



TOWN PLANNING SCHEME NO. 4

*AMENDMENT TO TOWN PLANNING SCHEME NO. 4
– STANDARD OMNIBUS AMENDMENT*

AMENDMENT
No. 109

CONTENTS

- A. Form 2A (Regulation 35 (1))
- B. Scheme Maps
- C. Scheme Report
- D. Final adoption and signatures

Planning and Development Act 2005

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

CITY OF ARMADALE TOWN PLANNING SCHEME NO. 4

AMENDMENT NO. 109

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

1. Amending the Scheme Maps as follows:
 - a. rezoning of the following lots from “*Residential*” zone to “*Parks and Recreation*” reserve:
 - Lot 2368 Dale Road, Armadale
 - Lot 4120 Woodcroft Place, Mount Richon
 - Lot 2468 Ironcap Place
 - Lot 2904 Tomah Road Armadale
 - Lot 4157 Albens Vale, Roleystone
 - Lot 4159 Rubida Rise, Roleystone
 - Lot 5028 Indica Court, Roleystone
 - Lot 830 Zavatteri Rise, Roleystone
 - Lot 8000 Moseri Road, Roleystone
 - Lot 802 Heath Road, Roleystone
 - Lot 2247 Adair Avenue, Mount Nasura
 - Lot 4999 Brookton Highway, Kelmscott
 - Lot 3860 Henrietta Avenue, Mount Nasura
 - Lot 3964 Kincaig Close, Camillo
 - Lot 616 Edinburgh Road, Roleystone
 - Lot 457 Lomond Way, Seville Grove
 - Lot 101 Tickle Road, Seville Grove
 - Lot 3918 Lisbon Way, Seville Grove
 - Lots 8002, 8005, 8006, 8007 Ralphs Street, Seville Grove
 - Lot 4927 Braemore Street, Seville Grove
 - Lot 11 Skua Grove, Seville Grove.
 - Lot 122 Semple Road, Camillo
 - Lot 3442 Bishop Close, Seville Grove
 - Lot 212 Asplin Loop, Kelmscott
 - Lot 167 Amethyst Crescent, Mount Richon
 - Lot 66 Wilcania Way, Armadale
 - Lot 300 Ninth Road, Brookdale

- b. rezoning of Lot 4163 Richon Heights, Mount Richon, Lot 3877 Cooliabberra Drive, Mount Richon and Lot 3876 Leys Rise, Mount Richon from “*Rural Living 1*” to “*Parks and Recreation*” reserve;
 - c. rezoning of Lot 503 Thompson Road, Roleystone from “*Rural Living 2*” to “*Parks and Recreation*” reserve;
 - d. rezoning of Lot 352 and 451 Weld Street and Robinson Street Forrestdale from “*Public Purpose*” reserve to “*Parks and Recreation*” reserve;
 - e. rezoning of Lots 500 and 501 Ranford Road Harrisdale from “*Urban Development*” zone to “*Parks and Recreation*” reserve;
 - f. rezoning of a portion of Lot 308 Calliandra Place, Roleystone from “*Residential*” zone to “*Parks and Recreation*” reserve;
 - g. rezoning of a portion of Reserve 32120 from “*Parks and Recreation*” reserve to “*Residential*” zone;
 - h. rezoning of Lot 11 Godwit Retreat, Bedfordale from “*Unzoned*” reserve (regional) to “*Rural Living 10*” zone; and
 - i. rezoning of portion of Lot 820 Old Coach Place, Roleystone from “*Unzoned*” reserve (regional) to “*Residential*” zone.
2. Insert new subclause under Clause 1.6 as follows:
- “(m) To prioritise the protection of life and property from bushfire attack where areas with an elevated bushfire risk are being planned for new development.”*
3. Amending the Land Use Permissibility’s for “*Consulting Room*” and “*Medical Centre*” Use Classes to a “*D*” in “*Mixed Business/Residential*” and “*P*” under “*Strategic Regional Centre*” under the Zoning Table.
4. Insert new Clause 4.14 as follows:
- “4.14 Design Review Panel*
- 4.14.1 A Design Review Panel may be appointed by the City for the purpose of considering, and advising on design elements of planning applications and/or planning documents.*
- 4.14.2 The operation of the Design Review Panel and the matters the City will consult the Design Panel shall be described in a Local Planning Policy in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015.*
- 4.14.3 The City shall have due regard for the recommendation of the Design Review Panel when dealing with applications and/or planning documents.”*
5. Insert new Clause 4.15 as follows:
- “4.15 Zoning Designations on Normalised Areas*

