

LOCATION PLAN
Kelmscott District Centre Precinct Structure Plan

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***1.2 - RECOMMENDATION TO WAPC - KELMSCOTT DISTRICT CENTRE
PRECINCT STRUCTURE PLAN***

WARD : RIVER
FILE No. : M/688/22
DATE : 16 February 2023
REF : AV
RESPONSIBLE : EDDS
MANAGER
APPLICANT : City of Armadale
LANDOWNER : Various
SUBJECT : Various -
LAND Kelmscott District
Centre
ZONING
MRS / : Various
TPS No.4 : Various

In Brief:

- At its 27/06/2022 meeting, Council endorsed the proposed Kelmscott District Centre Precinct Structure Plan for the purposes of public consultation, subject to the finalisation of draft documentation.
- The Precinct Structure Plan provides a plan for future subdivision and (re)development coordination in the Kelmscott District Centre. Precinct Structure Plans form part of the City's Local Planning Framework.
- The preparation of this Precinct Structure Plan is an important action of the City's Corporate Business Plan and Local Planning Strategy, and will facilitate high quality built form and enhanced public realm outcomes for the Kelmscott Town Centre over time.
- The proposed Precinct Structure Plan was advertised for a period of 42 days from 08/08/2022 to 19/09/2022 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Submissions were received from 33 agencies and landowners additional to the previous engagement activities (through surveys and workshops) prior to Precinct Structure Plan preparation.
- Recommend that Council resolve to forward the Precinct Structure Plan to the Western Australian Planning Commission, recommending final approval subject to modifications.

Tabled Items

Nil.

Decision Type

Legislative

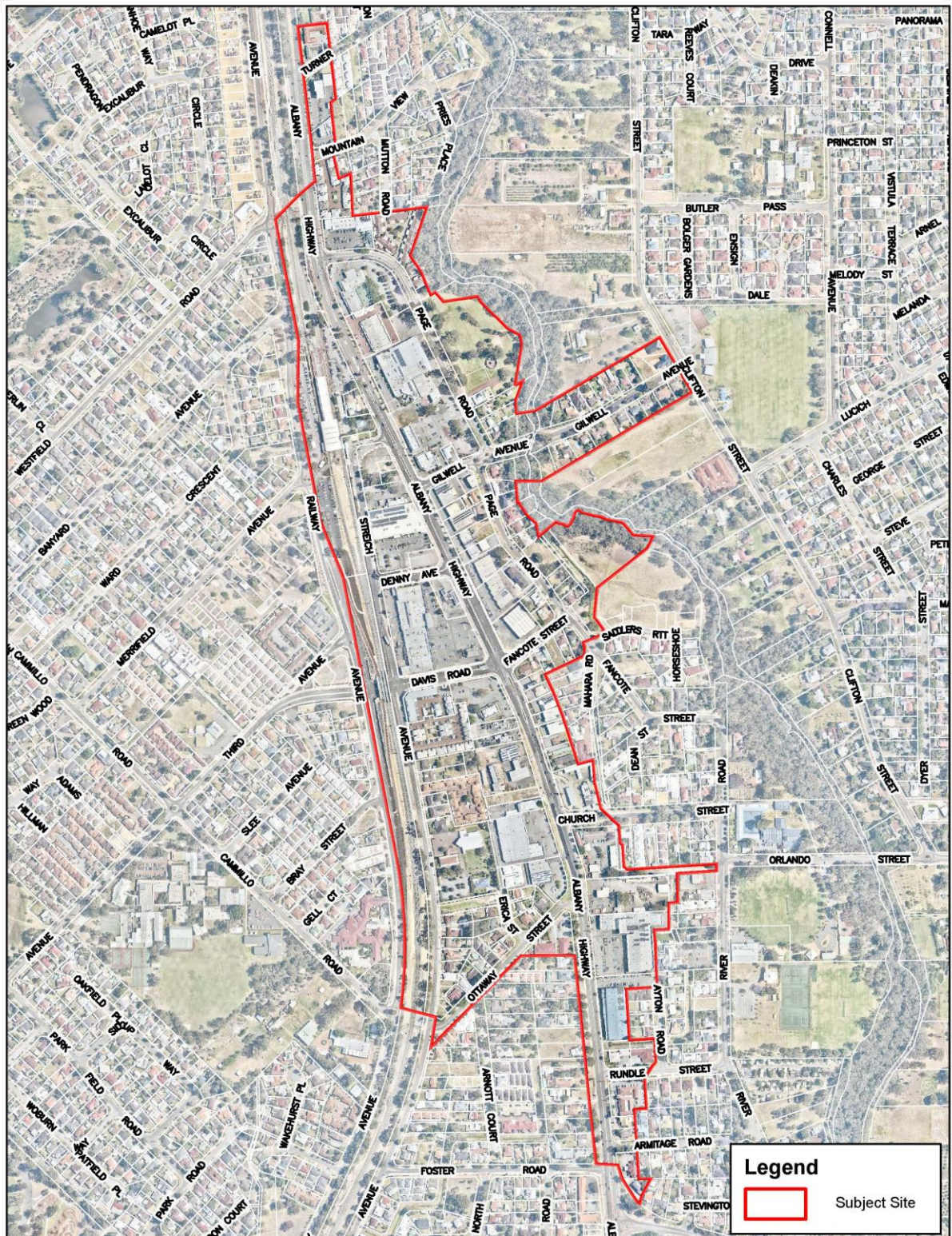
The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

