

CITY OF ARMADALE

AGENDA

OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 17 FEBRUARY 2015 AT 7:00 PM.

A meal will be served at 6:15 p.m.

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

“For details of Councillor Membership on this Committee, please refer to the City’s website – [www.armadale.wa.gov.au/your council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read.

DECLARATION OF MEMBERS' INTERESTS

QUESTION TIME

CONFIRMATION OF MINUTES

RECOMMEND

**Minutes of the Development Services Committee Meeting held on 20 January 2015
be confirmed.**

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 1 / 2015

- **Outstanding Matters & Information Items**
Report on Outstanding Matters - Development Services Committee
Review before the State Administrative Tribunal (SAT)
- **Health**
Health Services Manager's Report - December 2014
- **Planning**
Planning Applications Report - December 2014
Town Planning Scheme No.4 - Amendment Action Table
Subdivision Applications - WAPC Approvals/Refusals - December 2014
Subdivision Applications - Report on Lots Registered for 2013/2014
PAW Closure Report - Significant Actions during December 2014
Compliance Officer's Report - December 2014
- **Building**
Building Services Manager's Report - December 2014
Building Applications Monthly Statistics - December 2014

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 2 / 2015

- **Outstanding Matters & Information Items**
Report on Outstanding Matters - Development Services Committee
Review before the State Administrative Tribunal (SAT)
- **Health**
Health Services Manager's Report - January 2015
- **Planning**
Planning Applications Report - January 2015
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- **Building**
Building Services Manager's Report - January 2015
Building Applications Monthly Statistics - January 2015

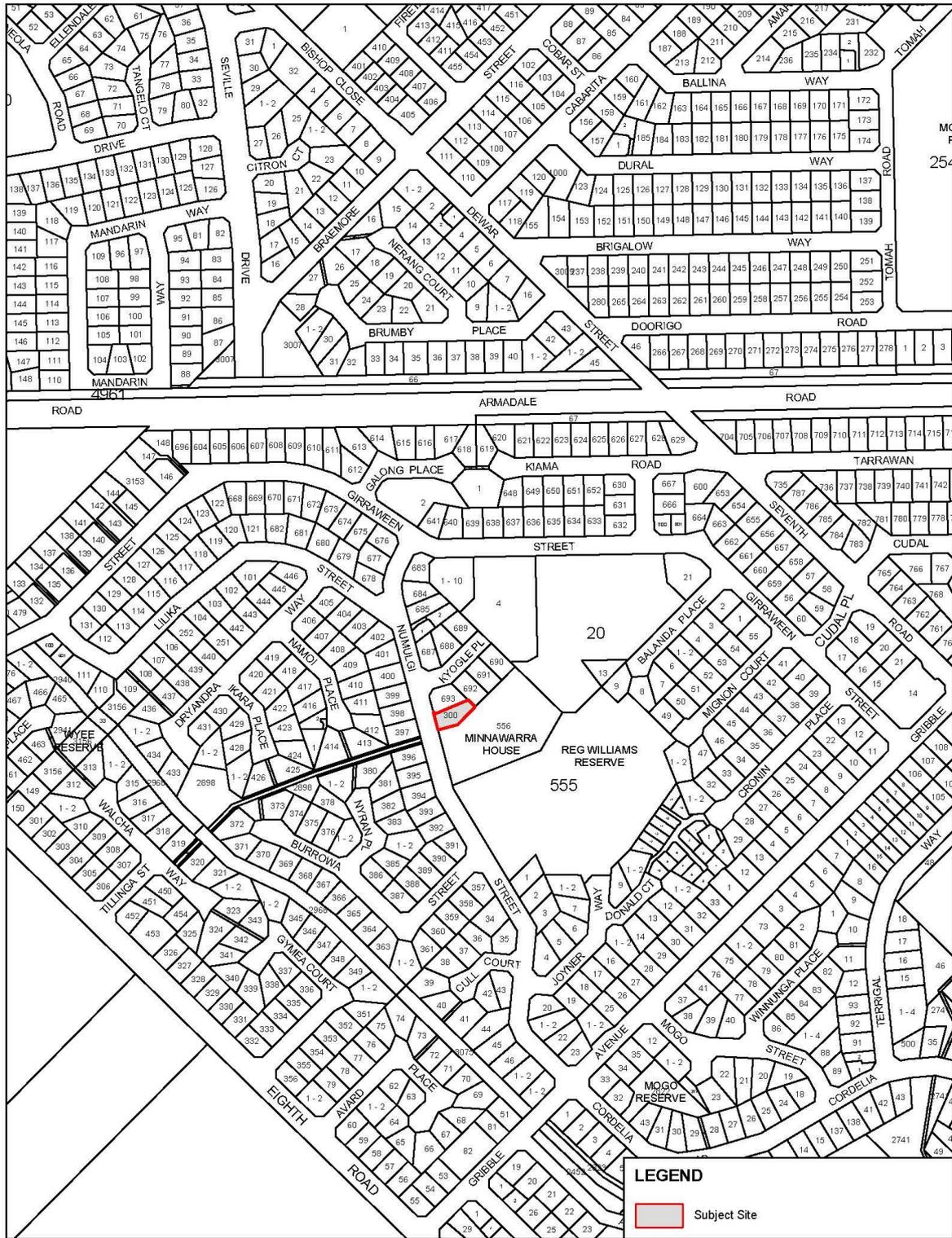
If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.

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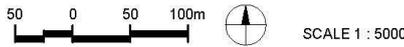
DEVELOPMENT SERVICES COMMITTEE

17 FEBRUARY 2015

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LOCATION PLAN
Lot 300 (No. 16) Numulgi Street, Armadale



Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012).
Aerial photograph supplied by Landgate, Photomaps by NearMap.



DATE 3 January 2014 - REVISION 14##

**

***1.1 - ADOPTION OF BUSINESS PLAN AND SALE OF LOT 300 NUMULGI STREET,
ARMADALE***

WARD : LAKE
FILE No. : M/4/15
DATE : 3 February 2015
REF : HB
RESPONSIBLE : EDDS
MANAGER

In Brief:

- Council at its meeting on 15 December 2014 (D70/12/14) resolved to advertise a Business Plan which proposed the sale of one lot currently owned by the City as part of the City's Public Open Space Strategy (POS Strategy).
- The Business Plan was advertised for a period of 42 days (6 weeks), between 17 December 2014 and 4 February 2015. No submissions were received.
- Recommend that Council adopt the Business Plan and dispose of Lot 300 Numulgi Street, Armadale.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

2.4.2 Maintain and improve where required the quality, amenity and accessibility of open spaces.

4.2.1 Develop, implement and report on Council's strategic and business plans.

4.6.2 Actively pursue alternative sources of revenue for Council's assets and operation.

Legislation Implications

Planning and Development Act, 2005

Former Town Planning and Development Act, 1928

Crown Land Administration and Registration Practice Manual

Local Government Act, 1995 – Section 3.59 Commercial Enterprises by Local Governments

Local Government (Functions and General) Regulations, 1996

Council Policy/Local Law Implications

Public Open Space Strategy

Parks and Facilities Strategy, 2013

ENG 13 – Asset Management Vision



Aerial Photograph
Lot 300 (No. 16) Numulgi Street, Armadale

15 0 15 30m SCALE 1 : 1500

Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012).
Aerial photograph supplied by Landgate. Photographs by NearMap.



Budget/Financial Implications

The sale of Lot 300 Numulgi Street, Armadale was formally listed as a 'Freehold Land Sale (Strategic Land Asset)' in the City's "Plan for the future 2011 – 2025".

As per the State Government requirements, the City's "Plan for the Future 2011 – 2025" has been replaced by the "Strategic Community Plan 2013 – 2028". The Strategic Community Plan 2013 – 2028 is an overarching strategic document that 'sets out the Community's vision and aspirations'... The document that follows on from the Strategic Community Plan is now referred to as the "Corporate Business Plan", which 'sets out key actions that are required to attain those community aspirations'.

