or local development plan.”* This provides the City (or other responsible authority) with the necessary statutory powers when assessing and determining any application for development approval or recommending subdivision approval.

A residential density code of R5 is proposed for lots along Gilwell Avenue as discussed in Proposal Four below.

**Proposal 3 – Reclassification of Lot 39 (No.24) Page Road, Kelmscott to Parks and Recreation (Local)**

Proposal Three reclassifies Lot 39 (No.24) Page Road, Kelmscott as depicted on the Scheme Amendment Maps from ‘Residential (R15/40)’ zone to ‘Parks and Recreation (Local)’ reservation. The lot is zoned Urban under the Metropolitan Region Scheme (MRS) and abuts a ‘Parks and Recreation’ Reservations to the east associated with the Canning River, Bush Forever areas and the Water Corporation’s Rundle Street Main Drain.

Lot 39 Page Road is a City of Armadale freehold land asset which was purchased by the City in 1982 with the intention of developing the site for a “future civic use”. During preparation of the Precinct Structure Plan and stakeholder consultation, Lot 39 Page Road was identified for public open space. In July 2023 Council considered a review of the City’s Freehold Land Assets, and resolved (D21/7/23) that Lot 39 Page Road (in addition to other sites) would be considered as public open space under a freehold land tenure with minor landscaping works to be considered in the next review of the City’s Long Term Financial Plan.

The proposed reclassification of Lot 39 Page Road to the Parks and Recreation (local) reservation is consistent with the existing use of the land, the proposed Precinct Structure Plan land use outcome and the purpose and intent of the proposed reservation. The reclassification also represents a logical extension to the abutting open space and foreshore area (reserved as Parks and Recreation under the MRS).

**Proposal 4 – Rezoning of various lots on Gilwell Avenue/Clifton Street Lots and Lot 802 (No.11) Erica Street, Kelmscott to Residential**

Proposal Four rezones Lot 1 Clifton Street and Lot 2 (No.54), Lot 3, Lot 4 (No.50), Lot 5 (No.48), Lot 6 (No.46), Lot 7 (No.44), Lot 8, Lot 9 (No.38), Lot 10, Lot 13, Lot 14 (No.41), Lot 18 (No.47), Lot 19 (No.49), Lot 20 (No.51), Lot 21 (No.53), Lot 22 (No.55) and Lot 51 (No.35) Gilwell Avenue as depicted on the Scheme Amendment Map from ‘Special Residential’ to ‘Residential’ and assigns a density code of ‘R5’. Proposal Four also rezones Lot 802 (No.11) Erica Street as depicted on the Scheme Amendment Map from ‘District Centre’ to ‘Residential’ and assigns a density code of ‘R60’.

In line with the Precinct Structure Plan’s land use zones for lots along Gilwell Avenue and the WAPC’s position that the Special Residential zone is no longer a supported zone, Amendment No.124 seeks to rezone lots currently zoned Special Residential to Residential. A density code of R5 is proposed, which is the same residential density code applied to the Special Residential zone pursuant to TPS No.4 Clause 4.3.1 a). The proposed density code will ensure that the existing streetscape and local character is maintained.

The Precinct Structure Plan also identifies a Residential zone on Lot 802 (No.11) Erica Street, Kelmscott. This lot is currently zoned District Centre, however the lot contains four grouped dwellings in a survey strata subdivision that are differentiated from adjoining District Centre-zoned lots because vehicular access is via Erica Street (a low order residential cul-de-sac street) rather than Albany Highway. A Residential zone and R60 density code is more consistent with the existing approved development on the lot, the existing zoning/density codes of other lots on Erica Street and Erica Street’s lower order road status.

### **Proposal 5 – Removal of Special Use Zone 1 from portion of Page Road and Fancote Park**

Proposal Five removes the identified ‘Special Use 1’ designation from an approximate 180m length of Page Road. The Special Use designation also encroaches onto a 12m width of Fancote Park (Lot 24 Page Road) for the entire length, which portion is proposed to be reclassified to the ‘Parks and Recreation (Local)’ reservation consistent with the remaining land area of Fancote Park.

The inclusion of Special Use No.1 in TPS No.4 can be traced to the Department for Planning and Infrastructure and City of Armadale 2004 Kelmscott Enquiry By Design exercise (EBD). This exercise, consultation and subsequent report generated design, planning and infrastructure proposals to support town centre revitalisation. One proposal to enhance activation and improve urban form around Fancote Park was the possible sleeving of residential or mixed use development between the existing Stargate Shopping Centre and a future realigned Page Road carriageway (eastward, on the existing footprint of Fancote Park).