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.



AERIAL PLAN

Kelmscott District Centre Precinct Structure Plan



SCALE 1 : 10000

DATE 25 January 2023 - REVISION 2301
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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

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. Contract invoicing milestones are considered in the City's annual budget process.

The draft Precinct Structure Plan applies to a small number of reserves and lots managed by or vested in the City. Precinct Structure Plan outcomes may have land use, management and asset disposal/retention implications for these reserves/lots.

Council may, in future, consider additional investment in the public realm (local road reserves or public open spaces) to support Precinct Structure Plan implementation. The preparation of a public realm strategy is a project being considered for funding and inclusion in the City's Long Term Financial Plan.

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 Structure Plan.

Consultation

The City consulted with a variety of stakeholders as part of preliminary consultation (that is, prior to commencement of formal planning consultation under the *Planning and Development (Local Planning Schemes) Regulations 2015*). This report discusses the outcome of the statutory consultation period which sought further stakeholder input from landowners, business operators and community members on Precinct Structure Plan outcomes illustrated in the proposed (draft) document.

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 Text Attachment – Preliminary (Phase 1) Consultation Information attached to this report.

BACKGROUND

A Precinct Structure Plan is defined in the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* as “a plan for the coordination of future subdivision, zoning and development of an area of land”. Precinct Structure Plans form part of the City's local planning framework under the higher order Town Planning Scheme No.4 (TPS No.4) and are approved by the State Government's Western Australian Planning Commission (WAPC).

In 2020 Council endorsed the engagement of Taylor Burrell Barnett and a sub-consultant team to prepare the Precinct Structure Plan documents. Preparation commenced in March 2021 following project scope and contract negotiations that also gave appropriate recognition to the work completed by the State Government through the Denny Avenue Level Crossing Removal Project (Denny Avenue LXR Project).

Following approval by the WAPC, the Precinct Structure Plan for the Kelmscott District Centre will guide future growth opportunities (through the assessment of landowner subdivision and development proposals) and staged public realm improvements. The Plan will also improve the pedestrian and human-scale experience of Kelmscott and enhance its 'sense of place' for residents, business owners and visitors. This is especially desirable due to the strong influence of regional transport network infrastructure on the Centre's ambience and operation.

Further relevant information on the Kelmscott District Centre, Denny Avenue LXR Project Level Crossing Removal Project and supporting City strategies and urban planning context is outlined in the June 2022 Report to Council.

DETAILS OF PROPOSAL

This report considers the submissions received during the Precinct Structure Plan's statutory advertising period pursuant to the *Regulations*.

As reported to Council in June 2022, the features of the Concept Structure Plan and draft Precinct Structure Plan maps are as follows:

- Land Use: The draft Precinct Structure Plan map proposes the following land use areas:
 - Mixed Use Residential focus east of Page Road, Streich Avenue (south of Davis Road), the southern entry along Albany Highway and the Albany Highway/Page Road intersection.
 - Mixed Use Retail Core focus on both sides of Albany Highway generally between Page Road and Fancote Street/Davis Road.
 - Commercial focus to accommodate large format retail and small showrooms along Albany Highway south of Fancote Street/Davis Road.
 - Residential focus areas located on the southern (Ottoway Street) and eastern (Gilwell Avenue) extents.

Mixed land use may comprise residential, commercial, office, retail, food and beverage and entertainment uses that contribute to the vibrancy and activation of the centre. Guidance is provided on ground floor land uses to provide specific activation for particular locations and land use areas.

