



Your ref: LPS/17-119  
Our ref: TPS/1659  
Enquiries: Heather Brooks (6551 9436)

Chief Executive Officer  
City of Swan  
PO Box 196  
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*Transmission via electronic mail to: philip.russell@swan.wa.gov.au*

Dear Sir

**LOCAL PLANNING SCHEME NO. 17 - AMENDMENT NO. 119**

I refer to your letter dated 17 August 2017 regarding Amendment No. 119.

The WAPC has considered the amendment and submitted its recommendation to the Minister in accordance with section 87(1) of the *Planning and Development Act 2005* (the Act).

The Minister has approved the amendment in accordance with section 87(2)(a) of the Act. In accordance with section 87(3) of the Act, the WAPC will cause the approved amendment to be published in the Government Gazette.

The WAPC has forwarded notice to the State Law Publisher (attached) and it is the local governments' responsibility to make arrangements for the payment of any publication costs. The local government is required under section 87(4B) of the Act, and regulation 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to publish the approved amendment, ensure that it is available to the public, and notify each person who made a submission.

For all payment and purchase order queries, please contact the State Law Publisher on (08) 6552 6012 or fax (08) 9321 7536. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to Heather Brooks on 6551 9436 or email [schemes@planning.wa.gov.au](mailto:schemes@planning.wa.gov.au).

Yours sincerely

A handwritten signature in black ink that reads "Kerrine Blenkinsop".

Kerrine Blenkinsop  
Secretary  
Western Australian Planning Commission

12/09/2017



# PLANNING AND DEVELOPMENT ACT 2005

## APPROVED LOCAL PLANNING SCHEME AMENDMENT

### CITY OF SWAN

#### LOCAL PLANNING SCHEME No. 17 - AMENDMENT No. 119

Ref: TPS/1659

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Swan Local Planning Scheme amendment on 6 September 2017 for the purpose of:

1. Rezoning all lands within the area bounded by Morrison Road, Byers Road, William Street, Great Eastern Highway, Cale Street and Lloyd Street from "City Centre – Residential" zone; "City Centre - Commercial Deferred" zone; "City Centre – Business" zone; "City Centre – Shopping" zone to a new zone - "Midland Strategic Regional Centre" zone, except land that is shown as 'Public Purpose', 'Local Road' and 'Recreation', to be shown on the Scheme Map and installed in the Legend in accordance with the Amendment Map.
2. Modifying the Scheme Text by deleting sub-clause 4.2.1 Midland Strategic Regional Centre (General) and substitute with the following:

#### 4.2.1 Midland Strategic Regional Centre Zone

The objectives of the Midland Strategic Regional Centre Zone are to -

- (a) ensure development of the centre accords with the WA Planning Commission's Policy as it applies to activity centres.
- (b) facilitate the creation of employment within the centre so as to reduce the demand for travel, and enhance the level of self-sufficiency within the sub-region.
- (c) promote the development of a wide range of commercial facilities and services including major offices, retailing and a mix of entertainment, recreation and community facilities to meet the needs of the sub-regional community.
- (d) facilitate the complimentary development of housing so as to enhance the vibrancy of the centre, improve the viability of businesses and provide a wider choice of accommodation within the district.
- (e) promote a high degree of accessibility to and within the centre, for users of all modes of transport (bus, rail, private car, cycle and pedestrian) and to avoid fragmentation of commercial development.
- (f) enhance pedestrian connectivity within the centre, so as to facilitate movement between sites and from public and private transport nodes.
- (g) encourage mixed uses and complementary development within the centre so as to enhance the viability of business and the efficient use of facilities and services.

- (h) ensure future development and re-development accords with activity centre design principles as referred to in State Planning Policy No. 4.2, providing an integrated, attractive, safe and vibrant focus for the community.
- (i) ensure car parking and access facilities do not disrupt the continuity of development or reduce pedestrian connectivity within the centre.
- (j) ensure development and re-development within the centre affords appropriate recognition of heritage values and the character of existing streetscapes, with reference to scale, form and design.

Note:

1. The development and use of land within the Midland Strategic Regional Centre zone shall be in accordance with Schedule 15 of LPS17 and the approved Midland Activity Centre Structure Plan.
- 3) Modifying the Scheme Text by deleting sub-clauses 4.2.2 - 4.2.7 inclusive.
  - 4) Modifying the Zoning Table at sub-clause 4.3 by:
    - Deleting from the second column at the top of the Table:
      - The term 'Strategic Regional Centre' and the following zones encompassed within that column:
        - City Centre - Business
        - City Centre - Shopping
        - City Centre - Showroom
        - City Centre - Mixed Use
        - City Centre - Residential
        - City Centre - Commercial Deferred
      - the matrix of symbols within these zones cross-referenced against the use classes.
    - Substituting a new term in the second column at the top of the Table - 'Strategic Centre'.
    - Insert new zone 'Midland Strategic Regional Centre', with asterisk appended, beneath 'Strategic Centre', with the following text inserted for cross reference against the use classes:

"Development and use of land to be in accordance with the Midland Strategic Regional Centre zoning table – refer to Schedule 15"

(Refer to modified 4.3 Zoning Table, attached).