At the gazettal of TPS No.4 in 2005, Special Use No.1 was created as a negotiated outcome between the then Minister for Planning and Infrastructure and the City to implement this EBD proposal. The supporting TPS No.4 provisions required the WAPC’s approval for use and development of the Special Use No.1 land. However, neither the City nor any other party has progressed this negotiated outcome to implementation in the subsequent 18 year period, either by development applications or subdivisions.

The Precinct Structure Plan locates higher order mixed use development within the ‘Stargate Shopping Centre’ private landholding, supports recreation function and activation of Fancote Park and supports retention of significant trees (present within the Special Use No.1 designation). Therefore Special Use No.1 is no longer considered consistent with current strategic planning, the intention of the Precinct Structure Plan and the City’s parks improvement works in Fancote Park.

### **Proposal 6 – Apply Development Area No.67 (Special Control Area Map 3) over the Kelmscott District Centre**

Proposal Six amends Special Control Area Map 3 to designate all lots within the Kelmscott District Centre Precinct Structure Plan area and outside the Kelmscott Redevelopment Area as Development Area No.67 on the Special Control Area Map 3. This spatial extension establishes the requirement that a Precinct Structure Plan be approved for the land area prior to any major subdivision or development occurring for the whole of the Kelmscott District Centre. As such, this proposal is administrative in nature, but secures an appropriate ‘head of power’ in TPS No.4. Proposed amendments to TPS No.4 Schedule 8 with respect to Development Area No.67 are discussed in further detail below.

**Proposal 7 – District Centre Zone Objectives Review**

Proposal Seven amends TPS No.4 Clause 3.2.6 ‘District Centre’ to add a new objective at c) as follows:

- c) *to provide for a high amenity mixed use residential environment that enhances the vibrancy and diversity of activity of the place.*

At present, the District Centre zone objectives make no reference to mixed use development outcomes, which is a core focus for future development in the Kelmscott and Harrisdale District Centres. The inclusion of this objective will allow the continued development of residential uses within the Kelmscott District Centre and also bring the zone objectives in line with the land use permissibility afforded by the District Centre zone which allows for the development of residential uses. The existing District Centre zone objectives do not explicitly reference residential uses as being supported or encouraged within this zone. The proposed objective is consistent with the objectives for the Precinct Structure Plan’s ‘Mixed Use Land Use’ areas to contain a range of non-residential and residential uses in a variety of forms that create a vibrant and well-designed District Centre.

**Proposal 8 – District Centre Zone Land Use Permissibility Minor Review**

Proposal Eight amends the permissibility of land uses in the District Centre zone column of TPS No.4 Table 1 (Zoning Table) for select land uses, as outlined in the table below. Symbols have the same meaning as defined in Clause 3.3, being ‘X’ (not permitted), ‘A’ (discretionary, subject to advertising), ‘D’ (discretionary) and ‘P’ (permitted).

Land use permissibility of the District Centre zone is considered to be generally in line with the expectations of the objectives and aspirations of District Centres within the City (including the Kelmscott District Centre), however there are certain land uses that limit a District Centre’s ability to accommodate mixed use activities or require further assessment to demonstrate consistency with an approved Precinct Structure Plan. This Amendment seeks to modify land use permissibility for these uses within TPS No.4 Table 1 applicable to the whole District Centre zone as outlined below.

Importantly, this proposal has been prepared in the context of DPLH Officer advice discussed earlier in this report that the City should not progress significant land use permissibility changes prior to the preparation of TPS No.5.

<b>TPS NO.4 AMENDMENT NO.124 LAND USE REVIEW TABLE</b>		
<b>District Centre Use Classes</b>	<b>Current TPS No.4</b>	<b>Amendment No.124</b>
<p><b><u>Industry – Cottage</u></b></p> <p><b>Defined as:</b> “A trade or light industry producing arts and crafts goods, which does not fall within the definition of a home occupation and which —</p> <p>(a) does not cause injury to or adversely affect the amenity of the neighbourhood;</p> <p>(b) where operated in a residential zone, does not employ</p>	<b>P</b>	<b>D</b>