As a part of the 2013/14 budget review, officers estimated the sale of Lot 300 Numulgi Street, Armadale may generate approximately \$155,000 revenue. Note this is a forecast (estimation) only and is not based on a market valuation undertaken by a licensed valuer. Additionally, the forecasted revenue has been revised on an annual basis since initial forecasts were prepared for the City's 15 Year Strategic Plan.

Historically, the City's 15 Year Plan proposed expenditure of funds from the sale of Lot 300, to occur as a part of the City's 'Freehold Land Sales and Investment Strategy'. As will be discussed in the background of this report, in the event Council resolves to dispose of the said property, the sale should be treated in the same manner as the City's POS Strategy land sales.

In this instance 70% of funds would be allocated to the Precinct Trust for improvements to existing reserves within Precinct C of the City's POS Strategy and the remaining 30% of the net sale proceeds would be directed to the City's 'Regional Recreation Initiatives Trust 47'.

Consultation

- Corporate Services
- Technical Services and Parks and Reserves
- Community – Business Plan advertise for a period of 42 days between 17 December 2014 and 4 February 2015.

BACKGROUND

Property Description

The property is situated on the north-eastern side of Numulgi Street and approximately 30m south of the intersection of Numulgi Street and Kyogle Place, Armadale.

The subject lot is zoned "Residential R15/25" under Town Planning Scheme No.4 (TPS No.4) and has a dual density code. Under Clause 5.2.4(a) an application for grouped dwellings at the higher density can be made to the City.

A grouped dwelling application is a discretionary use in the "Residential" zone. To achieve the high density code the application must comply with the requirements of the City's *Residential Development Policy PLN 3.1* and *Residential Design Codes 2013*.

The City may consider a further density bonus to R30 afforded by Clause 5.2.4(a) of the TPS No.4, which states:

5.2.4 Notwithstanding 5.2.3 above, the City may permit development above the lower density code in the following circumstances subject to an Application for Planning Approval being granted by the City in accordance with Local Planning Policy 3.1 Residential Density Development –

- a) *Where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25 –*
- ii) *Up to R30 in the case of properties fronting more than one street or abutting a public open space reserve, where the design will result in development providing surveillance of the streets or public open space reserve respectively”*

Lot 300 Numulgi Street, Armadale abuts Reg Williams Reserve (Reserves 49129 and 32505). An application may be made to the City to develop grouped dwellings or aged care dwellings at a density of up to R30. As per the above, this approval is discretionary and assessed on its merits in compliance with the City’s *Residential Density Development Policy PLN3.1*.

Historic Land Use

Lot 300 Numulgi Street, Armadale has been owned by the City as a Freehold property since 1988. The property was created by way of subdivision. The Town Planning Board approved subdivision 29713 on 17th April 1973. This subdivision created Reg Williams Reserve and ‘Part Lot 695’ (which is now referred to as Lot 300 Numulgi Street, Armadale).

Condition 10 of subdivision 29713 required Part Lot 695 to be... “*transferred to Council for P.O.S. exchange purposes*”... ‘Part Lot 695’ was not transferred to the City until 1988 and was historically zoned “Residential” under the City’s Town Planning Scheme No.1, gazetted in 1973. This “Residential” zoning continued to take effect within the City’s Town Planning Scheme No.2, gazetted 1985 and Town Planning Scheme No.4, gazetted 2005.

Whilst the property was not created as a 20A “Public Recreation” Reserve, the manner in which the property came into the City’s ownership warrants the proposed sale to be treated in the same manner as other POS Strategy land sales.

In this instance 70% of the funds would be allocated to the Precinct Trust for improvements to existing reserves within Precinct C of the City’s POS Strategy and the remaining 30% of the net sale proceeds would be directed to the City’s ‘Regional Recreation Initiatives Trust 47’.

DETAILS OF PROPOSAL

The Business Plan includes an overall assessment required to be made by local governments when undertaking a major land transaction, in this instance the proposed disposal of Lot 300 Numulgi Street, Armadale.

As per Section 3.59(4) of the *Local Government Act, 1995*, the Business Plan was advertised for a period of 42 days, ending 4th February 2015. During the advertising period no submissions were received.

COMMENT

The Business Plan includes an overall assessment required to be made by local governments when undertaking a major land transaction. As per Section 3.59(4) of the *Local Government Act, 1995* the Business Plan was advertised for a period of 42 days, ending 4th February 2015.

The legislative requirements relating to the advertising require notice to be given in a State wide newspaper. The City advertised the Business Plan as follows:

- The West Australian state wide newspaper on 17th December 2014;
- The Comment News local newspaper on 18th December 2014;
- At the Kelmscott, Seville Grove and Armadale Libraries and at the City in the front counter; and
- On the City's website in the 'Out for Comment' section.

No submissions were received during the advertisement period.

The size and value of these properties allows for disposal via public tender or private treaty. Council can either negotiate a sale price directly with a prospective purchaser or through an agent. Section 3.58(3) of the *Local Government Act, 1995* allows Local Governments to sell by private treaty after the details of the property and intention of disposal have been advertised for a period not less than two (2) weeks. Council is then required to consider all submissions and record its decision in the minutes of the meeting.

Funds received from the sale of land will be held in a Trust Fund by the City pending future consideration for expenditure. The proceeds from the sale of cancelled reserves can only be applied to the acquisition of replacement public recreation land, the consolidation of existing smaller reserves or the construction of capital improvements on existing reserves within the general locality of the cancelled reserve. In this regard the bulk of funds from the sale of Lot 300 Numulgi Street, Armadale will be invested into Precinct C of the City's POS Strategy. However, 30% of the funds from the sale of the lot will be invested into the City's 'Regional Recreation Initiatives Trust 47' (Recreation Initiatives) as per Council's decision on 17 July 2006 (CS75/7/06) and approval from the Minister for Planning and Infrastructure on 12th June 2008.

ANALYSIS

In the mid 1980's the adjoining reserve, Reg Williams Reserve, was used as a netball facility. Lot 300 has historically been a vacant lot and is surplus to the City's recreational requirements. The lot does not serve an environmental or economic purpose to warrant retention. However, a pedestrian access way (PAW) did run through Lot 300 in the mid 1980's, which linked Kyogle Place to Reg Williams Reserve. This PAW appears to have been removed in the mid-1990's.

The property falls within Precinct C of the POS Strategy. There are 37 reserves for Public Recreation purposes in Precinct C of the City's POS Strategy. The precinct is bound by Armadale Rd to the north, the railway line to the east, Eighth and Ninth Roads to the southwest. The precinct's gross land area is 460ha. In 2000, the POS Strategy identifies a total of 48.4ha of Public Open Space within the precinct, including 9.35ha of Freehold land owned by the City for public recreation purposes.

Expenditure proposals for Precinct C were previously approved at Council's meeting of 27 February 2012 (D12/2/12). This approval resulted in the upgrade of four reserves being Reg Williams Reserve (\$323,635.67), Don Simmons Reserve (\$323,635.67), Harber Drive Reserve (\$223,650) and Rotary Park Reserve (\$84,000). These upgrades are near completion and a reconciliation of the completed works will be undertaken in due course. At this meeting of Council, it was noted that in the event that funds remain after upgrades to the aforementioned four reserves, or where additional funds became available, Bronzewing Reserve and Horrie Hill Reserve would be upgraded as per the schedule of works attached to the report for the meeting of 27 February 2012 (D12/2/12).

It should be noted that the City has recently executed settlement of a portion of Lot 2890 Pine Tree, Close, which sold for \$319,000 (Inc. GST). Funds from this land sale were also treated as part of the City's POS Strategy. If Council proceeds with the sale of Lot 300 Numulgi, the nett funds will be combined to the nett funds from the sale of Lot 2890 Pine Tree Close and provide additional revenue for more parks in Precinct C to be upgraded.

In the event Council proceeds with the Business Plan and resolves to sell Lot 300, a reconciliation report will be prepared for Precinct C of the POS Strategy. This reconciliation will determine the funds available for expenditure in comparison to works that have already been completed within the precinct. Should additional works be required, to those that were previously approved by Council at its meeting of 27th February 2012 (D12/2/12), a Councillor Workshop, budget variation or report will be prepared for Council's consideration.