- Built Form: The following key built form provisions are intended for the Kelmscott District Centre:
 - The core centre area includes maximum heights to six stories, with a limited core area bounded by Albany Highway, Davis Road and Streich Avenue granted potential for nine storey developments subject to specified design criteria and quality outcomes.
 - The scale and form of buildings and outcomes for the pedestrian environment are given consideration, including street front building edges being limited to two to four storey developments and with any allowable additional higher storeys to be setback from these 'podium' levels.
 - Setback plans guide minimum distances between podium (including ground) levels to the street boundary, with upper levels setback from the podium edge.
 - Prudent use of minimum building heights for key landmark sites only, at two to four storey developments.
 - Maximum building heights of two to three storey developments for residential areas are consistent with existing provisions under the WAPC's Residential Design Codes and Apartment Design Codes.
- Public Realm: Identification and, where possible, enhancement of urban spaces (e.g. Station Plaza) and green spaces (Fancote Park and MRS Parks and Recreation Public Open Space north of Saddlers Retreat). Denny Avenue is identified as a pedestrian shared space street and enhanced landscape character for Albany Highway to be achieved within private lots (either via building setbacks or within parking areas).

- Transport and movement: Recognition of road network modifications constructed through the Denny Avenue LXR Project for the draft Precinct Structure Plan’s planning horizon. Peak hour trip generation for the potential yield scenario increases by 918 and 940 trips to 2041, which is to be expected in a more intensive urban town centre environment. Enhanced pedestrian environment and local pedestrian/cycling path networks are also recognised. Precinct Structure Plan development will leverage and support existing public transport (rail) connections.
- Heritage: Identification and recognition of heritage places in accordance with the City’s Local Heritage Survey and the Station Master’s House.

The draft Precinct Structure Plan includes the following documents:

- Structure Plan Maps;
- Structure Plan Part 1 Implementation Section;
- Structure Plan Part 2 Explanatory Section;
- Local Water Management Strategy;
- Movement, Transport and Parking Strategy;
- Bushfire Management Plan;
- Acoustic and Vibration Strategy;
- Retail and Employment Strategy; and
- Servicing Strategy.

The June 2022 Council Report can be referred to for further discussion and explanation of the purpose of each document.

Refer to Advertised Kelmscott District Centre Precinct Structure Plan – Part 1 Implementation Section attached to this report.

COMMENT

The Precinct Structure Plan was advertised for 42 days from Monday 8 August 2022 until Monday 19 September 2022 with all documents made available on the City’s website. Advertising was carried out by letters to approximately 1,700 affected and nearby landowners and/or residents, direct notifications to government/service agencies, advertisements in The Examiner and The West Australian newspapers, and a website notice.

The City’s consultation period was also promoted through the City’s ‘ITK’ (In The Know) email newsletter (distributed to over 12,400 subscribers), advertising on the City’s Facebook social media channel and supported by broadcast emails to the City’s list of collated project contacts.

Summary of Submissions	No.
Total No. of submissions received:	33
No. of landowner/developer submissions of conditional support/no objection/comments only:	19
No. of landowner/developer submissions of objection:	0
No. of agency submissions of conditional support/no objection/comments only:	14
No. of agency submissions of objection:	0

Overall, these results are very encouraging and positive for the centre’s future prospects.

Refer to Schedule of Submissions, Confidential Submitter Plan and Confidential Submitter Names and Address List attached to this report.

Four key issues raised in submissions are discussed below:

Issue 1 – Extension of the identified Precinct Structure Plan boundary, in particular:

- *‘Eastern Area – Saddlers Retreat’: Incorporate Residential-zoned lots north of Saddlers Retreat, currently approved for development as an aged care facility;*
- *‘Eastern Area – Clifton Street’: Incorporate Urban Development-zoned lots along Clifton Street; and,*
- *‘Southern Area’: Incorporate Residential-zoned lots on the western side of Albany Highway between Ottaway Street in the north and Fancote Street, in the south.*

Submissions on this issue were received from some of the existing landowners of lots abutting the identified Precinct Structure Plan boundary. The submissions proposed amendments to the Precinct Structure Plan boundary as described below, followed by a summary of justification:

Eastern Area – Saddlers Retreat:

- Including the site in the Precinct Structure Plan with an R-AC4 density code allows increased height and development potential for an aged care development.
- The eastern extension accords with the objectives of the ‘River Edge’ precinct outlined in the Precinct Structure Plan.
- The extension, and proposed R-AC4 density will increase employment generation for the precinct and improve commercial viability.
- The development will activate the surrounding Parks and Recreation Reservation.
- Mixed Use – Residential zoning best reflects the approved Aged Care Facility for the site.