<b>TPS NO.4 AMENDMENT NO.124 LAND USE REVIEW TABLE</b>		
<b>District Centre Use Classes</b>	<b>Current TPS No.4</b>	<b>Amendment No.124</b>
<p><i>any person other than a member of the occupier's household;</i>  <i>(c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;</i>  <i>(d) does not occupy an area in excess of 50 square metres;</i>  <i>and</i>  <i>(e) does not display a sign exceeding 0.2 square metres in area;"</i></p> <p><b>Rationale:</b> The City's discretion should be applied in determining the appropriateness of the use, assessing amenity impacts and ensuring the objectives of any applicable Precinct Structure Plan are not prejudiced.</p>		
<p><b><u>Single House</u></b></p> <p><b>Definition:</b> <i>"has the same meaning as in the R-Codes", that is: "A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access of services and excludes dwellings on titles with areas held in common property" (SPP 3.7)</i></p> <p><b>Rationale:</b> Permitting the Single House land use as-of-right is not consistent with the retail and mixed use residential outcomes sought in the District Centre zone. Single House development is likely to be an inefficient use of land, however it could be considered where the objectives and development outcomes of any relevant Precinct Structure Plan are not prejudiced.</p>	<b>P</b>	<b>D</b>
<p><b><u>Veterinary Centre</u></b></p> <p><b>Definition:</b> <i>"premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders"</i></p> <p><b>Rationale:</b> As District Centres are intended for more intensive mixed use development, offsite impacts should be considered in the assessment of this land use with any such proposals advertised for public comment.</p>	<b>D</b>	<b>A</b>

The above modifications are minor in that no changes apply or remove non-permissible (X) land uses.

With regard to other land uses identified for possible review during Precinct Structure Plan preparation, the permissibility of the following land uses were not reviewed at this time but may be considered again in TPS No.5: Industry – Service, Home Store, Motor Vehicle, Boat and Caravan Sales, Night Club, Auction Mart, Betting Agency, Caretakers Dwelling, Bulky Goods Showroom, Ancillary Accommodation and Family Day Care. These uses were not reviewed given the likelihood of converting to or from non-permissible land uses prior to preparation of TPS No.5.

**Proposal 9 – TPS No.4 District Centre Zone Plot Ratio Provisions**

Proposal Nine amends subclause b) under Clause 4C.3.1 b) ‘Building Bulk’ as follows:

- b) District Centre Zone: 1.0 unless a maximum plot ratio is otherwise specified in an approved Structure Plan or Precinct Plan.*

Building bulk (plot ratio) requirements for the Strategic Regional, District Centre, Local Centre and Mixed Business/Residential zones are controlled by the existing provisions of TPS No.4 Part 4C. Currently a maximum plot ratio of 1.0 applies for development within the District Centre zone.

The definition of plot ratio under TPS No.4 and SPP 7.3 does not differentiate between residential (including mixed use residential buildings) and non-residential buildings/development. As such, the maximum plot ratio of 1.0 that applies to the District Centre zone under Clause 4C.3.1 b) is inconsistent with both the residential and non-residential plot ratio floorspace provisions in Precinct Structure Plan Part 1.

As plot ratio is considered a key built form control that should be given the force and effect of TPS No.4, Amendment No.124 proposes to retain the existing Scheme provision of a maximum plot ratio floorspace within the District Centre zone, unless determined by an approved Structure Plan or Precinct Structure Plan. This provides an additional level of certainty and clarity than currently provided by TPS No.4.

**Proposal 10 – TPS No.4 Schedule 8 Development (Structure Planning) Areas**

Proposal 10 amends TPS No.4 Schedule 8 – Development (Structure Planning) Areas to include the following new provisions for Development Area No.67 in the table below. It should be noted that TPS No.4 Amendment No.112 originally proposed Development Area No.67 provisions and the provisions in that amendment will continue to apply. Therefore provisions specific to Amendment No.124 and Precinct Structure Plan outcomes commence after Provision 67.3.

No.	Description of Land	Additional provisions applicable to subdivision and development
67	Kelmscott District Centre	67.4 The subdivision and development of all land shall comply with the following provisions as contained within Part 1 of the Kelmscott District Centre Precinct Structure Plan. In the event of any inconsistency between the standards outlined below and the standards outlined in Part 4C of this Scheme, the standards outlined below shall prevail.