OPTIONS

1. Council could resolve to proceed with the proposal to adopt the Business Plan and to sell Lot 300 Numulgi Street, Armadale in accordance with the provisions of the *Local Government Act, 1995*.
2. Council could retain the property located at Lot 300 Numulgi Street, Armadale for sale at a later date.
3. Council could retain Lot 300 Numulgi Street, Armadale and vest the entire area for the purpose of "Parks and Recreation" as a "Public Recreation Reserve".

CONCLUSION

The City came into ownership of Lot 300 Numulgi Street, Armadale in 1988. However since this date the property has not performed an active recreation or asset management function, as such it is surplus to the City's POS requirements.

In the event the Business Plan is adopted then 70% of the proceeds from the sale will be allocated to upgrades to parks within Precinct C of the POS Strategy. There are a high number of parks within Precinct C. Funds from the sale will provide an opportunity to maximize park upgrades in this area.

Given the above, Option 1 is recommended.

RECOMMEND

That Council:

- 1. Note that no submissions had been received by the closing date (4 February 2015) for receipt of public submissions in response to the advertised Business Plan (refer to Attachment) for the sale of Lot 300 Numulgi Street, Armadale.**
- 2. Pursuant to section 3.59(5) of the Local Government Act 1995, Council agrees** to proceed with the sale of Lot 300 Numulgi Street, Armadale, by way of private treaty or public tender utilising the services of a member of the City's Real Estate Agent Panel, and noting that this course of action is consistent with the terms of the advertised Business Plan for the sale of the lots.**
- 3. Note in the event Council precedes with Part 2 above, funds from the sale of Lot 300 Numulgi Street, Armadale will be receipted as follows:**
 - i) 70% of the proceeds being placed in a Trust for upgrades to reserves and facilities within POS – Precinct C – Trust 23; and**
 - ii) 30% of the proceeds will be transferred to the City's Public Open Space – Regional Recreation Initiatives Trust 47.**

**** ABSOLUTE MAJORITY RESOLUTION REQUIRED**

ATTACHMENTS

1. Copy of Final Business Plan for Lot 300 Numulgi Street, Armadale

***1.2 - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT
- FINAL ADOPTION***

WARD : ALL
FILE No. : M/108/15
DATE : 2 February 2015
REF : IM
RESPONSIBLE : EDDS
MANAGER

In Brief:

- A number of changes have been proposed to the City's residential density policy to ensure that higher density development achieves an acceptable standard of design and landscaping.
- Changes have been made to reflect changes to the Town Planning Scheme and the introduction of the Multi-unit planning code.
- Recommend that PLN 3.1 Residential Density Development be adopted.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

- 2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
- 2.2.2 Review, update and implement the City's Town Planning Scheme, taking into account social, economic and environmental considerations.

Legislation Implications

Planning and Development Act 2005
Residential Design Codes 2013

Council Policy/Local Law Implications

Town Planning Scheme No.4

Budget/Financial Implications

Nil

Consultation

1. Proposed amendments were advertised in the West Australian and local newspapers and the City's website.
2. Technical Services.

BACKGROUND

At its meeting on 24th November 2014 Council resolved to amend PLN 3.1 and advertise the draft revised local planning policy for 21 days, in accordance with Clause 2.4 of Town Planning Scheme No.4.

Advertising commenced on 2nd of December 2014 and proceeded with advertisements in The Comment News, The Examiner and the West Australian newspapers and the proposals were posted on the Out for Comment section of the City's website.

At the close of the advertising period on 5th January 2015 no submissions had been received.

DETAILS OF PROPOSAL

Policy PLN 3.1 was reviewed to take account of recent Scheme amendments, the City's draft Local Planning Strategy, matters raised during the operation of the Policy and to reflect other Council initiatives. Specifically the proposed changes to the policy result in:

- The inclusion of multiple dwellings within the definition of Density Development for the purpose of establishing the standards that will be applied to the design of such development and the criteria that will be applied when considering the merit of permitting the higher code in split code areas. This change is consequent upon Amendment No.72 which clarified that the dual code provisions apply to multiple dwellings and therefore require the guidance within the associated local planning policy.
- An addition to the policy to take account of the City's Urban Forest Strategy and tree planting requirements (a Councillor item in May 2014 requested this matter be addressed).
- A number of changes to specific clauses which reflect Council decisions, respond to operational issues with the policy, avoid duplication and correct errors.

A copy of the revised Local Planning Policy (with highlighted changes) is presented in the Attachments to this report as well as the consolidated amended policy.

COMMENT

The proposed policy changes include provisions to:

- reflect the need to guide the development of multiple dwellings;
- refer to the City's Urban Forest Strategy;
- ensure that plot ratio limits not be exceeded;
- include additional tree planting requirements in common property; and
- provide editorial changes to delete inappropriate provisions and make corrections.

When Council considered the proposed amendments in November 2014 it was concluded that a further increase in the provision of trees from one per six units to one for every three units should be required. Clause 4.3.5.8 was accordingly amended to read:

In the case of sites including three or more units, planting of, or retention of, one 45 litre size container size low maintenance tree for every three units shall be required (to be indicated on the comprehensive landscape plan required by Clause 4.3.5.3). The tree species selected to be to the satisfaction of the Executive Director Technical Services.

OPTIONS

Council could:

1. Resolve to adopt the amended Local Planning Policy PLN 3.1.
2. Resolve not to adopt the amended Local Planning Policy PLN 3.1.

CONCLUSION

PLN 3.1, Residential Density Development, provides important guidance for the design of and landscaping around higher density development. The policy has been amended to further refine the requirements taking into account the need to anticipate future multi-unit development, reflect changes to the town planning scheme and take account of councillor concerns regarding the provision of trees. The policy changes have been advertised for public comment in accordance with scheme requirements for the preparation and amendment of local planning policies and no submissions have been received. It is recommended that the policy changes be confirmed.

RECOMMEND

That Council:

1. **Pursuant to Clause 2.4.2 (b) of Town Planning Scheme No.4 adopt Local Planning Policy: PLN 3.1 Residential Density Development as presented in the Attachments of the Agenda.**
2. **Publish a notice in a newspaper circulating in the district listing the Local Planning Policies that have been adopted, in accordance with Clause 2.4.3 (a) of Town Planning Scheme No.4.**
3. **Forward a copy of the Local Planning Policies to the Western Australian Planning Commission, in accordance with Clause 2.4.3 (b) of Town Planning Scheme No.4.**

ATTACHMENTS

1. Copy of Consolidated Amended Policy - PLN 3.1 Residential Density Development
2. Copy of Revised PLN 3.1 Residential Density Development(with highlighted changes)

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2.1 - FINAL APPROVAL OF SCHEME AMENDMENT 73 - REZONING OF LOTS 6, 8 AND 200 ROWLEY ROAD FORRESTDALE FROM "RURAL LIVING 20" TO "INDUSTRIAL DEVELOPMENT "

WARD : LAKE
FILE No. : M/139/15
DATE : 9 FEBRUARY 2015
REF : MK
RESPONSIBLE MANAGER : ED DS
APPLICANT : MGA Town Planners
LANDOWNER : Lots 6 & 8 - C, A, G, R & M Treasure and B Gethin
Lot 200 - C, A, & G Treasure and B Gethin
SUBJECT LAND : Lots 6, 8 and 200 Rowley Road Forrestdale
ZONING
MRS / : Industrial
TPS No.4 : Rural Living 20

In Brief:

- At its 22 September 2014 meeting, Council initiated an amendment to rezone portions of Lots 6, 8 and 200 Rowley Road, Forrestdale.
- The amendment was advertised for public comment for 53 days and attracted 86 submissions.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- The proposal should be supported as it is consistent with the current zoning of the land under the Metropolitan Region Scheme.
- Recommend that Council adopt the amendment with modifications to the Zoning Plan and the provisions that will apply to development of the site and request that the Hon Minister for Planning & Infrastructure grant final approval to the amendment.

Tabled Items

Nil.

Officer Interest Declaration

Nil

Strategic Implications

- 2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
- 2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account the Local Biodiversity Strategy and other environmental considerations.