Eastern Area – Clifton Street:

- Include land east of the Canning River to increase population and encourage business and investment.

Southern Area:

- Including these lots provides a high quality commercial gateway consistent with land use on the opposite side of Albany Highway. The ‘Southern Extension’ area has a different identify to other residential areas; inclusion will improve legibility and consistent development outcomes.
- Densities were not used to define the Precinct Plan boundary, given that existing zonings can accommodate density targets.
- Land further from the identified centre points than the ‘Southern Extension’ area is included in the Precinct Plan. The land is closer to Kelmscott and Challis stations than other land in the Precinct Plan.
- The Precinct Structure Plan includes area that was subject to Amendment 89 (Note: now gazetted in TPS No.4), negating the City’s justification that surrounding scheme amendments provide a logical limit to the Precinct Plan.
- Other non-residential uses are already operating in the ‘Southern Extension’ area.
- Commercial land uses were supported for Albany Highway-fronting lots during consultation. Such uses provide opportunity for coordinated access strategies by establishing requirements for easements.

Refer to Submitter Boundary Extension Proposals Plan attached to this report.

Comment

Identifying an appropriate boundary for Precinct Structure Plan preparation is an important component of the Precinct Structure Plan process and a key consideration of State Planning Policy 7.2 Precinct Design. As reported in June 2022, the boundary was to be identified with consideration to the site/context analysis (including opportunities and constraints) and addressing a range of factors such as target dwelling yields, walkable catchments, zoning or other boundaries in statutory planning instruments (i.e. TPS No.4), land ownership, built form characteristics, transitions to surrounding areas, physical features and transport networks and infrastructure/services. The City's lead consultant and the City's Officers have considered the following aspects in establishing the current precinct boundary:

- Previous TPS No.4 Amendment No.89 and Amendment No.100 which reviewed and increased housing density in proximity to the Kelmscott District Centre and train station (both Amendments implemented major Local Planning Strategy recommendations);
- The current extent of the existing District Centre zone in Kelmscott;
- Existing Urban Development zoning east of the Canning River, including the previously-approved Structure Plan for the area south of lots fronting Gilwell Street;
- The need to transition to the River Road Heritage Area (as defined by Local Planning Policy PLN 3.9);
- The achievement of desired increases in residential dwelling numbers (yields); and,
- The 400m walkable catchment applied to District Centres through SPP4.2.

The above key considerations were applied holistically during Precinct Structure Plan preparation, which resulted in a boundary that largely matches the existing TPS No.4 District Centre Zone. Where appropriate, residential land was also included where land use change would be providing an appropriate 'rounding off' for the final centre boundaries. In that regard, any further expansions should be approached with caution.

The southern extension of the precinct would propose an increase to the amount of commercial or mixed use floorspace in the Kelmscott District Centre and would further risk entrenching the Centre's elongated linear footprint, rather than concentrating development intensity, mixed use development outcomes and activities within the Centre core. There is also concern that facilitating land use change in this extended area would introduce further impacts on adjoining residential areas, noting that the existing approved non-residential developments in this southern extension area are limited and were previously determined to have met the objectives of the TPS No.4 Residential zone. Further commercial activities would put this at risk.

In like manner, the context to the south of the eastern extension (Saddlers Retreat) is residential in character and amenity; it is characterised by single storey single dwelling development that transitions to the River Road Heritage Area and Canning River environs. Rather than increase development intensity, the identified expansion area should provide a suitable transition between the building bulk/scale of the District Centre with the residential area on the southern side of Saddlers Retreat and the Canning River environs to the east. It is important that development in the 'River Edge' precinct be of a scale that presents well to those using the riverfront public spaces (refer to Part 1 Objective 2.3.3 c)). Existing development approvals have been granted for an aged care development on the subject site

that was determined by the JDAP to satisfy the objectives of the Residential zone and the development standards in Town Planning Scheme No.4.

Expansion to include the eastern extension (Clifton Street) is not supported as lots are already zoned Urban Development for residential land use (as opposed to a centre zoning), and one Structure Plan is already approved by the WAPC for a significant part of the Urban Development zone.