No.	Description of Land	Additional provisions applicable to subdivision and development
		<ul style="list-style-type: none"> <li>a) Interim Land Uses:               <ul style="list-style-type: none"> <li>i. Applications for development approval (including changes of use) proposing an interim land use as defined in Part 1 of the Kelmscott District Centre Precinct Structure Plan may only be considered where the requirements specified in Part 1 are satisfied.</li> </ul> </li> <li>b) Tree Retention, in addition to TPS No.4 Clause 4C.9               <ul style="list-style-type: none"> <li>i. In the assessment of subdivision applications, the local government will recommend to the WAPC that the location of significant trees be shown on subdivision plans as ‘to be retained’ to ensure protection where possible.</li> <li>ii. Where subdivision/development is proposed in areas with existing mature trees, proponents should undertake a Significant Tree Survey and the results should be used to inform the subdivision design process and prioritise significant tree retention. The ‘significance’ of trees should consider qualities such as age and condition, height, spread, girth, species, historical association, habitat value and landscape amenity value.</li> </ul> </li> <li>c) Landscaping               <ul style="list-style-type: none"> <li>i. Landscaping for developments is to be provided in accordance with this Scheme, Local Planning Policies and applicable guidelines. Landscaping shall also achieve the objectives and provisions of State Planning Policy 7.3 - Residential Design Codes (Volume 2) (as amended) where applicable to residential and mixed use developments.</li> <li>ii. Applications for development approval shall be accompanied by a landscape plan addressing the requirements of the Precinct Structure Plan, this Scheme, Local Planning Policies and applicable guidelines.</li> <li>iii. In addition to the requirements of SPP 7.3 and/or the relevant Scheme provisions, local planning policies and guidelines, applications for subdivision or development approval shall demonstrate the preservation</li> </ul> </li> </ul>

No.	Description of Land	Additional provisions applicable to subdivision and development
		<p>of trees in private lots, road reserves and recreation reserves. Evidence of proposed tree retention is to be provided regardless of the number of lots proposed under a subdivision or the extent of development proposed. Information required by the local government for assessment is to be in accordance with the requirements of the relevant local planning policies.</p> <p>iv. The locations of landscaping areas and tree planting are to be consistent with the locations shown on Plan 6 Street Interface Type Plan of the Kelmscott District Centre Precinct Structure Plan, for lots where Plan 6 identifies that buildings are to be setback to enable tree planting and/or where landscaped parking is to be provided in the front setback.</p> <p>v. Where a proposed development includes portions of a car parking area abutting a street, an area no less than 2.0m wide within the lot along all street alignments shall be set aside, developed and maintained as landscaping.</p> <p>vi. For non-residential development, a minimum of 10% of the development site, or 7% of the development site if an existing tree with a diameter of 500mm at 1.0m height is retained on site, shall be allocated for landscaping</p> <p>vii. For non-residential and mixed use development, shade trees shall be planted, spaced and maintained in car parking areas at a rate of 1 tree for every 4 car parking bays at intervals of no greater than 10m.</p> <p>viii. For non-residential development, further trees in addition to vii) above are to be provided at the rate of 1 tree per 500sqm of the development site area (minimum).</p> <p>ix. For grouped dwelling residential development within the Precinct Structure Plan area, the local government may impose a condition of development approval to require the planting of a new street tree where no street tree(s) exist or are to be retained, at the applicant's cost, on an abutting road reserve.</p>

No.	Description of Land	Additional provisions applicable to subdivision and development
		<p>x. In accordance with clause 4C.9 of this Scheme, a tree with a diameter of 500mm at 1.0m height in the District Centre zone shall not be removed, lopped, topped, chopped, ringbarked or otherwise trimmed or destroyed without the prior written approval of the local government.</p>

Currently, built form controls (such as setbacks and landscaping) are included in Precinct Structure Plan Part 1 Implementation Section. However, as structure plans and precinct structure plans are instruments of due regard and do not have the same statutory force and effect as TPS No.4, it is proposed to include key subdivision and development considerations applicable in Development Area No.67 into TPS No.4 Schedule 8. Interim land uses (time limited approvals), landscaping and tree retention were identified as gaps in the primary considerations for the District Centre’s amenity and improved urban design, and therefore these provisions have been incorporated into TPS No.4. Other existing key built form controls in TPS No.4 Part 4C, such as setbacks, building height and car parking, are considered appropriate to achieve Precinct Structure Plan outcomes.

## **ANALYSIS**

### **Environmental Characteristics**

The Precinct Structure Plan has been the subject of technical studies and assessment during its preparation and assessment process to date. The outcomes of the various technical assessments prepared at Precinct Structure Plan stage do not identify any environmental impacts on land the subject of Amendment No.124, and various constraints are addressed in the Precinct Structure Plan built form provisions. Minimal to negligible impacts have been determined, having regard to the necessary matters that require addressing from an environmental perspective, namely bushfire management, environmental and landscape management (including tree preservation), water management, heritage and noise and vibration. In this respect Amendment No.124 will ensure that development within the Precinct Structure Plan area protects, enhances and responds to the environmental features and attributes.