Where an area that has been normalised under the Metropolitan Redevelopment Authority Act 2011 and includes an Urban Place or Suburban Place Code designation, it shall be replaced as follows:

- (a) Where a Structure Plan has been adopted, then the Residential zone applies;*
- (b) Where a Structure Plan has not yet been adopted, then the Urban Development zone applies.”*

6. Modify subclause (b) under Section 4C.5.3 as follows:

“(b) provision of shade trees at a rate of one (1) tree per four (4) parking bays planted at intervals of no greater than 10 metres along any line of car parking bays. Where those bays are immediately adjacent to a building, the City may permit the required trees in another location on site.”

7. Modify Section 4D.4.3 as follows:

- “(a) a minimum 2 metre wide landscape strip along all street boundaries;*
- (b) a minimum 3 metre wide landscape strip along all street boundaries within the Forrestdale Business area; and*
- (c) provision of shade trees at a rate of one (1) tree per four (4) parking bays planted at intervals of no greater than 10 metres along any line of car parking bays. Where those bays are immediately adjacent to a building, the City may permit the required trees in another location on site.”*

8. Delete Additional Use 28 under Schedule 2 and amend the Scheme map accordingly.

9. Insert a new Additional Use 49 into Schedule 2 as follows:

No.	Description of Land	Additional Use	Conditions and Requirements (See Note 1)
49	Lot 1 (1256) Armadale Road, Armadale (Haynes Shopping Centre).	The local government may at its discretion, permit the following uses (D Uses)— • Bulky Goods Showroom	49.1 It is intended that development of the site will take the form of a Bulky Goods Showroom, in accordance with the Lot 6, 700 and 701 Eighth Road Development shall be in accordance with the requirements of the approved Structure Plan for the site. 49.2 Bulky Goods Showroom shall only be permitted by the local government where it is satisfied such use is compatible with surrounding uses.

10. Modify the “Residential Buildings” Car Parking Requirements under Schedule 7A to read as follows:

“1 space per occupant, plus 1 space for every staff member present at any one time.”

Dated this 25th day of May, 2020

JOANNE ABBISS
CHIEF EXECUTIVE OFFICER

D35/5/20

**CITY OF ARMADALE
TOWN PLANNING SCHEME NO. 4**

AMENDMENT NO. 109

SCHEME REPORT

Contents

BACKGROUND	7
DETAILS OF PROPOSAL	7
COMMENT	8
CONCLUSION.....	18

BACKGROUND

The City's Town Planning Scheme No.4 (TPS No.4) was gazetted on 4th November 2005. Ongoing use of TPS No.4 subsequent to gazettal has revealed a number of areas where refinements are required to improve the Scheme's operational effectiveness and to otherwise correct minor errors, omissions or changes required in the text or the scheme maps. The process for implementation of recommended changes is through an Omnibus Scheme Amendment which combines multiple minor changes to the Scheme that wouldn't be suitable to be processed individually. A total of ten (10) proposals have been identified for inclusion in this omnibus amendment to TPS No.4, with one of the proposals including 30 map based changes and several text based changes.

The inclusion of minor proposals to form an omnibus amendment provides an efficient and effective process to amend the Scheme, in terms of the number of proposals, public consultation, the City's resources and reporting to Council.

The omnibus proposals are collectively considered to meet the criteria of a "standard" Scheme Amendment. As per Clause 34, Part 5 of the Planning and Development (Local Planning Scheme) Regulations 2015.