For completeness, it should also be noted that any expansion of the Precinct Structure Plan boundary would likely require re-advertising of the Precinct Structure Plan. In addition, landowners can seek alternative zoning and development outcomes for their landholding(s) via Amendments to TPS No.4.

Recommendation:

It is recommended that the submissions seeking alternate Precinct Structure Plan boundaries not be supported.

Issue 2 – Additional Precinct Structure Plan provisions to address high pressure gas pipeline standards.

ATCO's submission on the proposed Precinct Structure Plan noted its ownership and operation of three (connected) high pressure gas pipelines within Gilwell Avenue, Page Road, Davis Road and Railway Avenue in the Precinct Structure Plan area. ATCO also noted that the proposed Precinct Structure Plan falls within the scope of the WAPC Draft Development Control 4.3 Planning for High Pressure Gas Pipelines as the high pressure gas pipelines operate at/above 1,900 kPa.

ATCO's submission includes the following comments:

- Any sensitive land use or high density community use developments (Note: these are defined by Australian Standards and are not transparently identified in planning policy) within the policy trigger distance (in Kelmscott a corridor approximately 200m wide) would require the developer, in consultation with ATCO as the pipeline operator, to prepare a Pipeline Risk Management Plan for all the development design phases (preliminary through to final), to assess and control the risk and ensuring that:
 - People and any other development in the vicinity of a high-pressure gas pipeline are not subject to an unacceptable risk from that infrastructure; and
 - People and any other development in the vicinity of a high-pressure gas pipeline do not pose an unacceptable risk to the integrity of that infrastructure;
- Where development is not a sensitive land use or a high density community use, ATCO Technical Compliance Team requests a 6 metre setback to standard building line; and
- ATCO identifies that the proposed future development may require additional safety measures to be considered, identified and put in place for risk mitigation to the high pressure gas pipeline.

Comment

The reticulated gas distribution network and high pressure gas pipelines in the Kelmscott area have been operational for many years. From information available to the City, it has been identified that the network was constructed sometime between the preparations of the 1955 Stephenson and Hepburn Report and the 1978 'Planning Structure for the South-East Corridor' Report. ATCO has not advised of the intended lifespan of its ageing infrastructure, likely upgrade/replacement timeframes, nor the appropriate standards it would apply for Town Centre locations which, by definition, would include sensitive uses.

The draft Development Control Policy 4.3 (draft DC Policy) referenced in the ATCO submission has remained in draft form since late 2016 (advertising concluded in February 2017), however the City understands that DPLH are currently in the process of finalising the policy for release in an amended form. The draft DC Policy includes definitions of development considered to be sensitive, but the definition is broad and is adapted from a single Australian Standard (whereas multiple Australian Standards apply to high pressure gas pipelines).

While risk management is an important consideration, ATCO has not included information or comments on the nexus between the proposed Precinct Structure Plan and its mitigation measures for future development. In this instance the Precinct Structure Plan does not propose significant land use change (such as, for example, rural to urban development) and maintains existing town centre land use typologies. ATCO's submission does not recognise this, nor does it recognise that there may be approved operating land uses that satisfy the 'sensitive' development definition. In this regard it is also possible that permitted 'P' land uses under TPS No.4 do not require the development approval of the City or trigger development approval requirements while still being considered 'sensitive' by ATCO.

ATCO's submission is also considered to be unclear regarding required risk management and mitigation, the resulting setback requested by ATCO, and the technical/planning justifications that would be necessary to impose these requirements as planning interventions. It is not considered to be orderly planning to impose servicing setback requirements without justification and it is considered infrastructure should be subservient to town centre locations rather than town centre vitality and redevelopment being constrained by ageing infrastructure that requires upgrading by operators.

Should these development restrictions be proposed on the basis of Australian Standards, the City remains concerned that such standards would require a specialised level of engineering expertise to interpret which by definition are not readily accessible to the general public and can require considerable cost to obtain. Furthermore, a 6m setback has the potential to impact a town centre environment where nil setbacks improve street front activation and where the feasibility of commercial floorspace and residential dwelling yields are considerations of primary importance for redevelopment and investment.

Finally, it is observed that service providers should and do conduct their own risk mitigation measures and schedule appropriate asset renewals to accommodate urban development and provide services to the growing metropolitan region. If this does not occur, service providers are likely to substantially constrain or even sterilise developable land in town centres such as the Kelmscott District Centre and impinge on the City's and the State Government's objectives. In this regard, draft DC Policy 4.3 Policy Measure 6.2.2 states that opportunities

should be taken to avoid unnecessarily sterilisation of land by setting excessive setbacks without first fully considering other risk mitigation measures.

