

[GO TO CONTENTS PAGE](#)

TOWN OF KWINANA

Town Planning Scheme No. 3 (Town Centre)

Updated to include AMD 5 GG 16/06/2020



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
18 August 1998

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TOWN OF KWINANA TPS 3 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	2/6/06	13/6/06	DH	Part 4 – deleting reference to “Hotel/Motel Precinct” from clause 4.1.1 – General Town Centre Zone. Part 4 – deleting clause 4.3.5 – Land Use Policies. Part 4 – adding an additional clause to 4.5.8 Commercial Precinct.
2	14/11/08	19/11/08	DH	Table 1 - amending zoning table to include notation applicable to 'grouped dwellings' and 'multiple dwellings'. Part 4 - add new listing 'Mixed Use Precinct' under clause 4.1.3. Part 4 - inserting clause 4.5.9 "Mixed Use Precinct.
3	07/06/11	27/06/11	NM	Replaced Section 4.6.1 to 4.6.4.
5	16/06/2020	17/06/2020	MLD	Insert new clause 2.4 Additional Uses. Amend the scheme boundary to include portions of Lot 904 Chisham Avenue, Lots 109 and 115 Skerne Street, Lot 101 Stidworthy Court and Lot 3 Hutchins Cove, within TPS 3 and zone these portions General Town Centre; and zone a portion of Lot 89 Chisham Avenue currently not zoned to Shopping/Business.

THE TOWN OF KWINANA
TOWN PLANNING SCHEME NO 3.

The Kwinana Town Council, under and by virtue of the powers conferred upon it in that behalf by the *Town Planning and Development Act 1928* (as amended), hereinafter referred to as 'The Act', hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

CONTENTS

PART I - PRELIMINARY.....	5
1.1 Citation	5
1.2 Responsible Authority.....	5
1.3 Scheme Area.....	5
1.4 Contents of Scheme	5
1.5 Arrangement of Scheme Text.....	5
1.6 Scheme Objectives.....	5
1.7 Relationship to the Operative Town Planning Scheme	5
1.8 Interpretations.....	5
PART II - ZONE AND POLICIES.....	7
2.1 Scheme Area Policies	7
2.2 Zones.....	7
2.3 Objectives of Zones.....	8
TABLE 1 - ZONING AND USE CLASSES.....	9
2.4 Additional uses	12
TABLE 2 – SPECIFIED ADDITIONAL USES FOR ZONED LAND IN SCHEME AREA	12
PART III - SCHEME DEVELOPMENT REQUIREMENTS	13
3.1 General Scheme.....	13
3.2 Site Coverage and Set Backs	13
3.3 Lighting	13
3.4 Fencing.....	13
3.5 Landscaping	13
3.6 Parking and Drainage.....	14
PART IV - PRECINCT USE AND DEVELOPMENT REQUIREMENTS.....	15
4.1 Zones and Precincts.....	15
4.2 Specific Development Requirements	15
4.3 General Town Centre Zone	15
4.4 Market Square Zone.....	16
4.5 Shopping/Business Zone.....	17
4.6 Town Centre Residential Zone	19
ADOPTION	21

PART I - PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the Town of Kwinana Town Planning Scheme No 3 hereinafter called 'the Scheme' and shall come into operation on the publication of the Scheme in the Government Gazette.

1.2 RESPONSIBLE AUTHORITY

The Authority responsible for implementing the Scheme is the Council of the Town of Kwinana hereinafter called 'the Council'.

1.3 SCHEME AREA

The Scheme applies to the whole of the area of land contained within the inner edge of the broken border of the Scheme Map, which area is hereinafter referred to as the 'Scheme Area'.

1.4 CONTENTS OF SCHEME

The Scheme comprises:

- (a) The Scheme Text
- (b) The Scheme Map
- (c) Town Centre Strategy Plan and Report (as amended)

1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts:-

Part 1	Preliminary
Part II	Zones and Policies
Part III	Scheme Development Requirements
Part IV	Precinct Use and Development Requirements

1.6 SCHEME OBJECTIVES

The objectives of the Scheme are as follows:

- (a) providing development controls for the purpose of securing and maintaining an orderly and properly planned due and development of land within the Scheme Area;
- (b) implementing the development proposals contained in the Town Centre Strategy Plan adopted by Council.