DETAILS OF PROPOSAL

Omnibus Amendment No.109 consists of the following proposals:

1. Zoning Amendments to the Scheme Map under the existing Town Planning Scheme No.4;
2. Include the high level issue of Bushfire protection in the aims of the Scheme under Clause 1.6 of Town Planning Scheme No.4;
3. Amending "Consulting rooms" from "D" to "P" permissibility in the Strategic Regional Centre Zone and amending "Medical Centre" from a "P" to "D" permissibility in the Mixed Business/Residential Zone under the Zoning Table;

4. Add new Clause 4.14 detailing “*Design Review Panel*”;
5. Additional Clause for Zoning Delegation in Normalised MRA Areas
6. Modifying Landscaping Requirements under Part 4D
7. Modifying Shade Tree Parking Requirements under Part 4C and 4D;
8. Removal of Additional Use 28 under Schedule 2 at former Lot 105 (No.119) Brookton Highway, Hill Street, Kelmscott (former Colli Timber site);
9. New Additional Use 49 under Schedule 2 for “Bulky Goods Showroom” at Lot 1 (1256) Armadale Road, Armadale (Haynes Shopping Centre); and
10. Modify Parking Requirements related to “*Residential Building*” under Schedule 7A.

Details of each proposal are discussed under the Comment section.

COMMENT

Proposal 1: Zoning Amendments to the Scheme Map under the existing Town Planning Scheme No.4

A total of 30 map based changes have been identified that require a Scheme Amendment. 24 of these proposed changes relate to reserves that are vested and managed by the City for public recreation or drainage purposes but are not correctly recognised as a Reserve under TPS No.4. These mapping amendments won’t alter how the reserves are currently being used, but will update the maps to correctly reflect the “*Parks and Recreation*” zoning.

A summary of the zoning proposals and the vested purpose for each reserve is provided below:

No	Address	Existing Zoning	Proposed Zoning	Vesting
1	Lot 2368 Dale Road, Armadale (Bavich Reserve)	Residential	Parks and Recreation	Public Recreation
2	Lot 4120 and a portion of Lot 19 Woodcroft Place, Mount Richon (Woodcroft Reserve)	Residential	Parks and Recreation	Drainage
3	Lot 4163 Richon Heights, Mount Richon	TPS No.4 -Rural Living 1 MRS - Rural	Parks and Recreation	Drainage
4	Lot 3877 Cooliabberra Drive, Mount Richon	TPS No.4 -Rural Living 1 MRS - Rural	Parks and Recreation	Drainage
5	Lot 3876 Leys Rise, Mount Richon	TPS No.4 -Rural Living 1 MRS - Rural	Parks and Recreation	Drainage
6	Lot 4868 and Lot 206 Ironcap Place and Lot	Residential	Parks and Recreation	Public Recreation

No	Address	Existing Zoning	Proposed Zoning	Vesting
	2904 Tomah Road, Armadale (Morgan Park)			
7	Lot 4157 Albens Vale, Roleystone (Albens Vale Park) and Lot 4159 Rubida Rise, Roleystone (Rubida Park)	Residential	Parks and Recreation	Drainage
8	Lot 5028 Indica Court, Roleystone (Indica Park)	Residential	Parks and Recreation	Drainage
9	Lot 830 Zavatteri Rise, Roleystone (Maclean Park)	Residential	Parks and Recreation	Public Recreation
10	Lot 8000 Moseri Road, Roleystone (Moseri Reserve) and Lot 802 Heath Road, Roleystone	Residential	Parks and Recreation	Public Recreation and Drainage
11	Lot 2247 Adair Avenue, Mount Nasura (Adair Reserve)	Residential	Parks and Recreation	Public Recreation
12	Lot 4999 Brookton Highway, Kelmscott (Hicks/Savage Park)	Residential	Parks and Recreation	Public Recreation
13	Lot 503 Thompson Road, Roleystone	TPS No.4 -Rural Living 2 MRS - Rural	Parks and Recreation	Public Recreation
14	Lot 3860 Henrietta Avenue, Mount Nasura (Henrietta Reserve)	Residential	Parks and Recreation	Public Recreation
15	Lot 3764, 3746 and Lot 255 Kinraig Close and Lot 255 Clyde Place, Comillo (Troon Park)	Residential	Parks and Recreation	Public Recreation
16	Lot 616 Edinburgh Road, Roleystone (Boisdale Park) and Lot 457 Lomond Way (Lamond Park)	Residential	Parks and Recreation	Public Recreation and Drainage