Recommendation:

That the submission not be supported noting the draft nature and age of the WAPC's draft DC Policy 4.3, and also noting that ATCO's submission is not considered sufficiently detailed to justify the Precinct Structure Plan modifications requested.

Issue 3 – Department of Fire and Emergency Services submission relating to bushfire management.

The submission received from the Department of Fire and Emergency Services (DFES) lists inputs where DFES questions classifications of vegetation, the bushfire hazard rating assigned to vegetation areas and the Bushfire Management Plan's management responses. These include:

- Application of 'low threat' vegetation classification to vacant landholdings north of Saddlers Retreat associated with an approved aged care facility;
- Use of firebreak notices to enforce asset protection zones or apply 'low threat' hazard status; and
- Possible future rezoning of lots on Page Road (adjacent to Canning River) to 'R-AC4' which intensifies land use on lots exposed to BAL-40/BAL-FZ.

Comment:

Vacant landholdings north of Saddlers Retreat associated with the approved aged care facility are currently well maintained, and the approach of the consultant, Emerge, in excluding Plot 10 (Page Road/Saddlers Retreat vicinity) is understood. The City also notes that the proponent of the aged care facility has development approvals in place and remains committed to construction in the short to medium term. Should ground conditions be substantially different in the vicinity of Plot 10 (Page Road/Saddlers Retreat vicinity) the Precinct Structure Plan map can be amended to identify surrounding lots where updated BAL assessments could be required at later subdivision and development stages.

DFES did not identify specific spatial areas of concern where Emerge utilised a Firebreak Notice to achieve the BAL ratings proposed, in addition to other BAL rating matters DFES raised. The City notes that BMP Section 4.2 Temporary/Manageable Hazards acknowledges that Firebreak Notices are merely one tool to reduce bushfire hazard, but this section of the BMP applies to areas of undeveloped residential land that have been classified for the purposes of the BMP; assessments for future development applications are another tool.

The City maintains that the Precinct Structure Plan land use zones for lots along Page Road (adjacent to the Canning River) are appropriate at this stage, noting that land is already zoned for Urban purposes under the Metropolitan Region Scheme, the provisions of State Planning Policy 3.7 Planning in Bushfire Prone Areas continue to apply at subsequent planning assessment stages and the Structure Plan has identified that development outcomes may be limited. The latter can be confirmed by a future Method 2 BAL Assessment if required.

Recommendation:

That the submission not be supported at this time.

Issue 4 – Main Roads Western Australia submission relating to future Albany Highway road planning and technical inputs to the Movement, Transport and Car Parking Strategy

Main Roads Western Australia (MRWA) lodged a submission indicating that it required modification of the Structure Plan report, a revised Movement, Transport and Car Parking Strategy to address its comments and a revised Bushfire Management Plan to accord with its comments. MRWA indicated it required these documents prior to providing a recommendation on the Precinct Structure Plan. MRWA comments are responded to in detail within the Schedule of Submissions, and therefore only the key matters are discussed in this report.

The following key matters are of particular interest:

- MRWA prefers that lots do not have direct access to the Primary Regional Road (Albany Highway) and rationalise access to consolidated access points via parallel service roads. MRWA does not support car parking along the Primary Regional Road Reservation. In addition to state and local planning policies guiding and limiting access, MRWA encourages implementation of a Vehicle Access Strategy.
- In relation to the Movement, Transport and Car Parking Strategy, MRWA cannot confirm how development will impact on the state road network as trip generation rates require justification, peak hour flows appear to be underestimated, modelling files require review by MRWA, further consideration of household car ownership reduction is necessary and further proposals (e.g. traffic treatments, speed limit changes) require MRWA approval.
- The MRWA submission states that this section of Albany Highway is close to its ultimate configuration; no additional lanes beyond the existing dual carriageway are proposed.

Comment:

The City's initial review of MRWA's submission identified that MRWA did not make any reference to the State Government's recently-completed Denny Avenue LXR Project which resulted in major road upgrades and modifications to Albany Highway (MRWA-controlled), as well as to Davis Road, Denny Avenue and other local connecting roads. These modifications have set the regional road network in place for the medium to long term horizon and the City has deliberately sought, through the Precinct Structure Planning process, to work consistently with the State Government's infrastructure outcomes.