Legislation Implications

Town Planning Regulations 1967
Planning and Development Act 2005
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme (TPS) No.4



AERIAL PHOTOGRAPH
November 2014
Amendment 73



SCALE 1 : 10000

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Western Australian Land Information Authority trading as Landgate (2012).
Aerial photograph supplied by Landgate, Photographs by NearMap.



State Policies and Strategies

Economic and Employment Lands (non-heavy industry) Strategy 2012
Directions 2031 Strategy (2010)
State Planning Policy SPP 3.6 Development Contributions for Infrastructure

Council Policy/Local Law Implications

Local Planning Strategy 2005
Draft Local Planning Strategy Review 2013
LPP 2.6 Water Sensitive Design
LPP 2.9 Landscaping
LPP 4.1 The Design of Industrial Sites & Estates

Budget/Financial Implications

Nil.

Consultation

- ◆ Development Control Unit.
- ◆ The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment. Advice was provided to Council.
- ◆ The WAPC's consent to advertise the amendment was not required. Advertised for public comment for 53 days (an increase on the standard 42 days required under current legislation due to the Christmas period falling within the advertising period).
- ◆ Relevant Government Service agencies.

BACKGROUND

At its September 2014 meeting, Council initiated an amendment to rezone portions of Lots 6, 8 and 200 Rowley Road Forrestdale from "Rural Living 20" to "Industrial Development", to add provisions relating to the "Industrial Development" to the Scheme and to delineate a Development Contribution Area over the subject land and the adjoining future Industrial land.

The subject land is identified as a Priority Industrial site under the Western Australian Planning Commission's (WAPC) Directions 2031 Strategy (2010) and the Economic and Employment Lands (non-heavy industry) Strategy 2012. Final Approval for the rezoning of the land from "Rural" to "Industrial" under the Metropolitan Region Scheme (MRS) was gazetted on 6 June 2014. The MRS amendment was then tabled in Parliament for 12 Sitting Days. 12 Sitting Days were completed on 8 September 2014 and the MRS Amendment became effective as of that date.

DETAILS OF PROPOSAL

This report proposes the final adoption of a scheme amendment to rezone portions of Lots 6, 8 and 200 Rowley Road Forrestdale from "Rural Living 20" to "Industrial Development Zone", to add provisions relating to the "Industrial Development" to the Scheme and to delineate a Development Contribution Area over the subject land and the adjoining future Industrial land. A portion of Lots 6, 8 and 200 will remain in the Rural Living zone consistent with the MRS Amendment that excluded the road widening land for Rowley Road.

Government Agency Comments

Main Roads Western Australia

1. No objections in principal to the proposed amendment;
2. The Zoning Plan and area to be rezoned must be modified to show the 45m requirement for the Rowley Road reserve from Kargotich Road to Tonkin Highway as identified on the cross section drawing prepared by the City of Armadale dated Feb 2014.

The zoning plan has been amended accordingly.

Water Corporation

Drainage

1. The Water Corporation is currently opposing rezonings generally west of Hopkinson Road on the basis that development in the palusplain of the Mundijong Drainage District should not occur until a DWMP for the whole area has been prepared. The DoW is currently undertaking the Serpentine DWMP that covers this area.
2. It is considered that the District Water Management Strategy that supported the MRS Amendment report is premature as it only looks at the subject land in isolation and does not consider the regional drainage issues mentioned above, as there is no approved DWMP currently in place.
3. Water & Wastewater services for this area are available however there is connecting infrastructure to this Rezoning Area that will need to be constructed at the developers cost.

A District Water Management Strategy for the subject land was prepared prior to the completion of the Metropolitan Region Scheme (MRS) Amendment as per the requirement of the Western Australian Planning Commission. The DWMS was approved by the Department of Water and the City of Armadale. A more detailed Local Water Management Strategy will be required to accompany the Structure Plan that will be required to be prepared for the proposed industrial area prior to development commencing.

Shire of Serpentine-Jarrahdale

1. The Shire supports to proposed amendment based on the many positive impacts that industrial estates can generate, including economic growth and employment opportunities.
2. The following matters should be taken into account in the planning for this proposed industrial area:
 - a) The provision of active transport options should be provided and considered early in the development process including cycle, end of trip facilities Public transport.
 - b) Storm water, wastewater and protection of groundwater should be considered as part of the Local Water Management Strategy.
 - c) Protection of sensitive adjacent land uses (eg the Special Rural properties south of Rowley Road) with regard to noise, odour, dust and gaseous emissions.

Department of Parks and Wildlife (DPAW)

1. DPAW supports retention of the Resource Enhancement Wetland. The designation of buffers and the preparation and implementation of a management plan by the land owners/developers will be managed by the City.
2. DPAW will require minimum 50m wide buffers for Conservation Category Wetlands that exist on land adjoining the subject land.

Additions are proposed to the Scheme Text as part of this Scheme Amendment, including the addition of a new Development Area (DA 44) to Schedule 12 of TPS 4. The proposed provisions for DA 44 in Schedule 12 includes the following:

- “3. The Structure Plan shall make adequate provision for the rehabilitation and protection of adjoining conservation Category Wetlands, Bush Forever Land and Regional Parks to the satisfaction of the Environmental Protection Authority and the City”.*

Given DPAW’s comment above (which has been reiterated by the City’s Environmental Services) it is deemed necessary to amend provision 3 as follows:

Insert in provision 3. after “*Regional Parks*” “*and the Resource Enhancement Wetland on Lot 8 Rowley Road*”.

Department of Transport

1. The section of Rowley Road impacted by the proposed Town Planning amendment is designated a ‘strategic’ freight route in the draft Perth Freight Transport Network Plan and as such is proposed to be 4 lanes with a median. There are currently no detailed plans to show the land requirement for this, however the proposed reservation comprises a corridor approximately 80 metres in width, approximately 30 metres north and 40 metres south of the existing Rowley Road and extending to the existing Tonkin Highway Primary Regional Road (PRR) reservation in the Metropolitan Region Scheme (MRS). Additionally there is a proposed grade separation with the Tonkin Highway. However, it is envisaged that on the northern side, this will largely be contained within the existing PRR reservation in the MRS.
2. In view of the above, DoT suggested that the southern boundary of Amendment No.73 to Town Planning Scheme No.4 shown in the submitted letter dated 24 November 2014 be adjusted to take the above into account.

The City of Armadale has prepared a cross section for the future widening of Rowley Road adjacent to the development area that identifies an ultimate reserve width of 45 metres. Main Roads WA have advised in writing that this is acceptable and requested that the Zoning Plan and area to be rezoned be modified to show the 45m requirement for the Rowley Road reserve from Kargotich Road to Tonkin Highway as identified on the City’s cross section drawing. Main Roads WA will be the managing authority for Rowley Road once it is designated as a Primary Regional Road in the future. Accordingly, the road width of 45m is considered acceptable and the zoning plan has been adjusted to accommodate this width. If further changes are required, then this can occur at the Structure Planning stage.

Western Power

1. Western Power has a 330 kV and 132 kV overhead transmission line traversing Lot 8, protected by a 60 metre wide registered easement. A restriction zone clearance requirement of 10m (horizontal and vertical) also applies to the 132kV transmission line.
2. Western Power is required to be consulted as part of any future structure planning, subdivision and development in this regard.
3. Network reinforcement will be required to service the ultimate development. Detailed servicing investigations are required prior to adoption of any future Structure Plan over the subject site to determine load demand and specific network augmentation / reinforcement requirements.
4. The following provisions shall be considered for inclusion in Schedule 12 No. DA 44:
 - (i) No industrial development shall be permitted within or encroach upon the Western Power registered easement.
 - (ii) The Structure Plan for Development Area No.44 - Rowley Road Industrial Area shall:
 - include a servicing report detailing load demand and indicative network augmentation / reinforcement requirements for review and ratification by Western Power;
 - delineate the Western Power registered easement and transmission infrastructure;
 - include detailed designs and information for review, assessment and written consent of Western Power to any proposals below, if applicable, within the registered easement, in accordance with standard easement conditions:
 - Landscaping plans (including mature heights and location of species);
 - Ground level changes;
 - Permanent structures;
 - Drainage plans;
 - Conservation controls.