- 5) Modifying Clause 4.5 text from 'Zoning Table' to 'Zoning Tables', so that it reads:
- "Despite anything contained in the Zoning Tables, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible under the Zoning Tables in the zones in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land."
- 6) Modifying Clause 4.6 text from 'Zoning Table' to 'Zoning Tables', so that it reads:
- "Despite anything contained in the Zoning Tables, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land."
- 7) Delete sub-clause 5.3.1 and renumber the sub-clauses appropriately.
- 8) Modifying Part 5A of the Scheme Text by:
- Deleting from the note beneath the heading the words - "the City Centre-Commercial Deferred zone" and substituting the words - "Midland Strategic Regional Centre zone".
  - Deleting from (e) at sub-clause 5A.1.1 the words "City Centre - Commercial Deferred zone" and substituting with "Midland Strategic Regional Centre zone".
- 9) Modifying the 'Schedules' table of content by inserting under Schedule 1 the following:
- "D. Land Use definitions applicable to Schedule 15 – Midland Strategic Regional Centre"
- 10) Modifying Schedule 1, by introducing:
- "D. Land Use definitions applicable to Schedule 15 – Midland Strategic Regional Centre only
- As well as the land use definitions contained in A. or B. above, the following additional land use definitions apply to the Midland Strategic Regional Centre zone:
- "Short Term Residential": means a building or buildings, which include self-contained units, for temporary accommodation of less than 3 months.
- "Small Bar": means licensed premises on land or buildings used for the onsite consumption of alcohol as outlined in Clause 4 (1aa) of the Liquor Control Act 1988."

- 11) Amending the Exempted Development table in Schedule 5 and Schedule 5A by deleting from the second column all references to:

"City Centre - Mixed Use"

"City Centre - Residential"

"City Centre - Commercial Deferred"

"All City Centre Zones..."

and substituting the words "Midland Strategic Regional Centre".

- 12) Introduction of new Schedule 15 – Midland Strategic Regional Centre into LPS17, to enable the Strategic Regional Centre Land Use Permissibility Table, The Midland Strategic Regional Centre zoning plan, the Strategic Regional Centre Precinct Map and the Strategic Regional Centre Active Edge plan to be included as part of the Scheme.

## Schedule 15 - Midland Strategic Regional Centre

### A: Land Use Permissibility Table for the Midland Strategic Regional Centre

MIDLAND STRATEGIC REGIONAL CENTRE						
Land Use	Precincts					
	Morrison Road West		Morrison Road East	Midland Oval	Midland West End	Midland Gate
	Residential	Mixed Use Retail/Commercial	Residential	Mixed Use Residential/Commercial	Mixed Use Retail/Commercial	Retail/Regional Shopping
Aged or Dependent Persons Dwelling	P	P	P	A	D	X
Agriculture Extensive -	X	X	X	X	X	X
Agriculture Intensive -	X	X	X	X	X	X
Agroforestry	X	X	X	X	X	X
Amusement Parlour	X	X	X	X	X	D
Ancillary Accommodation	X	X	X	D	D	X
Animal Establishment	X	X	X	X	X	X
Animal Husbandry - Intensive	X	X	X	X	X	X
Bed and Breakfast	D	P	D	P	P	X
Betting Agency	X	X	X	A	P	P
Cabin or Chalet	X	X	X	X	X	X
Camping Area	X	X	X	X	X	X
Car Park	X	X	X	A	A	A
Caravan Park	X	X	X	X	X	X
Caretaker's Dwelling	X	D	X	D	D	X
Child Premises Care	A	P	A	P	P	P
Cinema/Theatre	X	X	X	D	D	P
Civic Use	X	D	X	P	P	D
Club Premises	X	X	X	A	A	X
Community Purpose	X	A	X	D	A	P
Consulting Rooms	D	D	D	D	D	D
Convenience Store	X	A	X	D	D	D

