



Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3

Amendment No. 73

Amendment to clause 4.3.3 to provide discretion to permit higher density residential development in the Commercial zone

July 2023

**Prepared by the Shire of Bridgetown-Greenbushes
Planning and Development Act 2005**

**RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING
SCHEME**

Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3

Amendment No. 73

Resolved that the Local Government pursuant to Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. *Adding the following wording to clause 4.3.3 (d) of the Scheme Text following the words 'may be permitted'*

'Notwithstanding clause 4.3.3 (d) Council may permit development for residential use which complies with the provisions of the Residential Design Codes as they apply to areas coded R35, within the Commercial zone, where:

- i. *it is satisfied that the development is consistent with the amenity of the locality, and*
- ii. *in the case of a development located on or adjoining a site listed in Schedule 4 of the Scheme, it is satisfied that the development enables the place, building or object listed in Schedule 4 is conserved and preserved, and*
- iii. *the development can be connected to the reticulated sewerage system'*

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- *the amendment is does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

Dated this _____ day of _____ 2022

Chief Executive Officer: _____

SCHEME AMENDMENT REPORT

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1. INTRODUCTION

This report has been prepared by the Shire of Bridgetown-Greenbushes to support an amendment to the Shire's Town Planning Scheme No. 3 (TPS3). This scheme is one of two local planning schemes currently operative within the Shire of Bridgetown-Greenbushes, the second one being Town Planning Scheme No. 4 (TPS4). TPS3 applies only to the Bridgetown Townsite area. TPS4 applies to all the other parts of the local government district.

This amendment to TPS3 is intended to facilitate greater housing density and choice and within areas in and close to Bridgetown town centre, by enabling development of residential land uses at a density higher than the standard R12.5/R20 which currently applies in the scheme area.

2. SUBJECT LAND AND CONTEXT

The proposed amendment is an amendment to scheme text only. The area to which it applies is the Commercial zone as shown on the Scheme Map. This area is shown in Attachment 1.

3. REGIONAL PLANNING FRAMEWORK

There is no Region Planning Scheme applicable to the Shire of Bridgetown-Greenbushes.

4. LOCAL PLANNING FRAMEWORK

As stated in the Introduction, there are two local planning schemes currently operative in the Shire of Bridgetown-Greenbushes. The Council is currently preparing a new Local Planning Scheme (LPS No. 6) and associated Local Planning Strategy for the whole of the Shire and upon gazettal LPS No. 6 will replace the two existing schemes.

Until the new LPS6 is gazetted, Town Planning Scheme No. 3 (TPS3) applies to all of the land within the Bridgetown Townsite.

TPS3 does not contain general objectives for the Scheme Area, but includes the following objective in respect of the Commercial Zone at clause 4.2:

Council's objective will be to ensure that the Town Centre continues to function effectively as the location for the district's commercial and civic activity, that the uses approved therein will be compatible with the objective, and with enhancement of the Centre's activity and movement systems.

Part IV of the Scheme also includes more specific provisions applying to all development within the Commercial Zone (clause 4.2.1), and development in all zones to which the Residential Design Codes (State Planning Policy 7.3) apply (clause 4.3.3)

5. AMENDMENT PROPOSAL

Providing for a diverse range of land, housing, and development opportunities to meet current and future needs is an objective of the Council's Strategic Community Plan and its Corporate Business Plan. One way of contributing

towards this objective would be to facilitate greater housing choice and opportunity within areas in and close to Bridgetown town centre. This could be encouraged if the current local planning scheme applying to the Bridgetown townsite, Town Planning Scheme No. 3, enabled development of residential land uses in appropriate circumstances at a density higher than the standard R12.5/R20 which currently applies in the scheme area. This could encourage the development of more diverse, smaller and potentially more affordable housing stock in the townsite.