No	Address	Existing Zoning	Proposed Zoning	Vesting
17	Lot 101 Ticklie Road, Seville Grove (Ticklie Park)	Residential	Parks and Recreation	Public Recreation
18	Lot 3918 Lisbon Way, Seville Grove	Residential	Parks and Recreation	Public Recreation
19	Lot 8002, 8005, 8006, 8007 Ralphs Street, Lot 4927 Braemoore Street and Lot 11 Skua Grove, Seville Grove.	Residential	Parks and Recreation	Public Recreation
20	Lot 122 Semple Road, Camillo	Residential	Parks and Recreation	Public Recreation and Drainage
21	Lot 352 and 451 Weld Street and Robinson Street (William Skeet Oval)	Public Purpose	Parks and Recreation	Public Hall Site and Recreation
22	Lot 3442 Bishop Close, Seville Grove	Residential	Parks and Recreation	Public Recreation
23	Lot 212 Asplin Loop, Kelmscott	Residential	Parks and Recreation	Public Recreation and Drainage
24	Lot 500 and 501 Ranford Road, Harrisdale (Shepard Reserve)	Urban Development Zone	Parks and Recreation	Public Recreation

Six other TPS mapping zoning proposals have been identified resulting from a range of matters including land swaps, inconsistencies with the Metropolitan Region Scheme and non-vested, state owned land that is being used for reserve purposes. All of the proposals update the TPS No.4 maps and rectify inconsistencies to reflect how the lots are currently being utilised. The proposals and justification for each are as follows:

No	Address	Existing Zoning	Proposed Zoning	Justification
25	Portion of Lot 308 Calliandra Place, Roleystone and Portion of Reserve 32120 (Russelia Reserve)	Lot 308 – Residential Reserve 32120 - Parks and Recreation	Portion of Lot 308 -Parks and Recreation Portion of Reserve 32120 - Residential	Land swap resulting from encroachment as per previous Council Decision (D77/12/19)
26	Lot 167 Amethyst Crescent, Mount Richon	Residential	Parks and Recreation	Set aside by the City for drainage purposes.

				Freehold lot owned by City.
27	Lot 11 Godwit Retreat, Bedforddale	TPS No.4 - Unzoned MRS - Rural	Rural Living 10	Rectifies inconsistency between TPS 4 and MRS zoning. Is zoned Rural under MRS.
28	Portion of Lot 820 Old Coach Place, Roleystone (privately owned)	TPS No.4 - Unzoned MRS - Urban	Residential	Presumed land swap between resident and Department of Planning, Lands and Heritage resulting from encroachment
29	Lot 66 Wilcania Way, Armadale	Residential	Parks and Recreation	Owned by State for reserve purposes
30	Lot 300 Ninth Road, Brookdale (Flematti Reserve)	Residential	Parks and Recreation	Owned by State for reserve purposes

Proposal 2: Include the issue of Bushfire protection as an aim of the Scheme under Clause 1.6 of Town Planning Scheme No.4

The City's Local Planning Strategy (LPS) provides guidance and direction on a range of planning matters ranging from housing affordability, transport and the environment. Each section of the Strategy has specific actions to progress issues raised in the LPS. A section of the LPS titled "*Bushfire Protection Strategy*" details the importance of acknowledging bushfire related risks and ensure methods to reduce risk is implemented and maintained as part of land planning and development conditions. Action 1 of this section of the LPS states the following:

1. *Establish the goal of protection of life and property from bushfire attack as the highest priority in the planning of new land developments in areas with an elevated bushfire risk.*

In order to address this action, it is considered appropriate to recognise the risk posed by bushfires within TPS No.4. Clause 1.6 of TPS No.4 addresses the general aims of the Scheme and is an ideal location for an additional clause related to bushfires. It is recommended to include the following subclause to Clause 1.6:

- (m) *To prioritise the protection of life and property from bushfire attack where areas with an elevated bushfire risk are being planned for new development.*

Proposal 3: Amending "Consulting Rooms" from "D" to "P" permissibility in the Strategic Regional Centre Zone and amending "Medical Centre" from a "P" to "D" permissibility in the Mixed Business/Residential Zone under the Zoning Table