1.7 RELATIONSHIP TO THE OPERATIVE TOWN PLANNING SCHEME

The provisions of the Scheme are in addition and complementary to the provisions of the Operative Town Planning Scheme published in the Government Gazette and controlling development throughout the entire Municipal Area.

All of the provisions of the Operative Town Planning Scheme shall continue to apply to the 'Scheme Area' except that where there is inconsistency between the specific provisions of the operative Town Planning Scheme and 'the Scheme', the Scheme shall prevail.

1.8 INTERPRETATIONS

Unless the context requires, the terms and expressions used in this Scheme shall have the meaning assigned to them in and for the purposes of the Operative Town Planning Scheme and additionally the following terms shall have the meanings assigned to them hereunder:

Design Guidelines:

Means criteria adopted by Council to guide the design and assessment of development in order to achieve the objectives of the Scheme (as amended from time to time) and which deal with the location, siting, orientation, height, design, bulk finish, colour and texture of buildings and associated development.

Externalised Form:

Means a composite of development within a defined area orientated towards public places (being public roads, pedestrian and cyclist thoroughfares) and applies to development having two or more frontages to public places and where orientation of the development is towards two or more of these frontages.

Internalised Form:

Means a composite of development within a defined area orientated away from public places (being public roads, pedestrian and cyclist thoroughfares) and applies to development having two or more frontages to public places and where orientation is away from these frontages.

Operative Town Planning Scheme:

Means the Town Planning Scheme published in the Government Gazette where the Scheme Boundary coincides with the Municipal Boundary under the Local Government Act.

Orientation:

Means the focus of a development where the direction(s) of focus is/are governed by the coincidence of feature windows, major openings, entrances, foyers, feature stairways, footpaths or highlight landscaping treatments or the direction where by virtue of building symmetry and form a building is designed to face.

Strategy Plan:

Means a plan adopted by Council (as amended from time to time) to guide development within the Town Centre area and deals with (but not limited to) broad land use precincts, vehicle/pedestrian/cyclist movement systems, spatial layout of build form and landscaping.

Single Storey:

Means a building having only one floor level at natural ground level (to be determined by Council) and no floor level above natural ground level but may include parking areas below natural ground level.

Two Storey:

Means a building having not more than two floor levels at or above natural ground level (to be determined by Council).

PART II - ZONE AND POLICIES

2.1 SCHEME AREA POLICIES

- 2.1.1 Land use and development shall occur generally in accordance with the Town Centre Strategy Plan adopted by Council (as amended).
- 2.1.2 Land use and development proposals at variance to the Strategy shall be considered by Council, in the light of the Scheme Objectives where discretionary powers are available under the Scheme to permit such variance.
- 2.1.3 Where such variance undermines the objectives of the Scheme Council shall refuse to grant planning approval or require that the proposal be modified where appropriate so as to more effectively reflect the Scheme Objectives.
- 2.1.4 Works undertaken by Council and Public Authorities on publicly owned land should be undertaken generally in accordance with the adopted Town Centre Strategy Plan.
- 2.1.5 In consideration of land use and development proposals within the Scheme Area Council shall have regard to Precinct land use and development policies contained in Part IV of the Scheme.
- 2.1.6 In making recommendations on subdivision proposals, Council shall have regard to the Town Centre Strategy Plan as adopted by Council and amended from time to time and Council in considering any variance to the Strategy Plan shall have regard to policies contained in the Scheme.
- 2.1.7 Landscaping, entry features on publicly owned land and works within road reserves shall be carried out by Council or Public Authorities generally in accordance with the Town Centre Strategy Plan in order to achieve a consistent Town Centre Streetscape within and surrounding the Town Centre so as to visually define the Town Centre.
- 2.1.8 In order to achieve consolidation and integration of use and development, future development within the Town Centre should be designed and laid out in an internalised form to balance existing externalised development and to focus on pedestrian movement systems and areas designated for social interaction generally in accordance with the Town Centre Strategy Plan and Kwinana Town Centre Design Guidelines.

2.2 ZONES

- 2.2.1 The Scheme Area is classified and divided into the following zones:
 - 1. General Town Centre Zone
 - 2. Market Square Zone
 - 3. Shopping/Business Zone
 - 4. Town Centre Residential Zone
- 2.2.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon.
- 2.2.3 **Zoning Table**

Table 1 indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones. The permissibility of any uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- 2.2.4 The symbols used in the Zoning Table have the following meaning;
 - 'P' means that the use is permitted by the Scheme.