It is proposed to add new provision 4 and 5 under the listing for proposed DA 44 in Schedule 12 addressing the provisions requested by Western Power above, with the exception of 4 (i) above as the land should be considered for limited industrial development (ie parking) similar to the Forrestdale Business Park easement.

Department of Aboriginal Affairs

1. No known registered Aboriginal heritage sites or Other Heritage Places in the area to which the amendment applies. However, DAA has no record of any Aboriginal heritage survey which has specifically investigated this area. Accordingly, the developers should refer to the Aboriginal Heritage Due Diligence Guidelines.

The developers have been provided with a copy of the Department of Aboriginal Affairs correspondence and it is the developer's responsibility to ensure that relevant investigations are carried out in accordance with the requirements of the Aboriginal Heritage Act 1972.

Telstra

1. No objection.

Public Advertising of the Amendment

The proposed amendment was advertised for 53 days, closing on 15 January 2015. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisements in the “West Australian” newspaper, City’s website and local community newspaper and letters to affected and nearby landowners.

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| Total No. of submissions received | : | 86 |
| No. of submissions of conditional support/no objection | : | 12 |
| No. of submissions of objection | : | 74 |

Refer to Confidential Attachment of the Agenda for location plan of submitters and properties directly notified of the proposed amendment by the City.

The main issues raised in the submissions, together with a comment on each issue are outlined below:

Key Issues

Issue 1 – An additional industrial area is not required in this locality as there are sufficient existing and proposed industrial areas within the City of Armadale and the Shire of Serpentine Jarrahdale.

Comment

Industrial land has long been in extremely short supply in the South East Corridor and particularly within the City of Armadale and the Shire of Serpentine Jarrahdale. Consequently there is a need for several additional industrial areas to be developed. The Forrestdale Business Park East area between Armadale Road and Ranford Road will most likely be fully built out within 5-10 years. Lots within the Rowley Road Industrial Area (if the scheme amendment is approved) will not be available for construction for about 2-3 years at the earliest.

The development of employment generating areas, such as industrial areas, to provide employment for the additional approximately 120,000 people that will ultimately reside in the Serpentine Jarrahdale and Armadale growth areas of Mundijong, Byford, Haynes, Hilbert, Harrisdale and Piara Waters is extremely important.

The subject land and other land on the north side of Rowley Road was identified as a priority future industrial area under the Western Australian Planning Commission’s Economic and Employment Lands Strategy, which was released in April 2012. The subject land was then rezoned to Industrial under the Metropolitan Region Scheme (the State Government’s planning scheme for the whole of Perth) in September 2014 following an approximately 2 year rezoning process carried out by the Western Australian Planning Commission. The City of Armadale is required to rezone the land to Industrial or similar under Town Planning Scheme No.4 to bring the zoning into line with the Industrial zoning under the Metropolitan Region Scheme.

Recommendation

That the issue is not supported.

Issue 2 – An industrial area will not be compatible with and will adversely impact upon the Special Rural properties south of Rowley Road by virtue of appearance, noise, odour, emissions, traffic and impact on property values.

Comment

The proposed industrial area will be for non-heavy industrial uses as specified in the State Government's Employment and Economic Lands Strategy. Polluting businesses such as those located within the Kwinana industrial area will not be able to establish in this new area. The area will accommodate businesses such as vehicle and equipment servicing and repair, food manufacturing, furniture manufacturing, etc.

A structure plan will be required to be prepared to guide the development of the industrial area. It is at this stage that issues such as visual amenity, buffers to sensitive land uses and environmentally sensitive areas and other possible amenity impacts are formally addressed. This will include the locating of land uses with the most potential to impact on adjacent land more centrally within the industrial area and transition uses such as showrooms and other lower impact uses forming a transition zone between the industrial area and rural-residential properties south of Rowley Road. Design guidelines and landscaping requirements will also be addressed through the structure plan.

Recommendation

That the issue is not supported.

Issue 3 – The proposed industrial area will result in a significant increase in traffic (especially heavy vehicle traffic) on Rowley Road and adjacent roads such as Kargotich Road. This could potentially result in increased risk of accidents between pedestrians and horse riders using the bridle trail network in the area, which necessitates the crossing of roads to access.

Comment

Rowley Road is a designated Freight Route and has been designated as such by Main Roads Western Australia for many years. The road is proposed by Main Roads WA and the Department of Transport to be increased to a four lane road in the future. This is to accommodate the increased traffic volumes that will result from increased use of Tonkin Highway and the development of the Haynes and Hilbert areas (on the eastern side of Tonkin Highway) as an urban area that will accommodate homes for between 40000-50000 people. Development of that area has already commenced.

There should not be a significant impact on the traffic volumes on Kargotich Road south of Rowley Road as traffic associated with both the proposed industrial area and the developing urban area on the eastern side of Tonkin Highway will use Tonkin Highway and Rowley Road to access the Freeway, Mundijong Road and the ports in Rockingham, Kwinana and Fremantle and the shopping areas north and east of Forrestdale (eg Armadale Strategic Metropolitan Centre). There are not any growth areas south of Rowley Road that would see an increase in traffic on Kargotich Road as a result of the new industrial area. Traffic would not choose to use Kargotich Road to get from Rowley Road to Mundijong Road when they will have the high standard and fast speed Tonkin Hwy for that purpose. Kargotich Road is a rural standard road and is not part of the designated freight route.

Recommendation

That the issue is supported in part.

Issue 4 – The advertising process was inadequate both in extent and length of time to comment. The City of Armadale tried to “sneak” the proposal through over Christmas.

Comment

The advertising period commenced on 24th November 2014 and closed on 15 January 2015. Under the Town Planning Regulations 1967 (as amended) a scheme amendment needs to be advertised for a minimum period of 42 days (6 weeks). In consideration of the Christmas break being within the advertising period the City extended this to 53 days to account for the 11 days the City’s offices were closed over Christmas.

Advertising was carried out in accordance with the requirements of the Town Planning Regulations 1967 (as amended) and the City’s policy with regard to advertising. In this respect, the following actions occurred:

1. Letters sent to landowners generally within 500m of the future industrial area. This included 51 landowners within the Shire of Serpentine Jarrahdale whose names and addresses we obtained from the Shire.
2. Letters sent to the Shire of Serpentine Jarrahdale and various government agencies.
3. The erection of a 1m x 0.6m notice on the frontage of the development area.
4. Advertisements in the Comment News and the Examiner newspapers (which are circulated in the Shire of Serpentine Jarrahdale) and the West Australian newspaper.
5. All documents relating to the amendment were available for download on the city’s website in the “Out for Comment” section.

Submissions received after the close of the formal comment period have been accepted.

Recommendation

That the issue is not supported.

Issue 5 – Industrial development will adversely impact on the environmental values of the area including groundwater quality, the environment of the Forrestdale Lake and wetlands adjacent to and within the development area. This will in turn impact on the wildlife that frequents the locality.

Comment

The application to rezone the land under the City of Armadale Town Planning Scheme No.4 included a range of environmental impact studies. In addition, a District Water Management Strategy was completed and approved by the City of Armadale and the Department of Water prior to the Western Australian Planning Commission approving the rezoning of the land under the Metropolitan Region Scheme in 2014.

The Environmental Protection Authority assessed the proposal prior to advertising commencing and advised that further environmental assessment was not required and provided advice with regard to items that would need to be addressed in the Structure Planning process for the estate.

The amendment was also referred to the Department of Parks and Wildlife (DPAW) during the advertising period. DPAW advised that they did not object to the proposed scheme amendment subject to the existing Resource Enhancement Wetland (REW) on Lot 8 being protected and rehabilitated and appropriate buffers put in place between the industrial development and Conservation Category Wetlands on adjacent properties.

A number of provisions will be contained within Schedule 12 of TPS 4 requiring certain matters to be addressed during the structure planning phase of the development. In particular the structure plan must address rehabilitation and protection for the Resource Enhancement Wetland within the development area and the conservation category wetlands, Bush Forever lands and Regional Parks located adjacent to the development area.