Currently, the permissibility for Consulting Rooms and Medical Centre under the Zoning Table in TPS No.4 is as follows:

USE CLASSES	ZONES										
	Residential	Special Residential	Rural Living	Special Rural	General Rural	Local Centre	District Centre	General Industry	Industrial Business	Mixed Business/Residential	Strategic Regional Centre
Consulting Rooms	A	X	A	X	X	P	P	X	D	D	D
Medical Centre	X	X	X	X	X	P	P	X	D	P	P

In Mixed Business/Residential and Strategic Regional Centre Zonings, Consulting Rooms have a “D” or discretionary permissibility, whereas the Medical Centre has a “P” or permitted use class permissibility. The definition of Consulting Rooms is as follows:

“Consulting rooms means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care”

The primary difference between the Consulting Room and Medical Centre definitions is the number of health consultants that may be present on site, with the Medical Centre allowing any number of health consultants. It therefore is inconsistent that a discretionary use class is applied to the smaller impact land use of Consulting Rooms with the larger equivalent land use of Medical Centre being permitted as of right.

The land use permissibility’s under the Strategic Regional Centre zoning is based on high density, business related land uses. The Mixed Business/Residential zone is considered the transition between the residential areas and the inner city centres. It therefore would be consistent and appropriate to treat both land uses equally as a D use in the Mixed Business/Residential Areas and a P use in the Strategic Regional Centre Zone as follows:

USE CLASSES	ZONES										
	Residential	Special Residential	Rural Living	Special Rural	General Rural	Local Centre	District Centre	General Industry	Industrial Business	Mixed Business/Residential	Strategic Regional Centre
Consulting Rooms	A	X	A	X	X	P	P	X	D	D	P
Medical Centre	X	X	X	X	X	P	P	X	D	D	P

Proposal 4: Add new Clause 4.14 detailing “Design Review Panel”

The State Government is progressing changes to State Government policies relating to residential development. “Design WA” is an initiative aimed at achieving superior built form outcomes across Western Australia, especially in relation to medium density apartment developments. Stage One of Design WA was gazetted on 24 May 2019 and included a Design Review Guide in addition to introducing State Planning Policies 7.0 and 7.3.

Part of this legislation aims to assist local governments with the establishment and operation of Design Review Panels. The Panels are intended to be organised and run by Local Governments to incorporate expert, independent advice relating to design quality and aid in decision making of high value development proposals.

The City recently introduced Local Planning Policy “PLN 3.13 – Design Review Panel” that formalises the City’s position relating to Design Review Panels and awarded a tender for professionals to form the Panel. In conjunction with this Design Review Panel policy, it is recommended to include the following Clauses into the Town Planning Scheme No.4:

4.14 – Design Review Panel

4.14.1 A Design Review Panel may be appointed by the City for the purpose of considering, and advising on design elements of planning applications and/or planning documents.

4.14.2 The operation of the Design Review Panel and the matters the City will consult the Design Panel shall be described in a Local Planning Policy in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015.

4.14.3 The City shall have due regard for the recommendation of the Design Review Panel when dealing with applications and/or planning documents.

It should be noted that the head of power for the Design Review Panels are the State Planning Policies and the Design Review Guide as well as the City’s TPS No.4. These provisions will recognise the importance of the Design Review Panel and formalise it within the Scheme text.

Proposal 5: Additional Clause for Zoning Delegation in Normalised MRA Areas

This proposal aims to simplify the normalisation process associated with the Metropolitan Region Areas. A Scheme provision is proposed that would enable the DevelopmentWA areas in Wungong Urban Water area to be normalised and operated by the City with minimum modifications. This is achieved by nominating a TPS No.4 residential zoning and coding equivalent to the Place Codes where a structure plan has been adopted or by applying an Urban Development zone where a Structure Plan has not been adopted as follows:

4.15 Zoning Designations on Normalised Areas

Where an area that has been normalised under the Metropolitan Redevelopment Authority Act 2011 and includes an Urban Place or Suburban Place Code designation, it shall be replaced as follows:

- (a) Where a Structure Plan has been adopted, then the Residential zone applies;*
- (b) Where a Structure Plan has not yet been adopted, then the Urban Development zone applies.*

This provision is proposed to be located within the General Development Requirements (Part 4) of the Scheme as it has not yet been confirmed that the Urban Development zoning will be applied to Wungong. This proposal is consistent with Council's decision on 27th May 2019 to not adopt the DevelopmentWA's Place Codes.