- 'AA' means that the use is not permitted unless the Council has granted planning approval.
- 'SA' means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with the provisions of the Operative Town Planning Scheme relating to advertising of Applications to Commence Development.
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.
- 'X' means a use that is not permitted by the Scheme.

2.2.5 Uses Specified

Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

2.2.6 Uses Not Specified

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure provisions of the Operative Town Planning Scheme in considering an Application to Commence Development; or
- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

2.3 OBJECTIVES OF ZONES

2.3.1 General Town Centre Zone

To encourage the development of Public and Private Sector services and facilities in order to meet the civic, cultural, medical and entertainment needs of the community.

2.3.2 Market Square Zone

To encourage the development of small scale retail, leisure and entertainment establishments focused on a traditional market square which provides a venue for temporary open market stalls and community activities.

2.3.3 Town Centre Residential Zone

To encourage the development of medium density residential accommodation including aged persons and group housing units in close proximity to, interfaces and interacting with civic and shopping/business activities.

2.3.4 Shopping/Business Zone

To accommodate retail and commercial use and development necessary to meet the district level shopping needs of the community.

TABLE 1 - ZONING AND USE CLASSES

USE CLASSES	GENERAL TOWN CENTRE ZONE	TOWN CENTRE RESIDENTIAL ZONE	MARKET SQUARE ZONE	SHOPPING/ BUSINESS ZONE
Ancillary Accommodation	X	P	X	X
Aged and Dependent Persons Dwelling	X	P	X	X
Amenity Building	P	X	P	P
Amusement Centre	SA	X	P	P
Aquaculture	X	X	X	X
Boatel	X	X	X	AA
Boat Sales	X	X	X	AA
Bus Station	AA	X	AA	AA
Caravan Park	X	X	X	X
Caretaker's House/Flat	IP	X	IP	IP
Car Park	IP	IP	IP	IP
Chicken Farm	X	X	X	X
Civic Building	P	X	X	AA
Club	AA	X	AA	SA
Commercial Hall	P	X	AA	SA
Consulting Rooms	AA	X	X	AA
Dog Kennels	X	X	X	X
Drive-In Takeaway Food Shop	X	X	AA	P
Drive-In Theatre	X	X	X	X
Dry Cleaning Premises	X	X	X	AA
Eating House	AA	X	P	AA
Educational Establishment	P	X	X	AA
Extractive Industry	X	X	X	X
Factory Units	X	X	X	X
Family Day Care Centre	AA	AA	X	P
Fish Shop	AA	X	P	P
Forestry (Selective)	X	X	X	X
Fuel Depot	X	X	X	X
Funeral Parlour	AA	X	X	P
General Industry	X	X	X	X
Grouped Dwelling <i>AMD 2 GG 14/11/08</i>	X	P	X	AA ¹
Hazardous Industry	X	X	X	X
Health Centre	AA	X	AA	AA

USE CLASSES	GENERAL TOWN CENTRE ZONE	TOWN CENTRE RESIDENTIAL ZONE	MARKET SQUARE ZONE	SHOPPING/ BUSINESS ZONE
Health Studio	P	X	AA	P
Holiday Accommodation	X	AA	X	X
Home Occupation	X	X	X	P
Hospital	SA	X	X	AA
Hotel	SA	X	P	SA
Intensive Agriculture	X	X	X	X
Laundry (Laundrette)	X	X	X	AA
Laundry (Industrial)	X	X	X	X
Licensed Restaurant	X	X	P	SA
Light Industry	X	X	X	X
Liquor Store	X	X	SA	P
Local Shop	SA	X	AA	P
Lodging House	X	SA	X	X
Marina	X	X	X	X
Market Stalls	AA	X	P	AA
Medical Clinic	AA	X	X	AA
Motel	SA	X	X	SA
Motor Repair Station	X	X	X	AA
Multiple Dwelling <i>AMD 2 GG 14/11/08</i>	X	SA	X	AA ¹
Museum	P	X	AA	AA
Non-Residential Health Centre	AA	X	X	SA
Noxious Industry	X	X	X	X
Office	P	X	X	P
Open Air Display	AA	X	P	P
Open Air Storage Yard	X	X	X	X
Petrol Filling Station	X	X	X	AA
Piggery	X	X	X	X
Private Hotel	SA	X	P	SA
Private Recreation	AA	X	AA	AA
Professional Office	P	X	X	P
Public Amusement	P	X	AA	AA
Public Assembly – Place of	P	X	P	AA
Public Recreation	P	X	AA	P
Public Utility	P	P	P	P
Public Worship	P	X	AA	AA