Recommendation

That the issue is not supported.

COMMENT

Assessment of the proposed amendment by the City's technical officers and external Government agencies has identified that the following modifications are required to the amendment as part of the final adoption of the amendment by Council:

- i Inserting in provision 3. to Schedule 12 under DA 44 after "*Regional Parks*" "*and the Resource Enhancement Wetland on Lot 8 Rowley Road*".
- ii Inserting new provision 4. to Schedule 12 under DA 44:
 4. *The Structure Plan for Development Area No.44 - Rowley Road Industrial Area shall:*
 - a) *include a servicing report detailing load demand and indicative network augmentation / reinforcement requirements for review and ratification by Western Power;*
 - b) *delineate the Western Power registered easement and transmission infrastructure;*
 - c) *include detailed designs and information for review, assessment and written consent of Western Power to any proposals below, if applicable, within the registered easement, in accordance with standard easement conditions:*
 - *Landscaping plans (including mature heights and location of species);*
 - *Ground level changes;*
 - *Permanent structures;*
 - *Drainage plans;*
 - *Conservation controls.*
- iii Amending the Zoning map to retain the Rural Living 20 zone over the area of Lots 6, 8 and 200 required for widening of Rowley Road in accordance with the requirements of Main Roads Western Australia's letter of 14 January 2015.

ANALYSIS

The land is currently zoned “Rural Living” under TPS4 and “Industrial” under the Metropolitan Region Scheme. The proposed rezoning to “Industrial Development” will enable a structure planning process to occur, providing a detailed distribution of activity in conjunction with a comprehensive assessment of land use and development outcome; along with a desirable pattern of subdivision. The proposed new zoning will require the preparation and endorsement of a structure plan prior to subdivision and development.

The subject land was rezoned to Industrial under the Metropolitan Region Scheme (the State Government’s planning scheme for the whole of Perth) in September 2014 following an approximately 2 year rezoning process carried out by the Western Australian Planning Commission. In accordance with the requirements of the Planning and Development Act 2005, the City of Armadale is now required to rezone the land to Industrial or similar under the local planning scheme to bring the zoning into line with the Industrial zoning under the Region Scheme.

OPTIONS

1. Council may adopt the amendment with or without modifications and request that the Hon Minister for Planning and Infrastructure grant final approval to the amendment.
2. Council may resolve to not adopt the amendment giving reasons and request that the Hon Minister for Planning and Infrastructure refuse to approve the amendment.

CONCLUSION

The introduction of the 'Industrial Development' zone will facilitate the application of more flexible land use planning via the preparation and adoption of structure plans by the City and Western Australian Planning Commissions (WAPC) for land being zoned 'Industrial Development'; and identified as a Development Area on Special Control Area Map 3.

The amendment is consistent with the objectives of the State and local strategic and statutory planning framework and responds to the need for ongoing economic development and delivery of employment opportunities in the south east sub region; meeting the needs of the significantly fast growing residential population in the City of Armadale.

It is considered that most of the issues raised in objecting to the proposal by the submittees with regard to amenity (noise, odour, emissions, visual aesthetics) will be satisfactorily resolved through the Structure Planning process. The issue raised with regard to increased traffic volumes is substantiated in part. However, Rowley Road is already a freight route and will also see a significant rise in traffic as a result of the currently developing Wungong urban area to the west of the proposed industrial area. The classification and standard of this road will accordingly be modified in future to address these needs and it is not the industrial area proposal alone that will generate these requirements.

It is recommended that Council resolve to adopt the amendment with the modifications outlined within the report in accordance with Option 1 above.

RECOMMEND

That Council:

- 1. Pursuant to Part 5 of the *Planning and Development Act 2005* adopt, Amendment No.73 to Town Planning Scheme No.4 with modifications as follows:**

- A. Create a new "Industrial Development" zone by;**

- a) Inserting the following text in Clause 4.2 "Objectives of the Zones":**

"Industrial Development Zone

- (a) To provide for the orderly planning of large areas of land for industrial use through a Comprehensive Structure Plan in an integrated manner within a regional context whilst retaining flexibility to review planning with changing circumstances.**
- (b) To promote the sustainable development of new industrial and employment areas in accordance with the social, environmental and economic goals of the City of Armadale."**
- b) Adding the "Industrial Development" zone to the Scheme Map legend;**
- c) Modifying Note 6 of the Zoning Table to read as follows:**

"Note 6: In the case of the Urban Development Zone and Industrial Development Zone the general permissibility of land uses shall be determined by reference to the specific zone identified on the Structure Plan in accordance with Part 5E and Part 6A".

- d) Modifying Part 5E as follows:**
 - i) adding "AND INDUSTRIAL DEVELOPMENT ZONE REQUIREMENTS" to the title;**
 - ii) in the first paragraph after "...Urban Development Zone" adding "and the Industrial Development Zone,";**
 - iii) in the second paragraph after "...Urban Development Zone" adding "and the Industrial Development Zone,"; and**
 - iv) in 5E.1.1 after "...Urban Development Zone" adding "and the Industrial Development Zone,".**
- e) Modifying the Table of Contents accordingly.**

- B. Rezoning portions of Lots 6, 8 & 200 Rowley Road, Forrestdale from 'Rural Living' to 'Industrial Development', and amending the Scheme Map accordingly.**
- C. Removing the Conservation Category Wetland designation over Lot 8 Rowley Road from Special Control Area Map 2.**
- D. Including Development Area 44 on Special Control Area Map 3.**
- E. Including DA 44, 'South Forrestdale Industrial Centre, Lots 6, 8 and 200 Rowley Road, Forrestdale' on Schedule 12 together with the following provisions:**

| No. | Description | Additional provisions applicable to subdivision and development |
|-------|---|---|
| DA 44 | Lots 6, 8 and 200 Rowley Road Forrestdale (Rowley Road Industrial Area) | <ol style="list-style-type: none"> 1. Subdivision and development shall occur in accordance with a Structure Plan for Development Area 44 – Rowley Road Industrial Area to be prepared pursuant to the provisions outlined in Part 6A. 2. A Transport Impact Assessment being prepared in accordance with applicable Western Australian Planning Commission Transport Assessment Guidelines. 3. The Structure Plan shall make adequate provision for the rehabilitation and protection of adjoining Conservation Category Wetlands, Bush Forever land and Regional Parks and the Resource Enhancement Wetland on Lot 8 Rowley Road to the satisfaction of the Environmental Protection Authority and the City. 4. The Structure Plan for Development Area No.44 - Rowley Road Industrial Area shall: <ol style="list-style-type: none"> a. include a servicing report detailing load demand and indicative network augmentation / reinforcement requirements for review and ratification by Western Power; b. delineate the Western Power registered easement and <ol style="list-style-type: none"> i transmission infrastructure; ii include detailed designs and information for review, assessment and written consent of Western Power to any proposals below, if applicable, within the registered easement, in |

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| | | <p>accordance with standard easement conditions:</p> <ul style="list-style-type: none"> • Landscaping plans (including mature heights and location of species); • Ground level changes; • Permanent structures; • Drainage plans; • Conservation controls. |
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F. Including Lots 6, 8, 10, 12 and 200 Rowley Road, Forrestdale and Lots 5, 7 and 9 Oxley Road, Forrestdale and Lot 5066 Kargotich Road Forrestdale on Special Control Area Map 3 as Development Contribution Plan No.4 and insert Development Contribution Plan No.4 into Schedule 13B of Town Planning Scheme No.4 as follows:

| No. | Description of Land | Contribution Arrangements |
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| 4. | Development Contribution Area No.4 – Rowley Road Industrial Area as identified on the Scheme Special Control Area Map 3 | <p>4.1 Cost Contributions</p> <p>4.1.1 All Owners within the Development Contribution Area No.4 shall make a proportional Cost Contribution to the cost of the Common Infrastructure Works identified in Development Contribution Plan No.4 and its Infrastructure Cost Schedule.</p> <p>4.1.2 This Development Contribution Plan applies to the Development Contribution Area No.4 specified on the City of Armadale Town Planning Scheme No.4 (the Scheme) supplementary Special Control Areas Map 3.</p> <p>4.1.3 Where the provisions of Development Contribution Plan No.4 are inconsistent with the provisions of Part 6B of the Scheme, then the provisions of Development Contribution Plan No.4 prevail to the extent of any inconsistency.</p> <p>4.2 Definitions In this part unless the context requires otherwise: “Assessed Value” means a land value obtained in accordance with the procedures described in subclauses 4.11.3 and 4.11.4 of Development Contribution Plan No.4. “Credit” means the amount of excess Cost</p> |