Proposal 6: Modifying Landscaping Requirements under Part 4D

The City has progressed the advertising and is recommending the adoption of Local Planning Policy 4.1: The Design of Industrial Sites and Estates. This policy outlines industrial development requirements for all industrial areas including the Forrestdale Business Park East (FBPE). This policy requires a 3 metre landscaping strip within the FBPE for industrial development and a 2 metre landscaping strip along all street frontages in all other industrial zones.

Part 4D of TPS No.4 details zone specific development requirements including setbacks, building height, car parking and landscaping. Part 4D.4.3 contain provisions relating to landscaping in industrial areas zones as follows:

Landscape planting is to be provided and maintained so as to minimise any adverse visual impact associated with the use and development of land, and is to include:

- (a) a minimum 2 metre wide landscape strip immediately inside the front boundary of the site, excluding those portions of the frontage approved for vehicular crossovers;*

The above requirement under Part 4D of the TPS No.4 is inconsistent with the proposed policy in regards to both the FBPE 3 metre landscaping requirement and the 2 metre landscaping strip to both street frontages under the policy. It is therefore proposed to replace Clause 4C.5.3 (a) of the TPS No.4 with the two following provisions:

- (a) *a minimum 2 metre wide landscape strip along all street boundaries;*
- (b) *a minimum 3 metre wide landscape strip along all street boundaries within the Forrestdale Business area;*

Proposal 7: Modifying Shade Tree Parking Requirements under Part 4C and 4D

This proposal seeks to improve shade tree quality around commercial, business and industrial development. Part 4C and 4D contain provisions relating to landscaping in commercial, industrial and business zones as follows:

Landscape planting is to be provided and maintained so as to minimise any adverse visual impact associated with the use and development of land, and is to include:

- (b) *shade trees planted at intervals of no greater than 10 metres along any line of car parking bays.*

Part (b) requires planting of shade trees at intervals of 10 metres or less, which equates to 1 tree for every 4 car parking bays. In situations where parking is adjacent to a building, a triangle section of kerbing protruding from a wall could be used to protect the tree. In many instances this area is too small to sustain a tree planting and combined with reduced sunlight due to the adjacent wall and potential impacts on the building. Whilst a 10 metre interval theoretically will provide adequate shade to cars, pragmatically in many instances the trees don't develop to a point where adequate shade is provided adjoining walls or they cant practically be provided.

To rectify this, it is proposed to change (b) to specify the following:

provision of shade trees at a rate of one (1) tree per four (4) parking bays planted at intervals of no greater than 10 metres along any line of car parking bays. Where those bays are immediately adjacent to a building, the City may permit the required trees in another location on site.

This will ensure that the same amount of shade tree planting will occur, but will provide flexibility of tree planting when car bays are adjoining walls. This principle was recently presented by the City at a recent JDAP, rather than the trees not be provided on site.

Proposal 8: Removal of Additional Use 28 under Schedule 2 at Lot 105 (No.119) Brookton Highway, Hill Street, Kelmscott

In 1994, the City progressed an amendment to add "*Special Use No.68*" to Town Planning Scheme No.2. The Special Use Zone enabled a "*Timber and Hardware Store including complementary Retail Garden Centre with incidental Kiosk*" at Lot 105 Brookton Highway at the intersection with Hill Street. A Colli and Sons hardware store operated on site under the Special Use Zone.

With the introduction of TPS No.4 to replace Town Planning Scheme No.2, Special Use No.68 was converted to Additional Use No.28 under the City's TPS No.4. Around

August 2014, the existing hardware store was demolished and a residential subdivision proceeded on site. Currently there are approximately 20 residential dwellings on the existing site, with around 20 additional vacant lots. Additional Use No.28 for the existing hardware is redundant and should be removed from Schedule 2 of TPS No.4.