A high level of amenity and recreation benefits are afforded by the riverine environment of the Canning River and the objectives and subdivision/development requirements as provided for in the Precinct Structure Plan will ensure that development responds appropriately and sensitively to the environmental features, particularly around the river environs. In this regard the Precinct Structure Plan aims to improve stormwater quality overtime, particularly through upgrades to the Water Corporation’s Rundle Street Main Drain by the Water Corporation (the City is currently advocating for these improvements). It is also noted that the Precinct Structure Plan and Amendment No.124 do not change the protection afforded to the Canning River through the Metropolitan Region Scheme and the Swan Canning River Development Control Area.

Officers of DWER EPA Services previously indicated via email that their involvement in the Precinct Structure Plan preparation was not required. DWER EPA Services considered, at a high level, that the Kelmscott District Centre is an ‘established’ or ‘built out’ centre with limited to no impact on the natural environment. DWER EPA Services indicated that any future amendment would likely be considered in the same manner as a normalisation amendment where TPS No.4 is amended to introduce a Structure Plan without implementing significant land use change. In this regard, the Precinct Structure Plan and proposed Amendment No.124 do not seek to introduce additional greenfield or urban fringe development areas that would warrant consideration by DWER EPA Services.

### Scheme Amendment Process

The *Act* provides the head of power for the amendment of Local Planning Schemes and includes procedural provisions regarding referral of amendments to the EPA to determine if environmental assessment under Part IV Division 3 of the *Environmental Protection Act 1986* is required (Section 81) and the requirement for public/agency advertising (Section 83). The proclamation of the *Planning and Development Amendment Act 2020* on 1 August 2023 has also resulted in the insertion of Section 83A, which requires all scheme amendments to be submitted to the Minister for Planning for the Minister’s approval to advertise. The Minister may approve advertising, require modifications prior to advertising or refuse approval for advertising.

The *Regulations* provide additional procedural direction on the scheme amendment process. *Regulation 34* defines the different categories of scheme amendments and a risk-based assessment model where scheme amendments are categorised as basic, standard or complex. This Amendment is considered to be a ‘Standard Amendment’ under Part 5, Clause 34(i) of the *Regulations* for the reasons outlined below in response to *Regulation 34* criteria.

<b>TPS NO.4 AMENDMENT NO.124 STANDARD AMENDMENT CRITERIA</b>	
<b>Regulation 34 Criteria – Standard Amendment</b>	<b>Response to Criteria</b>
a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve	Amendment No.124 primarily relates to the District Centre zone, as well as a discrete Residential zone on Gilwell Avenue. The Amendment proposes a new objective for the District Centre zone to bring the objectives into alignment with the Precinct Structure Plan and general District Centre aspirations to support high amenity mixed use environments with compatible centre activities and development. The Amendment proposals are consistent with the relevant zone objectives.
b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission	Amendment No.124 is consistent with the District Centre ‘Employment Area’ designation of the City’s current (2016) Local Planning Strategy and District Centre under the City’s draft local planning strategy (under preparation). The Amendment is considered to be consistent with the City’s existing strategic planning framework, and will be considered in parallel with the proposed Precinct Structure Plan to reflect proposed land use and development outcomes

<b>TPS NO.4 AMENDMENT NO.124 STANDARD AMENDMENT CRITERIA</b>	
<b>Regulation 34 Criteria – Standard Amendment</b>	<b>Response to Criteria</b>
c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment	Amendment No.124 is consistent with the zones and reservations of the Metropolitan Region Scheme (MRS), which primarily zones the Precinct Structure Plan area ‘Urban’. The Amendment also proposes to reserve areas of open space as Parks and Recreation (Local) consistent with the existing use of the land and the purpose for which the land is currently zoned under the MRS.
d) An amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan	Amendment No.124 is considered appropriate to accommodate future subdivision and development in accordance with the intent of the Precinct Structure Plan. The Amendment is required to implement the land use and development framework identified in Precinct Structure Plan Part 1. The land use zones depicted on the Precinct Structure Plan align with the zones/reserves of the Amendment, namely the District Centre zone and the Residential zone.
e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment	The Amendment No.124 area and associated Precinct Structure Plan boundary has been carefully considered based on physical characteristics/features (such as the Perth to Armadale railway line, Albany Highway and the Canning River) and existing and future zones/land uses (Armadale Redevelopment Area and surrounding suburban residential development). The Precinct Structure Plan facilitates a ‘core’ and ‘transition’ area to ensure appropriate interfaces to surrounding residential areas. This will be implemented through the specified residential density codings and built form provisions in both Amendment No.124 and the Precinct Structure Plan. The Precinct Structure Plan was prepared in consultation with various stakeholders and has been subject to statutory consultation in accordance with the <i>Regulations</i> ; no significant issues were identified.
f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area	The Precinct Structure Plan was informed by technical studies and assessments. Minimal to negligible impacts were identified, having regard to the necessary planning matters that require consideration including traffic, environmental, social, economic and bushfire management characteristics. The Kelmscott District Centre is an existing centre and Amendment No.124 supports Precinct Structure Plan