TABLE 1 - ZONING AND USE CLASSES (Cont'd)

USE CLASSES	GENERAL TOWN CENTRE ZONE	TOWN CENTRE RESIDENTIAL ZONE	MARKET SQUARE ZONE	SHOPPING/ BUSINESS ZONE
Recreation Facilities	P	X	AA	AA
Residential Building	X	AA	X	X
Restricted Premises	X	X	X	AA
Rural Industry	X	X	X	X
Service Industry	X	X	X	SA
Service Station	X	X	X	AA
Shop	SA	X	AA	P
Showroom	X	X	X	P
Single House	X	P	X	X
Stables	X	X	X	X
Tailings Pond	X	X	X	X
Tavern	SA	X	P	SA
Trade Display	X	X	AA	P
Transport Depot	X	X	X	AA
Vehicle Sales	X	X	X	AA
Vehicle Wreckers	X	X	X	X
Veterinary Clinic	AA	X	X	P
Veterinary Hospital	SA	X	X	AA
Warehouse	X	X	X	SA

¹ Refer to Clause 4.5.9.1

2.4 ADDITIONAL USES

AMD 5 GG 16/06/2020

2.4.1 The table sets out –

- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that additional use.

TABLE 2 – SPECIFIED ADDITIONAL USES FOR ZONED LAND IN SCHEME AREA

No.	Description of land	Additional use	Conditions
AU1	Market Square Zone: Lot 113 (1) Robbos Way Lot 107 (2) Robbos Way Lot 115 (6) Skerne Street Lot 108 (8) Skerne Street Part of Lot 89 (4) Chisham Avenue	Office – AA	The additional use is restricted to the first floor or above.

2.4.2 Despite anything contained in the zoning table, land that is specified in the Table to subclause (2.4.1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

PART III - SCHEME DEVELOPMENT REQUIREMENTS

3.1 GENERAL SCHEME

3.1.1 Development shall be carried out incorporating the following principles:

3.1.1.1 Building design and layout shall generally accord with the Kwinana Town Centre Design Guidelines adopted by Council (as amended from time to time) and Council shall have regard for the guidelines when assessing development proposals.

3.1.1.2 Building setback shall be at the absolute discretion of Council (except in the case of residential development) and Council shall have regard for the following when approving setbacks:

- (i) to ensure that no buildings are constructed over designated internal accessways which impede directly or indirectly vehicular or pedestrian movement along designated routes; and
- (ii) Council has discretion to determine setbacks having regard to matters dealt with under the Kwinana Town Centre Design Guidelines, referred to in clause 3.1.1.1.

3.2 SITE COVERAGE AND SET BACKS

3.2.1 In determining the site coverage and set backs of any development other than residential development Council may permit site coverage of up to 100 percent and a set back variation to zero subject to it first being satisfied on matters relating to access, car parking, circulation, servicing, loading and unloading and other matters which Council in its absolute discretion may take into consideration, including design guidelines referred to in clause 3.1.1.1.

3.3 LIGHTING

3.3.1 Lighting within carparking and landscaped areas where light fixtures are detached from buildings shall be of a consistent standard and conform to Council's specification.

3.4 FENCING

3.4.1 Fencing shall be in accordance with the Kwinana Town Centre Design Guidelines.

3.5 LANDSCAPING

3.5.1 Council's objective in specifying and controlling landscaping standards within the Scheme Area is to promote a distinct identity and character for the Town Centre.

3.5.2 Siting planning and building layout should secure the preservation of significant vegetation and in particular tall Tuarts.

3.5.3 Landscaping of individual developments shall be consistent with an overall landscaping strategy adopted by Council and centred around the use of existing vegetation. All developers shall lodge detailed landscaping plans for Council approval prior to the commencement of development.