Proposal 9: New Additional Use 49 under Schedule 2 for “Bulky Goods Showroom” at Lot 1 (1256) Armadale Road, Armadale

Haynes Shopping Centre is classified as a Large Neighbourhood Centre in the Draft Retail Commercial Centres Strategy for the City of Armadale. Lot 1 (1256) Armadale Road is zoned “Local Centre” with the land use of “Bulky Goods Showroom” being an “X” Use in the Local Centre zone under TPS No.4.

However, the Structure Plan in place for the Haynes shopping Centre (adopted by Council and approved by WAPC in 2014) identifies the Land Use of “Showroom” (now known as Bulky Goods Showroom) as a “D” Discretionary Land Use on the site. Development approval was issued for the construction of a 5689m² building to be predominantly used for Bulky Goods Showrooms. In 2018, part of this building (2188m²) was constructed and is occupied by three (3) Bulky Goods Showrooms by Jaycar, Battery World and Petbarn.

It is recommended that the permissibility of this land use on the shopping centre site be included in a Additional Use for the site in Schedule 2 of TPS No.4 as follows:

No.	Description of Land	Additional Use	Conditions and Requirements (See Note 1)
49	Lot 1 (1256) Armadale Road, Armadale.	The local government may at its discretion, permit the following uses (D Uses)— • Bulky Goods Showroom	49.1 Development shall be in accordance with the requirements of the approved Structure Plan for the site. 49.2 Bulky Goods Showroom shall only be permitted by the City where it is satisfied such use is compatible with surrounding uses.

Proposal 10: Modifying Parking Requirements related to “Residential Building” under Schedule 7A

This proposal seeks to rectify a loophole in TPS No.4 regarding car parking requirements linked to retrofitting existing dwellings with “Residential Buildings”. A Residential Building is a land use class in a residential area that allows for short term or long term accommodation. It is defined under Schedule 1 of TPS No.4 as having the same meaning as the R-Codes which is as follows:

A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *temporarily by two or more persons; or*
- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.*

As per the definition above, Residential Building is defined as ‘*a portion of a building*’ under the R-Codes. In many situations it is possible to achieve development approval by splitting an existing dwelling or single house into two or more “*portions*” as defined above through minor building modifications. The landowner can then rent these smaller portions classified as Residential Buildings to any number of tenants.

Schedule 7A of TPS No.4 defines the parking requirements associated with a Residential Building as follows:

1 space per 5 beds (communal accommodation) or 1 space per unit, plus 1 space for every staff member present at any one time

Many existing dwellings are constructed with a double carport or garage. Through converting an existing dwelling to two Residential Buildings the “*1 space per unit*” parking requirement would be achieved through the garage or carport regardless of the number of tenants living on site. Two car parking bays in total is not considered to be an appropriate amount of parking for a potentially unlimited amount of tenants on site and may result in parking problems in residential streets.

It is proposed to amend the car parking requirements accordingly under Schedule 7A of TPS No.4 as follows:

1 space per occupant, plus 1 space for every staff member present at any one time.

This proposed car parking requirement will ensure adequate car parking to reflect the amount of occupants in any new residential building that is retrofitted from an existing dwelling. One car bay per occupant will not preclude the provision of Residential Buildings, but will address scenarios where parking would otherwise be inadequate for converted houses. In addition to an existing carport or garage, parking associated with converted Residential Buildings can also be considered on a driveway within a lot boundary if adequate parking dimensions are achieved.

This proposal is considered appropriate due to the potential impacts on the amenity of a development and the surrounding area that may otherwise result from vehicles parking in common property, on verges or other areas not intended for residential building parking. It will also assist compliance enforcements under the Scheme. Any existing approvals for residential buildings will not be impacted.

CONCLUSION

The omnibus amendment proposes various mapping changes to TPS No. 4 rectifying inconsistent zonings in addition to amendments to the Scheme Text in line with current operational and legislative needs. The nature of the text proposals differ greatly, but all of the proposals aim to improve the application of TPS No. 4 and keep the City's Scheme and Maps relevant and up-to-date.