<b>TPS NO.4 AMENDMENT NO.124 STANDARD AMENDMENT CRITERIA</b>	
<b>Regulation 34 Criteria – Standard Amendment</b>	<b>Response to Criteria</b>
	outcomes that improve utilisation of land in a transit-oriented town centre precinct, in accordance with State Government strategic planning objectives.
g) Any other amendment that is not a complex or basic amendment.	Not applicable.

In summary, Amendment No.124 is considered to be an amendment that is consistent with an advertised and Council-endorsed strategic planning document (the Precinct Structure Plan), and is not a basic or complex amendment because it meets the Standard Amendment criteria outlined above as applicable.

Part 5 Division 3 of the *Regulations* sets out subsequent procedural steps for standard amendments. In general terms, if the scheme amendment does not require environmental assessment and the Minister approves of advertising, the City is to advertise the amendment for a period of time not less than 42 days and has 60 days after the end of the submission period in which to consider the submissions and make a recommendation for the Minister’s final decision.

## **OPTIONS**

1. Council may initiate the scheme amendment for public review as proposed or with modifications as determined by Council.
2. Council may decline the initiation of the scheme amendment and provide reasons for its decisions.

## **CONCLUSION**

Amendment No.124 proposes to integrate the development and land provisions of the Kelmscott District Centre Precinct Structure Plan (as recommended for approval to the WAPC by Council, subject to modifications) into TPS No.4. This includes additional provisions in TPS No.4 Schedule 8 Development (Structure Planning) Areas to guide future subdivision and built form design outcomes in the District Centre. Amendment No.124 has also been prepared having regard to the advice of relevant State Government agencies and future changes to the City’s Local Planning Framework.

Following the closure of the advertising period, a further report on Amendment No.124 and any submissions received during the advertising period will be presented to Council for its consideration of final adoption and recommendation to the Minister.

Given the above, Option 1 is recommended.

## ATTACHMENTS

1. ↓ Location Plan - Kelmscott District Centre Structure Plan
2. ↓ Aerial Plan - Kelmscott District Centre Structure Plan
3. ↓ Explanatory Attachment - Preliminary (Phase 1) Consultation and Statutory (Phase 2) Consultation Information
4. ↓ Explanatory Attachment - Kelmscott District Centre Precinct Structure Plan Document Overview
5. ↓ Proposal 1 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
6. ↓ Proposal 2 (Sheet 1 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
7. ↓ Proposal 2 (Sheet 2 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
8. ↓ Proposal 2 (Sheet 3 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
9. ↓ Proposal 3 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
10. ↓ Proposal 4 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
11. ↓ Proposal 5 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
12. ↓ Proposal 6 - Special Control Area Map 3 - TPS No.4 - Amendment No.124

## RECOMMEND

D28/10/23

### That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate Amendment No.124 to Town Planning Scheme No.4, as follows:

#### **Proposal 1 – Rezoning of Land to District Centre Zone**

- a. **Rezone the following lots as identified on the Scheme Amendment Maps from ‘Residential (R15/60)’ to ‘District Centre’: Lot 12 (No.38), Lot 60 (No.36), Lot 64 (No.32), Lot 65 (No.34), Lot 581 (No.40) and Lot 582 (No.42) Streich Avenue and portion of Lot 800 (No.2907) Albany Highway, Kelmscott;**
- b. **Rezone the following lots as identified on the Scheme Amendment Maps from ‘Residential (R15/40)’ to ‘District Centre’: Lots 1-2 (No.14-14a), Lot 6 (No.8), Lot 7 (No.10a), Lot 10 (No.32), Lot 21, Lot 21 (No.16) Lot 23 (No.12), Lot 32 (No.20), Lot 35 (No.18), Lot 33 (No.28), Lot 34 (No.30) and Lot 40 (No.22) Page Road, Kelmscott and Lot 8 (No.26) Gilwell Avenue, Kelmscott;**