Town Planning Scheme No. 3 currently includes the following clause in Part IV:

4.3.3 Residential Development - Residential Planning Codes

- a) For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 3 to the Statement of Planning Policy No 1 as published in the Government Gazette on January 30, 1985, together with any amendments thereto.**
- b) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.**
- c) Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes.**
- d) Development for residential use in any zone where permitted by the Scheme shall conform to the provisions of the R12.5 Code except that where development can be connected to the reticulated sewerage system, development to the standards of the R20 Code may be permitted.**
- e) Notwithstanding clause 4.3.3 (d) Council may permit development for residential use which complies with the provisions of the Residential Design Codes as they apply to areas coded R35, within the Commercial zone where:**
 - i. it is satisfied that the development is consistent with the amenity of the locality; and**
 - ii. in the case of a development located on or adjoining a site listed in Schedule 4 of the Scheme, it is satisfied that the development enables the place, building or object listed in Schedule 4 is conserved and preserved; and**
 - iii. the development can be connected to the reticulated sewerage system.**

Part (d) of this clause provides Council with a discretionary power to approve residential development at a density of up to R20 where the development can be connected to the reticulated sewerage system. Development which satisfies the current Residential Design Codes requirements for R20 density is only ever

likely to be in the form of single dwellings because of the nature of the design requirements that apply at R20 including the minimum lot size requirement (350 sq m).

It is proposed that the additional sub-clause should apply to lots zoned Commercial under the scheme. These are limited to lots abutting Hampton Road and a few lots at the western end of Steere Street and adjoining streets. These are considered the most appropriate potential sites for smaller, more diverse types of housing as they are located in or on the fringes of Bridgetown town centre. The land area that is the subject of the amendment is shown in Attachment 1.

The effect of the new sub-clause would be to give the Council discretionary power to approve development comprising residential land uses in building forms that comply with the provisions of the Residential Design Codes as they apply to areas coded R35, rather than at a density of R12.5 or R20 (where connected to reticulated sewer), as currently provided for under clause 4.3.3.

The R35 provisions could facilitate forms of residential development such as compact grouped dwellings or townhouses, but at a relatively modest scale and density still compatible with the local context of Bridgetown town centre. The Commercial zone includes a considerable number of places of heritage significance which are identified in Schedule 4 of TPS3. Although clause 7.2 provides planning control under the scheme for these places, it is considered prudent to further safeguard the heritage values of these places by including specific provisions in the scheme requiring that the Council (or JDAP/SAT) be satisfied that the proposal enables the place, building or object listed in Schedule 4 is conserved and preserved. The inclusion of this clause effectively removes any incentive for development proposals that might negatively impact on the listed place.

6. AMENDMENT TYPE

Part 5, Division 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) outlines the processes and requirements for undertaking a scheme amendment and identifies three different categories of amendment - basic, standard and complex. Council is required to specify whether, in its opinion, an amendment is considered to be basic, standard or complex.

This scheme amendment is considered a standard amendment under the Regulations, for the reason outlined under regulation 34(e), namely that it is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area. It is considered to comply with this reason because the proposed scheme clause would introduce a discretionary power to approve slightly higher density residential development in the Commercial zone, where residential is already a discretionary land use, and would apply only to a limited number of lots in Bridgetown town centre, and where the proposed sewer connection and amenity conditions can be satisfied.

7. CONCLUSION

The amendment proposes a minor change to the planning scheme applying to the Bridgetown townsite, Town Planning Scheme No. 3, to enable development of residential land uses in appropriate circumstances at a density higher than the standard R12.5/R20 which currently applies in the scheme area. This could encourage the development of more diverse, smaller and potentially more affordable housing stock in the townsite.

COUNCIL ADOPTION

This Amendment was adopted by resolution of the Council of the Shire of Bridgetown-Greenbushes at the Ordinary Meeting of the Council held on the 29th day of June 2023.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Shire of Bridgetown-Greenbushes at the Ordinary Meeting of the Council held on the 29th day of June 2023 to proceed to advertise this Amendment.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support / not to be supported by resolution of the Shire of Bridgetown-Greenbushes at the Ordinary Meeting of the Council held on the _____ day of _____ 2023 and the Common Seal of the Shire of Bridgetown-Greenbushes was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

FORM 6A - CONTINUED

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....

COMMERCIAL ZONED LAND

Attachment 1