The City's Movement, Transport and Parking Strategy was prepared by transport consultants Flyt, who were also engaged by the State Government to prepare traffic modelling in Kelmscott for many years prior to and during the Denny Avenue LXR Project. Flyt advises that its modelling was developed for a variety of State Government agencies involved in initial project planning, including the former Metropolitan Redevelopment Authority (now DevelopmentWA), MRWA and METRONET. Prior to Flyt's model being applied to the Kelmscott Precinct Structure Plan, the model was most recently used by METRONET for the

MRWA ‘Stage 1’ and ‘Stage 2’ traffic signal approval process (which included presentation of the model to MRWA network operations team and adjustments in response to MRWA feedback).

Flyt advises that Section 5 of the Movement, Transport and Parking Strategy already outlines in detail the approach taken to trip generation, background trip growth (based on MRWA’s strategic models) and extension of the model from 2031 (Denny Avenue LXR Project forecast horizon) to 2041 (Precinct Structure Plan forecast horizon).

The City acknowledges MRWA’s preferred intention to rationalise vehicle access, however the City does not consider that a vehicle access strategy is warranted in this instance. The Denny Avenue LXR Project has established and set road network modifications and crossovers, some lots are solely accessible from Albany Highway and/or have reciprocal rights of access easements in place. It is also noted that future development in accordance with Precinct Structure Plan outcomes could result in crossover closures and removal of parking areas fronting Albany Highway (particularly in the centre core) as redevelopment occurs. It is noted that MRWA has not indicated an intention to construct any separate parallel service roads within its reservation, has indicated that Albany Highway is close to its ultimate configuration and advised in earlier consultation that it has no intention to effect the closure of existing crossovers. The City therefore proposes a measured approach to vehicle access that will allow redevelopment while also achieving MRWA’s aims for its regional road network.

Comments provided by MRWA in relation to bushfire management are noted, however these are more appropriately dealt with by DFES, and comments relating to road and rail noise applicable to future planning stages are already addressed in the Precinct Structure Plan.

Recommendation:

That MRWA’s submission generally not be supported, with matters relating to subsequent planning stages noted.

ANALYSIS

Schedule of Modifications

Schedule 2 Part 4 Division 3 of the *Regulations* provides that the Local Government can submit to the WAPC a Schedule of Modifications it wishes to recommend in response to comments received during advertising and assessment of a Precinct Structure Plan prior to its approval by the WAPC. During and after the advertising period, the City undertook further reviews of the Precinct Structure Plan’s Part 1 Implementation Section and it recommends that further modifications be made in order to strengthen Council’s objectives for landscaping and interim development, improve clarity and cross referencing between different plans in Part 1, correct minor anomalies, correct typographical errors and improve consistency with TPS No.4 and the Deemed Provisions.

Refer to Schedule of Modifications attached to this report.

Planning Process

Schedule 2 Part 4 Division 3 of the *Regulations* outlines the process for Precinct Structure Plan preparation and approval. It provides for the Precinct Structure Plan to be advertised for a minimum 42 day period. Advertising must include notice on the City's website, however as discussed earlier in this report the City also writes to adjoining and affected landowners, writes to service agencies, publishes a notice in a local newspaper and considers additional communication methods in consultation with the City's Communications and Marketing Department.

The City must subsequently prepare a further report (i.e. this report) on the Precinct Structure Plan responding to submissions and providing the City's recommendation within 60 days of the close of advertising, however as in this instance the City is the creator and proponent of the Precinct Structure Plan and not simply an assessment authority, additional time to review submissions was justified. This report and the submissions are to be submitted to the WAPC (the determining authority) for assessment and approval.

The *Regulations* assign a 120 day period for the WAPC's assessment process, however in the City's experience the State Government assessment process for Precinct Structure Plans is considerably longer. It is further noted that WAPC determination and timeframes may also be impacted by the normalisation intentions of DevelopmentWA for its Kelmscott Redevelopment Area included in the Precinct Structure Plan boundary.

Future Project Tasks

The preparation of draft Precinct Structure Plan documents is the main component of the Kelmscott District Centre Precinct Structure Plan project to be prepared and finalised by the lead planning consultant. However, in order to support the final development outcomes in the Precinct Structure Plan, a future Amendment to TPS No.4 will be prepared to incorporate key development controls into the Scheme and to review any land use zone changes required to assist in implementation of the Precinct Structure Plan.