#### **Proposal 2 – Assign Density Codes to Kelmscott District Centre Precinct Structure Plan Area**

- c. **Apply the R60, R-AC1, R-AC3 and R-AC 4 residential density codes to various lots within the Kelmscott District Centre as depicted on the Scheme Amendment Maps;**

#### **Proposal 3 – Reclassification of Lot 39 (No.24) Page Road, Kelmscott**

- d. **Reclassify Lot 39 (No.24) Page Road, Kelmscott as depicted on the Scheme Amendment Maps from ‘Residential (R15/40)’ zone to ‘Parks and Recreation (Local) Reservation’;**

**Proposal 4 – Rezoning of Gilwell Avenue/Clifton Street Lots and Lot 802 (No.11) Erica Street, Kelmscott to Residential**

- e. **Rezone the following lots as depicted on the Scheme Amendment Maps from ‘Special Residential’ to ‘Residential’ and assign a density code of ‘R5’:** Lot 1 Clifton Street, Kelmscott and Lot 2 (No.54), Lot 3, Lot 4 (No.50), Lot 5 (No.48), Lot 6 (No.46), Lot 7 (No.44), Lot 8, Lot 9 (No.38), Lot 10, Lot 13, Lot 14 (No.41), Lot 18 (No.47), Lot 19 (No.49), Lot 20 (No.51), Lot 21 (No.53), Lot 22 (No.55) and Lot 51 (No.35) Gilwell Avenue, Kelmscott;
- f. **Rezone Lot 802 (No.11) Erica Street, Kelmscott as depicted on the Scheme Amendment Maps from ‘District Centre’ to ‘Residential’ and assign a density code of ‘R60’;**

**Proposal 5 – Removal of Special Use Zone 1 from portion of Page Road Reserve and Fancote Park**

- g. **Reclassify portion of Lot 24 Page Road (Fancote Park) as depicted on the Scheme Amendment Maps from ‘Special Use’ zone to ‘Parks and Recreation (Local)’ reservation;**
- h. **Remove the ‘Special Use’ zone from the Page Road reserve as depicted on the Scheme Amendment Maps;**
- i. **Remove the ‘Special Use No.1’ entry from Schedule 4 – Special Use Zones;**

**Proposal 6 – Apply Development Area No.67 (Special Control Area Map 3) over the Kelmscott District Centre**

- j. **Modify Special Control Area Map 3 to apply Development Area No.67 over various lots in the Kelmscott District Centre as depicted on the Scheme Amendment Maps;**

**Proposal 7 – District Centre Zone Objectives Review**

- k. **Modify Clause 3.2.6 District Centre to add a new objective in appropriate numerical order as follows:**
  - “c) **to provide for a high amenity mixed use residential environment that enhances the vibrancy and diversity of activity of the place.”;**

**Proposal 8 – District Centre Zone Land Use Permissibility Review**

- l. **Modify the Table 1 (Zoning Table) land use permissibility for the ‘District Centre’ zone in the following manner:**
  - i. **Industry – Cottage from ‘P’ to ‘D’;**
  - ii. **Single House from ‘P’ to ‘D’; and**
  - iii. **Veterinary Centre from ‘D’ to ‘A’;**

**Proposal 9 – District Centre Zone Plot Ratio Provisions**

- m. **Modify Clause 4C.3.1 b) to insert the following text after “District Centre Zone: 1.0”:**

**“unless a maximum plot ratio is otherwise specified in an approved Structure Plan or Precinct Structure Plan”;**

**Proposal 10 – Schedule 8 Development (Structure Planning) Areas Provisions**

- n. **Insert the following text in Schedule 8 Development (Structure Planning) Areas for the Kelmscott District Centre identified as Development Area No.67 on Special Control Area Map 3:**

No.	Description of Land	Additional provisions applicable to subdivision and development
67	Kelmscott District Centre	<p><b>67.4 The subdivision and development of all land shall comply with the following provisions as contained within Part 1 of the Kelmscott District Centre Precinct Structure Plan. In the event of any inconsistency between the standards outlined below and the standards outlined in Part 4C of this Scheme, the standards outlined below shall prevail.</b></p> <p><b>a) Interim Land Uses</b></p> <p><b>i. Applications for development approval (including changes of use) proposing an interim land use as defined in Part 1 of the Kelmscott District Centre Precinct Structure Plan may only be considered where the requirements specified in Part 1 are satisfied.</b></p> <p><b>b) Tree Retention, in addition to TPS No.4 Clause 4C.9</b></p> <p><b>i. In the assessment of subdivision applications, the local government will recommend to the WAPC that the location of significant trees be shown on subdivision plans as ‘to be retained’ to ensure protection where possible.</b></p> <p><b>ii. Where subdivision/development is proposed in areas with existing mature trees, proponents shall undertake a Significant Tree Survey and the results shall be used to inform the subdivision design process and prioritise significant tree retention.</b></p>