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| | | <p>Contribution which has been made either in money or Common Infrastructure works (including land), over and above the amount of Cost Contribution for which an owner is liable at any particular time. “Combined Land” means all land in Development Contribution Area No.4 or at an Owner’s land within Development Contribution Area No.4 other than that land excluded under clause 6B.4.4 of the scheme and Clause 4.3 of Development Contribution Plan No.4.</p> <p>“Infrastructure Cost Schedule” means a table appurtenant to the Scheme and the Development Contribution Plan, and containing the itemised estimates of costs and scope of Common Infrastructure Works, as periodically reviewed under Development Contribution Plan No.4 and Part 6B of the scheme.</p> <p>“Preliminary Contribution” means a claim amount agreed to by the City for carrying out the implementation of Common Infrastructure Works by an Owner and / or a payment made by an Owner pursuant to a condition of subdivision or development approval or a notice served upon an Owner by the City, prior to the gazettal of Amendment No.73 and adoption of the Infrastructure Cost Schedule under the Development Contribution Plan by the City.</p> <p>4.3 Calculation of Deductions from Development Contribution Area</p> <p>Pursuant to the land area calculations identified by Clause 6B.4.4(d) of the Scheme, the following areas are to be additionally excluded from the land area calculations of both the total amount of Combined Land in the Development Contribution Area and an Owner’s land:</p> <ul style="list-style-type: none">- Conservation Category Wetlands existing prior to development or subdivision or as identified in an approved structure plan;- Wetland or Bush Forever buffers existing prior to development or subdivision or as identified in an approved structure plan;- Public utility sites existing prior to development or subdivision or as identified in an approved structure plan;- Land required for Common Infrastructure Works; and- Any other areas specified in the |
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| | | <p>Infrastructure Cost Schedule or its revisions and amendments.</p> <p>4.4 Calculation and Apportionment of Common Infrastructure Costs and Cost Contributions</p> <p>4.4.1 The City will, for the purposes of apportioning Common Infrastructure Costs to Owners, make an estimate of the total area of Combined Land in square metres within the Development Contribution Area. This Combined Land area will consist of land as defined under “Combined Land” in clause 4.2.</p> <p>4.4.2 The contribution to be made by each owner of land within the Development Contribution Area to the implementation of the Common Infrastructure Works shall be a Cost Contribution based on an Owner’s total square metres of Combined Land and the Cost Contribution Rate for the Development Contribution Area.</p> <p>(a) The Cost Contribution Rate shall be calculated by the City in the following manner:</p> <p>$A \div B = C$</p> <p>Where:</p> <p>A = gross cost of Common Infrastructure Works being the total of fixed actual and estimated future costs, which should be based on costs estimated no more than 12 months in advance. Such estimates may be based on an average for each Common Infrastructure Work cost and shall recognise all factors affecting the development of the relevant Development Contribution Area and associated constraints the City will encounter in the provision of the Common Infrastructure Works. This shall include (but not be limited to) variable market conditions and the nexus between the time frame of development and provision of Common Infrastructure Works.</p> |
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| | | <p>B = the total square metres of Combined Land the City determines as being within the Development Contribution Area.</p> <p>C = Cost Contribution Rate</p> <p>(b) The Cost Contribution payable by each owner of land in the Development Contribution Area is calculated in the following manner:</p> <p>D x C = E</p> <p>Where:</p> <p>D = the total square metres of Combined Land the City determines as being the subject of a development or building permit application or subdivided, amalgamated, strata subdivided or the subject of a survey strata as represented on the relevant plan or deposited plan (diagram of survey) at the time when an owners cost contribution is due under Clause 6B.5 of the Scheme.</p> <p>C = Cost Contribution Rate</p> <p>E = Cost Contribution</p> <p>4.4.3 Where a development or subdivision is proposed on part of an Owner's land the City may defer the payment under Clause 6B.5 of the Scheme of a Cost Contribution Liability for an Owner's remaining land where in the opinion of the City the development or subdivision is for the purpose of facilitating the orderly staged subdivision or development of an Owner's land.</p> <p>4.5 Common Infrastructure Works</p> <p>4.5.1 The following are classified as Common Infrastructure Works that affected Owners located within Development Contribution Area No.4 shall make a cost contribution towards and are presented below in the form of General Works and Specified Works:</p> |
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| | | <p>4.5.2 General Works</p> <p>(a) All costs incurred by the City associated with the preparation, processing and gazettal of the Development Contribution Plan No.4 and subsequent amendments, Infrastructure Cost Schedule and provisions under this scheme.</p> <p>(b) Any compensation paid or payable for or in respect of the provision of any of the Common Infrastructure Works or facilities referred to in this Schedule, or in the administration of Part 6B and Schedule 13B of the Scheme for this Development Contribution Plan.</p> <p>(c) Any consulting fees agreed to by the City associated with designing and undertaking of the Common Infrastructure Works, including but not limited to surveying, engineering, planning, quotes and certification of estimated costs, environmental, project management and landscaping.</p> <p>(d) All costs incurred by the City associated with the preparation, administration and management of the Development Contribution Plan and Infrastructure Cost Schedule including but not limited to bank charges, audit fees, office and sundry costs, legal expenses, valuation fees, reviews of land values and costs, caveat and conveyancing fees, City staff salaries including a Co-ordinator / Manager of the Development Contribution Plan, any interest costs incurred by the City in respect to loan funds required to provide timely implementation of any of the listed Common Infrastructure Works or related costs, any claims for injurious affection and the costs of establishing any required system to facilitate the administration and the ongoing management of Development Contribution Plan and Infrastructure Cost Schedule along with the specific requirements of the Scheme pertaining thereto.</p> <p>4.5.3 Specified Works</p> <p>4.5.3.1 – Land</p> <p>1. Rowley Road:</p> <p>(a) Land acquisitions that are required to accommodate the proposed design of</p> |
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| | | <p>the roads and intersections to be constructed as per the scope of the contribution arrangements described under subclause 4.5.3.2 below.</p> <p>4.5.3.2 – Capital Works</p> <p>1. Rowley Road:</p> <p>(a) Rowley Road shall be upgraded on a staged basis adjacent to Development Contribution Area No.4 through contribution arrangements. The works shall include design, project management and construction of the road, including earthworks, intersections, lighting, drainage, service relocations, landscaping, paths, other associated structures and tie-in works that may extend beyond the eastern and western boundaries of Development Contribution Area No.4 as required by the relevant City standards.</p> <p>4.6 Credits for Common Infrastructure Works Where a credit is recorded in respect to any Owner it may be used as payment of future Cost Contribution required from that Owner or the Owner may apply for reimbursement, which shall be paid out without any interest payment, when the City deems sufficient funds have accumulated to cover any such claims and the outstanding and anticipated Common Infrastructure Works costs are estimated to be fully recoverable from the anticipated future subdivision and development. Where several subdividers have accumulated such credit, the City may satisfy refunds in staged payments in proportion to the credit amounts held by each subdivider.</p> <p>4.7 Provision of Land for Common Infrastructure Works Where the Infrastructure Cost Schedule includes a land component for a Common Infrastructure work on the relevant landholding for which a Cost Contribution is due, an Owner shall cede to the Crown or transfer to the City the required Common Infrastructure work land at the first stage of subdivision and/or development for that particular landholding or by prior agreement at an alternative date agreed by the City. If the value of the land determined in-accordance with</p> |