Corrective Institution	X	X	X	X	X	X
Educational Establishment	D	D	D	D	D	D
Equestrian Facility	X	X	X	X	X	X
Exhibition Centre	X	D	X	D	D	A
Family Day Care	D	P	P	D	D	D
Fast Food Outlet	X	D	X	D	P	P
Food and Beverage Production	X	X	X	X	X	A
Fuel Depot	X	X	X	X	X	X
Funeral Parlour	X	X	X	X	X	X
Garden Centre	X	X	X	X	X	D
Grouped Dwelling	P	X	P	X	X	X
Home Business	D	D	D	D	D	D
Home Occupation	A	P	A	P	P	P
Home Office	D	P	D	P	P	P
Home store	X	A	X	D	A	A
Hospital	X	A	X	A	A	A
Hotel	A	X	X	D	D	A
Industry-Cottage	X	X	X	X	X	X
Industry-Extractive	X	X	X	X	X	X
Industry-General	X	X	X	X	X	X
Industry-Light	X	X	X	X	X	X
Industry-Mining	X	X	X	X	X	X
Industry-Noxious	X	X	X	X	X	X
Industry-Rural	X	X	X	X	X	X
Industry-Service	X	X	X	X	X	D
Lunch Bar	X	D	X	D	D	P
Marine Filling Station	X	X	X	X	X	X
Market	X [see note (a)]	X [see note (a)]	X [see note (a)]	X [see note (a)]	A [see note (a)]	D [see note (a)]
Medical Centre	X	A	X	D	D	D
Motel	X	X	X	X	D	X
Motor Vehicle Repair	X	X	X	X	X	X
Motor Vehicle Wash	X	D	X	D	D	D

Motor Vehicle, Boat or Caravan Sales	X	X	X	D	X	D
Multiple Dwelling	P ([see note b])	P ([see note b])	P ([see note b])	P ([see note b])	P ([see note b])	A ([see note b])
Night Club	X	X	X	A	A	X
Office	X	P	X	P	Ground Floor: D Upper Floors: P	P
Place of Assembly	X	A	X	D	D	P
Place of Worship	X	A	X	D	D	D
Radio & TV Installation Private	A	D	A	D	D	D
Reception Centre	X	D	X	D	D	D
Reception-Private	A	D	X	D	D	D
Reception-Public	X	A	X	D	D	D
Residential Building	A	A (see note b & c)	A	A (see note b & c)	A (see note b & c)	X
Restaurant	A	D (see note d)	X	P (see note d)	P (see note d)	P (see note d)
Restricted Premises	X	X	X	A	A	A
Roadhouse	X	X	X	X	X	X
Rural Pursuit	X	X	X	X	X	X
Service Station	X	X	X	D	X	D
Shop	X	D (see note d)	X	P (see note d)	P (see note d)	P
Short Term Residential	D	D (see note c)	D	A (see note c)	A (see note c)	A (see note c)
Showroom	X	X	X	A	A	D
Single Bedroom Dwelling	X	P (see note c)		P (see note c)	P (see note c)	P (see note c)
Single House	X	X	D	X	X	X
Small Bar	X	X	X	D	D	D
Storage	X	X	X	X	X	X
Tavern	X	X	X	D	D	D
Telecommunications Infrastructure	X	X	X	A	A	A
Tourist Facilities	X	X	X	D	D	D
Trade Display	X	X	X	X	X	X
Transport Depot	X	X	X	X	X	X
Vehicle Wrecking	X	X	X	X	X	X
Veterinary Centre	X	X	X	A	X	X
Warehouse	X	X	X	X	X	X
Winery	X	X	X	X	X	X



Note:

- a) Provided that 'Market' may be permitted on public land by the Local Government
- b) Ground floor land use shall be non-residential at the street frontage for buildings along areas identified in the Active Edge map.
- c) Ground floor of development may contain residential uses within 'Commercial and Residential Front Door' street frontages as defined by the Active Edge map.
- d) Shops and Restaurants shall only be allowed in conjunction with commercial and/or residential uses within the 'Commercial and Residential Front Door' street frontages as defined by the Active Edge map.

A (i): Interpretation of the Land Use Permissibility Table for the Midland Strategic Regional Centre

The permissibility of any uses is determined by cross-reference between the list of use classes on the left-hand side of the Land Use Permissibility Table for the Midland Strategic Regional Centre and the list of precincts at the top of the Table.

Schedule 15 C – shows the Midland Strategic Regional Centre Precincts

Where a specific use is mentioned in the Land Use Permissibility Table for the Midland Strategic Regional Centre, it is deemed to be excluded from the general terms used to describe any other use.

A (ii) The symbols used in the cross reference in the Land Use Permissibility Table for the Strategic Regional Centre have the following meanings:

**'P'** means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Structure Plan;

**'D'** means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

**'A'** means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4 of the Scheme; and

**'X'** means a use that is not permitted.

A (iii) Where a person proposes to carry out on land any use that is not specifically mentioned in the Land Use Permissibility Table for the Strategic Regional Centre and cannot reasonably be determined as falling within the type, class or genus of activity of any other listed use class, the local government may:

- determine the use to be consistent with the general objectives of the Strategic Metropolitan Centre and/or the intent of the particular Precinct and thereafter follow the advertising procedures as set out by Clause 9.4 in the Scheme in considering an application for planning approval; or
- determine that the use is not consistent with the general objectives of the Strategic Metropolitan Centre and/or the intent of the particular Precinct and is therefore not permitted.

- 13) Amending the Local Planning Scheme No. 17 Table of Content, Scheme Map and Legend Accordingly.

M WAINWRIGHT  
MAYOR

M FOLEY  
CHIEF EXECUTIVE OFFICER