3.5.4 Council may require that individual trees or groups of trees are retained and no person shall remove such designated vegetation without the prior written consent of Council.

3.5.5 Vehicle parking areas shall be landscaped with shading vegetation so that a vegetation island is situated between not more than 5 grouped vehicle parking bays.

- 3.5.6 Council may specify a schedule of vegetation to be used in individual landscaping plans.
- 3.5.7 Developers may be required to provide a performance bond to Council, to an amount estimated by Council necessary to install landscaping and parking areas and shall be refunded upon installation of the required works to the satisfaction of Council.
- 3.5.8 In considering development applications for land within the Scheme Area an area of at least 8% of the lot shall be designed, developed and maintained as a landscaped area and shall include existing vegetation identified by Council, except in the case of residential development.
- 3.5.9 Where, in the opinion of Council, sufficient landscape features exist in the lot or nearby streets and reserves, the landscaped area may be reduced by up to 50%.
- 3.5.10 Existing vegetation in excess of 1.8 metres in height within the specified landscaping areas shall be retained in good order provided that it does not interfere with the orderly or proper planning of the development or pose a threat to the safety of the development or to the public.
- 3.5.11 Service areas of buildings within the Scheme Area shall be screened by native shrubs.
- 3.5.12 Council may specify a schedule of vegetation species to be used in landscaping of development.

3.6 PARKING AND DRAINAGE

- 3.6.1 Car parking areas shall be constructed, sealed, kerbed and drained to Council's specifications.
- 3.6.2 Drainage from roofed and paved areas shall be disposed of on site to Council's specifications.

PART IV - PRECINCT USE AND DEVELOPMENT REQUIREMENTS

4.1 ZONES AND PRECINCTS

4.1 The Zones listed in Part II of the Scheme are further classified and divided into the following Policy Precincts

4.1.1 General Town Centre Zone

- Civic Precinct
- Medical Precinct

4.1.2 Market Square Zone

- Market Square Precinct
- Entertainment/Eating House Precinct

4.1.3 Shopping/Business Zone

- Retail Precinct
- Commercial Precinct
- Mixed Use Precinct

AMD 2 GG 14/11/08

4.2 SPECIFIC DEVELOPMENT REQUIREMENTS

4.2.1 Council when considering proposals to use and develop land or buildings within precinct areas shall have regard to Table 1, stated Precinct Land Use Policies and Predominant Uses listed hereafter and also the Town Centre Strategy Plan, Scheme Area Policies and Scheme development requirements referred to in Part III of the Scheme. In the case of subdivision proposals, Council shall have regard to the Precinct Policies when making a recommendation to the Western Australian Planning Commission.

4.2.2 Council may grant approval to uses and development or classes of uses and development not listed as Predominant Uses provided that Council is satisfied that the proposals are consistent with Precinct Land Use Policies.

4.2.3 Council in considering proposals for uses not listed as Predominant Uses within a specific precinct shall have regard to uses listed as Predominant Uses in other precincts and shall be satisfied that approval does not undermine the viability or level of service of these Predominant Uses, whether existing or planned.

4.3 GENERAL TOWN CENTRE ZONE

4.3.1 Retail and commercial use and development will not be supported unless Council is satisfied that such use is ancillary to Civic function or that the use provides a convenient service to land uses, users and the workforce within the Civic Precinct.

4.3.2 Uses which would detract from the viability of similar uses within the Market Square or Shopping/Business Zones shall not be supported.

4.3.3 Civic Precinct

4.3.3.1 Land Use Policies

The Predominant uses shall be:

- Federal, State and Local Government administrative services and facilities,
- Commercial Offices,
- Recreation,

- Community facilities accommodating welfare, cultural, spiritual and administrative uses,
- Public walkways and civic square.

4.3.3.2 Buildings abutting or adjacent to the Civic Square delineated on the Town Centre Strategy Plan (as amended) shall:

- (i) Have foyer and main entrances at the same level as that of the finished level of the Civic Square and such buildings shall be oriented towards the Civic Square to the satisfaction of Council.
- (ii) Shall be constructed at a setback of zero on lot boundaries common to the Civic Square.
- (iii) Shall be 2 storeys from the finished level of the Civic Square excluding underground parking and shall be designed so as to accentuate vertical elevation either by height of building, external features or roof pitch.