The lead planning consultant will also subsequently be preparing a 'recommendations report' (note: separate to this Precinct Structure Plan Recommendation Report to the WAPC). The recommendations report will capture consultation outcomes or other recommendations that are unable to be addressed by the planning framework. It is expected that preparation of the future scheme amendment and the recommendations report will be progressed after Council's consideration of Precinct Structure Plan submissions (i.e. this report). The City's Corporate Business Plan also lists a separate, but connected, action to prepare a Public Realm Strategy to supplement and support the public realm outcomes for the Kelmscott District Centre contained in the Precinct Structure Plan itself.

OPTIONS

The following options are available to Council:

1. Resolve to recommend that the WAPC approve the Precinct Structure Plan with modifications, for the reasons outlined in this report and its attachments, or by providing alternative modifications and reasons.
2. Resolve to recommend that the WAPC approve the Precinct Structure Plan without modification, providing reasons for its decisions.
3. Resolve to recommend that the WAPC not approve the Precinct Structure Plan, providing reasons for its decision.

CONCLUSION

The Kelmscott District Centre Precinct Structure Plan is an important planning document that will guide further subdivision and development in the Kelmscott District Centre consistent with the WAPC's and Council's strategic planning framework for District Centres. This strategic planning project will assist both the City and private landowners in achieving high quality built form and public realm outcomes, support ongoing regeneration and further the development and revitalisation of the Kelmscott District Centre.

Council's consideration of submissions in this report is a major project milestone, made possible by community inputs and substantial work by the City's consultant team and Planning Services Department over the preceding two years.

The Precinct Structure Plan has been prepared and advertised in accordance with the requirements of the *Regulations* and is considered suitable for the purposes of Council's recommendation to the WAPC. The City will continue to liaise with the WAPC and other agencies to progress the final assessment and approval of the Precinct Structure Plan.

It is recommended that Council endorse the Schedules of Submissions and Modifications, and recommend to the WAPC that it approve the Structure Plan subject to the Schedule of Structure Plan Modifications. In accordance with the above report and attachments, Option 1 is recommended.

ATTACHMENTS

1. ↓ TPS No.4 Zoning Plan - Kelmscott District Centre Precinct Structure Plan
2. ↓ Explanatory Text Attachment Preliminary Phase 1 -Consultation Information
3. ↓ Advertised Kelmscott District Centre Precinct Structure Plan - Part 1 Implementation Section
4. ↓ Schedule of Submissions - Kelmscott District Centre Precinct Structure Plan
5. ↓ Extensions to Precinct Structure Plan Boundary - Submitter Proposals
6. ↓ Schedule of Modifications - Kelmscott District Centre Precinct Structure Plan
7. Confidential Submitter Plan - Kelmscott District Centre - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
8. Confidential Submitter Names and Address List - Kelmscott District Centre - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

Committee discussed the Kelmscott District Centre Precinct Structure Plan including modifications to the provisions and plans contained within the draft Precinct Structure Plan ie. provision for additional landscaping (trees), identification of existing trees, retention of trees policy, nil building setbacks etc.

Committee requested that prior to the next Council meeting, officers to provide additional information on the proposed modifications to the draft Precinct Structure Plan for Council's consideration.

RECOMMEND

D3/2/23

That Council:

- 1. Endorse the comments made in this report, the Schedule of Submissions and the Schedule of Structure Plan Modifications dated 23/02/2023, both attached to this report, in response to the preparation, advertising and agency referral of the Precinct Structure Plan.**
- 2. Pursuant to Schedule 2 Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
 - a) Forward the Kelmscott District Centre Precinct Structure Plan, this report and attachments (including Schedule of Submissions and Schedule of Structure Plan Modifications) dated 23/02/2023 to the Western Australian Planning Commission; and**
 - b) Recommend that the Western Australian Planning Commission approve the proposed Kelmscott District Centre Precinct Structure Plan, subject to the modifications listed in the Schedule of Structure Plan Modifications dated 23/02/2023 attached to this report.**
- 3. Note that City Officers will continue to liaise with the Western Australian Planning Commission and other agencies to resolve any matters raised by the Schedules of Modifications and Submissions.**
- 4. Advise submitters of its decision at the time that the Structure Plan is granted final approval by the WAPC.**

**Moved Cr R Butterfield
MOTION CARRIED**

(7/0)

Council resolved at its Ordinary Meeting on 27th February 2023 that Recommendation D3/2/23 be amended to read as above.