		<p>The ‘significance’ of trees shall consider qualities such as age and condition, height, spread, girth, species, historical association, habitat value and landscape amenity value.</p> <p><b>c) Landscaping</b></p> <p><b>i.</b> Landscaping for developments is to be provided in accordance with this Scheme, Local Planning Policies and applicable guidelines. Landscaping shall also achieve the objectives and provisions of State Planning Policy 7.3 - Residential Design Codes (Volume 2) (as amended) where applicable to residential and mixed use developments.</p> <p><b>ii.</b> Applications for development approval shall be accompanied by a landscape plan addressing the requirements of the Precinct Structure Plan, this Scheme, Local Planning Policies and applicable guidelines.</p> <p><b>iii.</b> In addition to the requirements of SPP 7.3 and/or the relevant Scheme provisions, local planning policies and guidelines, applications for subdivision or development approval shall demonstrate the preservation of trees in private lots, road reserves and recreation reserves. Evidence of proposed tree retention is to be provided regardless of the number of lots proposed under a subdivision or the extent of development proposed. Information required by the local government for assessment is to be in accordance with the requirements of the relevant local planning policies.</p> <p><b>iv.</b> The locations of landscaping areas and tree planting are to be consistent with the locations shown on Plan 6 Street Interface Type Plan of the Kelmscott District Centre Precinct Structure Plan, for lots where Plan 6 identifies that buildings are to be setback to enable tree planting and/or where landscaped parking is to be provided in the front setback.</p>
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		<ul style="list-style-type: none"><li>v. Where a proposed development includes portions of a car parking area abutting a street, an area no less than 2.0m wide within the lot along all street alignments shall be set aside, developed and maintained as landscaping.</li><li>vi. For non-residential development, a minimum of 10% of the development site, or 7% of the development site if an existing tree with a diameter of 500mm at 1.0m height is retained on site, shall be allocated for landscaping</li><li>vii. For non-residential and mixed use development, shade trees shall be planted, spaced and maintained in car parking areas at a rate of 1 tree for every 4 car parking bays at intervals of no greater than 10m.</li><li>viii. For non-residential development, further trees in addition to vii) above are to be provided at the rate of 1 tree per 500sqm of the development site area (minimum).</li><li>ix. For grouped dwelling residential development within the Precinct Structure Plan area, the local government may impose a condition of development approval to require the planting of a new street tree where no street tree(s) exist or are to be retained, at the applicant's cost, on an abutting road reserve.</li><li>x. In accordance with clause 4C.9 of this Scheme, a tree with a diameter of 500mm at 1.0m height in the District Centre zone shall not be removed, lopped, topped, chopped, ringbarked or otherwise trimmed or destroyed without the prior written approval of the local government.</li></ul>
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**o. Amend the Scheme Maps accordingly.**

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

**a. The Amendment relates to a zone or reserve that is consistent with the**

- objectives identified in the scheme for that zone or reserve;
- b. **The Amendment is consistent with the local planning strategy for the scheme that has been endorsed by the Commission;**
  - c. **The Amendment is consistent with a region planning scheme that has been endorsed by the Commission;**
  - d. **The Amendment to the scheme map is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all types that are outlined in the plan;**
  - e. **The Amendment has minimal impact on land in the scheme area that is not the subject of the amendment;**
  - f. **The Amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
  - g. **The Amendment does not meet the definition of a complex or a basic amendment.**
3. **Refer the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to Section 81 of the *Planning and Development Act 2005*.**
  4. **Refer the above Amendment to Town Planning Scheme No.4 to the Minister for Planning, Lands, Housing and Homelessness pursuant to Section 83A of the *Planning and Development Act 2005* for approval to advertise the Amendment.**
  5. **Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents, including in the instance that the Minister requires minor modifications to the Amendment prior to advertising.**
  6. **Should the EPA advise that the Amendment does not require assessment, and the Minister for Planning, Lands, Housing and Homelessness grant approval to advertise the Amendment, conduct advertising for a period of 42 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**Moved Cr R Butterfield  
MOTION CARRIED**

**(6/0)**