4.3.3.3 Where buildings are required to be oriented towards the Civic Square as required by clause 4.3.3.2 the rear of the buildings adjacent to the internal accessways shall employ material and be designed, constructed and landscaped so as to enhance the streetscape of the internal access road.

4.3.3.4 All buildings adjacent to the designated pedestrian/cycleway shall make provision for direct connection of on-site pedestrian/cycle movement to designated Town Centre pedestrian/cycle pathways designated on the Town Centre Strategy Plan (as amended).

4.3.4 Land Use Policies

Medical Precinct

The Predominant uses shall be:

- Medical and Paramedical services and facilities,
- Public and private hospitals,
- Consulting Rooms,
- Pharmaceutical Sales.

4.4 MARKET SQUARE ZONE

4.4.1 The predominant uses shall be those that attract regular customer patronage and promote leisure activities and social interaction.

4.4.2 Large scale retail development will not be supported as such use/development should be concentrated in the Shopping/Business zone.

4.4.3 Market Square Precinct

The Predominant uses shall be:

Market Stalls,
Open Air Displays,
Growers Markets.

4.4.3.2 No permanent structures will be permitted within the Market Square Precinct other than those installed by Council for purposes of lighting, seating, refuse collection, parking control, urban arts, public entertainment, weather/climate protection and amenities.

4.4.3.3 Temporary Market Stalls and ancillary fittings may be established and operated within the Market Square Precinct with the approval of Council

within times designated by Council. At the close of these designated times all stalls and ancillary fittings shall be removed from the site.

4.4.4 Entertainment/Eating House Precinct

4.4.4.1 Land Use Policies

The Predominant uses shall be:

Cafes,
Fish Shops,
Licensed Restaurants,
Eating House,
Local Shops,
Public Assembly - Place of.

4.4.4.2 All buildings and development within the Entertainment/Eating House Precinct shall be oriented towards the Market Square Precinct to the satisfaction of Council.

4.4.4.3 All buildings constructed within the Entertainment/Eating House Precinct shall make provision for outdoor eating, drinking and entertainment areas between the building line and the Market Square Precinct area.

4.4.4.4 Council will support strata subdivision within the Entertainment/Eating House Precinct where the outdoor eating area is under common ownership.

4.4.4.5 No building within the Entertainment/Eating House Precinct shall exceed single storey in height.

4.5 SHOPPING/BUSINESS ZONE

4.5.1 The zone should generally accommodate and consolidate undercover convenience and comparison goods retail and other commercial core uses.

4.5.2 Service commercial, bulk retail and service trades will not generally be supported unless Council is satisfied that such land use and development would be consistent with the orderly and proper planning of the Town Centre and the preservation of the amenity of the Town Centre.

4.5.3 The siting and layout of buildings south of Chisham Avenue within the Entertainment Eating House precinct shall allow for direct pedestrian/cycle movement between the Market Square Precinct and the main northern entrance to the shopping centre complex within the Retail Precinct.

4.5.4 Expansion and modification of the retail shopping complex shall make provision for direct pedestrian/cyclist connection between the complex and the Market Square Zone to the north.

4.5.5 Provision shall be made for pedestrian/cyclist crossing installations and treatment at major internal thoroughfares, with priority assigned to pedestrians and cyclists.

4.5.6 Landscaping of parking areas should be based upon a theme which employs continuous vegetation strips within parking areas generally parallel to surrounding roads.

4.5.7 **Retail Precinct**

4.5.7.1 **Land Use Policies**

The Predominant uses shall be:

Amusement Centre,
Eating House,
Health Studio,
Liquor Store,
Office,
Professional Office,
Shops,
Fish Shop,
Private Recreation,
Service Station,
Bus Station.

4.5.8 **Commercial Precinct**

4.5.8.1 **Land Use Policies**

The Predominant uses shall be:

Boat Sales,
Funeral Parlour,
Open Air Display,
Service Station,
Trade Display,
Vehicle Sales,
Bulk Retail,
Offices,
Service Industry,
Showrooms,
Vehicle Sales,
Veterinary Clinic
Warehouse.

4.5.8.2 Subdivision and development within the Commercial Precinct should be designed so as to minimise the number of driveways from commercial premises to Meares Avenue and Council shall have regard to this requirement in recommending to the Western Australian Planning Commission in respect of subdivision proposals.

4.5.8.3 No lot within the Commercial Precinct shall be served by more than one driveway to Meares Avenue.

4.5.8.4 In determining setbacks within the Commercial Precinct Council shall have regard to the likely impact of development on residential development.

4.5.8.5 Subdivision and subsequent development within the commercial precinct area north of Chisham Avenue shall not be supported by Council until such time that adequate car parking has been provided for the existing hotel use in accordance with the requirements of the Operative Town Planning Scheme.

AMD 1 GG 2/6/06

4.5.9 **Mixed Use Precinct**

AMD 2 GG 14/11/08

4.5.9.1 Grouped and Multiple Dwellings

Notwithstanding the classification in Table 1 - Zoning and Use Classes, the Council shall only approve the use of the land or buildings for grouped or multiple dwellings where:

- (i) The dwellings form part of an integrated landmark mixed use development that meets the requirements of the Mixed Use Precinct; and
- (ii) The development includes a mixed use building with commercial and/or offices on the ground floor addressing any street frontage; and
- (iii) The development in the opinion of Council is of a high architectural quality and adopts the design principles of the Kwinana Town Centre Design guidelines; and
- (iv) The density of development shall not exceed a maximum of R100.

4.5.9.2 Land Use Policies

The Predominant uses shall be;

Offices

Showrooms

Local Shop

Cafes

Grouped Dwelling and/or Multiple Dwellings that form part of a mixed use development in accordance with Clause 4.5.9.1.

4.5.9.3 New development is to incorporate a mixture of landuses compatible with residential landuses proposed in adjacent Precinct 2.

4.5.9.4 All buildings to achieve a high quality integrated development and be orientated to address Meares Avenue and Chisholm Avenue with minimal front setbacks and integrated signage.

4.5.9.5 All buildings adjacent to pedestrian areas or public pathways shall provide adequate shelter in the form of verandahs, awnings or other architectural elements as agreed to by Council.

4.5.9.6 All buildings shall be designed to accentuate vertical elevation either by the height of the building, external architectural features or roof pitch.

4.6 **TOWN CENTRE RESIDENTIAL ZONE**

AMD 03 GG 07/06/11

4.6.1 Subdivision and development within the town Centre Residential zone should generally be in accordance with the Development Guide Plan(s) adopted by Council which specify:

- Residential densities
- Lot configuration
- Location and extent of the Town Park
- Building setbacks and orientation of dwellings
- Requirement for overall building design and development standards prior to construction
- Landscaping design and maintenance standards

- Finished Levels
 - Ensure all residential development fronting the Civic Square, Town Park and Pedestrian Path as delineated on the Town Centre Strategy Plan is constructed to two storeys in height and is orientated towards the Civic Square, Town Park and Pedestrian Path
 - Fencing standards on lots fronting the Civic Square, Town Park and Pedestrian Path forward of the building line.
- 4.6.2 Development Guide Plan(s) are to ensure road connections within the Town Centre Residential zone are coordinated between the various landowners.
- 4.6.3 The Development Guide Plan(s) shall be prepared, adopted and, where required, modified for all residential lots within the Town Centre Residential zone in accordance with Section 6.17.6 (Detailed Area Plans) of Town of Kwinana Town Planning Scheme No. 2.
- 4.6.4 Residential development shall be in accordance with Statement of Planning Policy No. 3.1 *Residential Design Codes* (as amended), except where variations are specifically reflected on the Development Guide Plan as adopted by Council.

ADOPTION

Adopted by resolution of the Council of the Town of Kwinana at the **Ordinary** Meeting of the Council held on the **9th** day of **November 1997**.

MAYOR

DATE 26/6/98

TOWN CLERK

DATE 26/6/98

FINAL APPROVAL

1. Adopted by resolution of the Council of the Town of Kwinana at the **Ordinary** Meeting of Council held on the **24th** day of **June 1998** and the Common Seal of the Town of Kwinana was pursuant to that resolution hereunto affixed in the presence of:

MAYOR

TOWN CLERK

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.4 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the date shown below.

2. Recommended/submitted for final approval by the Western Australian Planning Commission.

CHAIRPERSON

DATE

3. Final approval granted.

SIMON WOOD
FOR MINISTER FOR PLANNING

DATE 9/8/98