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| | | <p>Development Contribution Plan No.4 exceeds the total Cost Contribution for that Owner, the excess value shall be attributed as a credit to the Owner.</p> <p>4.8 Overdue Cost Contributions Any overdue Cost Contribution to Common Infrastructure Works shall be a liquidated debt due to the City of Armadale by the Owner of such land (including the subdivider of the land) and may be recovered by the City in a court of competent civil jurisdiction.</p> <p>4.9 Prefunding of Common Infrastructure Works</p> <p>4.9.1 An owner of land within the Development Contribution Area may, with the prior written approval of the City, undertake implementation of any of the Common Infrastructure Works referred to in Clause 4.5 of Development Contribution Plan No.4. Where an owner wishes to undertake implementation of Common Infrastructure Works, with the exception of land required for a Common Infrastructure work, the owner shall, before commencing to carry out such works, first lodge a prefunding application for the cost of the Common Infrastructure Works with the City, which reserves the right to review and accept or reject the prefunding application, and to permit or prevent the owner from carrying out the works until such time as the owner's prefunding application has been agreed. The City will endeavour to respond to an owner's prefunding application within sixty (60) days.</p> <p>4.9.2 If the City agrees that an owner can pre-fund the Common Infrastructure Works, the owner shall at all times maintain proper and itemised records of all relevant expenditure, including receipts and invoices and provide copies of the same to the City on request. Where the cost of carrying out such works exceeds the amount of the prefunding application originally agreed to by the City, the City may accept or reject the additional cost or any part thereof.</p> <p>Any dispute regarding the entitlement of the owner to additional reimbursement from the Development Contribution Area Account, except for any land required for a Common Infrastructure work, shall in the first instance be</p> |
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| | | <p>discussed at a meeting attended by the Owner and City representatives who shall endeavour to reach agreement. Any dispute not settled at the meeting regarding the entitlement of the owner to additional reimbursement from the Development Contribution Area Account, except for any land required for a Common Infrastructure work, shall be then referred to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act 1985 and if the parties are unable to agree upon the arbitrator he may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party. The arbitrator shall be bound by the provisions of Part 6B of the Scheme, Development Contribution Plan No.4 and the Infrastructure Cost Schedule.</p> <p>4.9.3 An owner who undertakes pre-funded works or provides land in accordance with Clause 4.7 should lodge a first and final claim for credit or reimbursement that includes relevant records within one year of completing the agreed works, unless agreed otherwise by the City. If a claim for credit or reimbursement is not lodged within one year, the City may determine that the time period for claiming credit or reimbursement has expired and it is no longer liable for payment of the prefunded works or land.</p> <p>4.9.4 Where the City accepts a claim for a credit or an entitlement to re-imburement for the carrying out the implementation of Common Infrastructure Works, the City shall record the extent of the claim and if necessary adjust the Infrastructure Cost Schedule accordingly or defer the adjustment to the next review undertaken as per Clause 4.12 of Development Contribution Plan No.4.</p> <p>4.9.5 Where an owner seeks a credit for a contribution to Common Infrastructure Works (whether by the provision of land or the construction of any works) against his Cost Contribution liability and the City has previously agreed to the carrying out of such works by that owner on that basis, then the credit to be given to the owner will be calculated on the basis of the cost agreed by the City under subclauses 4.9.1 and 4.9.2 of Development</p> |
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| | | <p>Contribution Plan No.4 provided the credit is sought before the period identified in subclause 4.9.3.</p> <p>4.9.6 Notwithstanding subclause 4.9.4 above, where an owner has pre-funded Common Infrastructure Works and the credit allowed by the City exceeds the obligation for payment towards Contribution Costs by the owner under this Development Contribution Plan and Infrastructure Cost Schedule, the owner should be refunded the excess after the City has received sufficient contributions from other owners in that Development Contribution Area towards meeting the anticipated Common Infrastructure Works and having regard to the priority of Common Infrastructure Works.</p> <p>4.10 Ability to Raise Loans to Undertake Common Infrastructure Works</p> <p>The City may raise loans for the purpose of providing the finance necessary for the implementation of Common Infrastructure Works at a timing and order of prioritisation determined by the City with any interest or charges incurred in raising loans or carrying out such work deemed to be a Common Infrastructure Work cost.</p> <p>4.11 Acquisition of Land for Common Infrastructure Works, Payment, Valuation, Compulsory Acquisition, and Assessed Value</p> <p>4.11.1 The provisions of Clauses 6B.9.2 to 6B.9.6 the Scheme do not apply to Development Contribution Plan No.4. The following variations apply to the acquisition of land for Common Infrastructure Works, calculation of Costs and valuation of land within Development Contribution Area No.4.</p> <p>4.11.2 Where land has been compulsorily acquired and a lawful claim for compensation has been served on the City, the City may claim compensation for betterment under Section 184 of the Planning and Development Act 2005 and the value attributed to the betterment of the land the subject of the claim shall be set off against any compensation otherwise payable to the claimant under the Land Administration Act 1997 or any re-enactment of its</p> |
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| | | <p>provisions related to compulsory acquisition and compensation.</p> <p>4.11.3</p> <p>(a) The City may at any time ascertain the value of any land in the Development Contribution Plan for the purpose of estimating Common Infrastructure Work costs, payments and Cost Contributions.</p> <p>(b) If it is necessary, for any purpose to ascertain the value of any land, such value should be determined by two licensed valuers appointed from time to time by the City herein referred to as “the Valuation Panel”. The members of the Valuation Panel may confer as to value, and if they are unable to arrive at a consensus value, they shall confer with the Chief Executive Officer of the City (“CEO”) or the officer to whom the CEO delegates that function from time to time. If the valuers with the officer cannot arrive at a consensus value then the officer shall select a value which represents the median value between the two values nominated by the valuers on the Valuation Panel and will be advertised under the next following paragraph (c) (“the Proposed Value”).</p> <p>The Valuation Panel may determine more than one Assessed Value in the Development Contribution Plan area, where the City or the Panel identifies that there are significant differences in land values within areas of the Development Contribution Plan.</p> <p>(c) As soon as possible after the Proposed Value or Proposed Values have been ascertained it should be advertised for a period of not less than 28 days to allow for submissions to be made in regard to the Proposed Value or Proposed Values. Proposed Values may be advertised concurrently as part of an Infrastructure Cost Schedule review carried out in accordance with Clause 4.12.</p> <p>An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field being objected to.</p> <p>(d) The City shall as soon as possible consider all submissions made on the Proposed Value or Proposed Values and may refer any</p> |
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| | | <p>submission to the Valuation Panel for comment, but where a submission is accompanied by expert valuation advice based on the valuation principles contained in Development Contribution Plan No.4, it should be referred by the City to the Valuation Panel for comment.</p> <p>Having considered the submissions and any comment from the Valuation Panel, the City shall fix upon the value or values to be applied under the Infrastructure Cost Schedule and Development Contribution Plan No.4 in Schedule 13B (“the Assessed Value or Assessed Values”) until the next Assessed Value or Assessed Values has been determined.</p> <p>(e) It is intended that any Assessed Value or Assessed Values should apply for no more than 13 months but while an Assessed Value or Assessed Values remains current it shall stand as the value of land within the Development Contribution Plan and Infrastructure Cost Schedule for all purposes under Development Contribution Plan No.4 and Part 6B and the Infrastructure Cost Schedule.</p> <p>(f) Where land is ceded or acquired for a Common Infrastructure Work, otherwise than by compulsory taking, for the purpose of determining the amount to be paid to the owner from whom the land is acquired, the value of the land shall be calculated according to the same Assessed Value as was applied to the Cost Contribution paid or payable by that owner on the clearance by the City of the subdivision of land in the same deposited plan as contains the land acquired.</p> <p>4.11.4 In ascertaining the Assessed Value or Assessed Values under subclause 4.11.3 of Development Contribution Plan No.4, all land shall be valued in its broad acre form as depicted on 1 January 2014, ignoring any services or infrastructure provided in-accordance with the provisions of the relevant Local Structure Plan and applying the following principles:</p> <p>(a) regard is to be had to the land classifications and zonings existing at the date of valuation;</p> <p>(b) the date of valuation is to be the date on</p> |
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| | | <p>which the City nominates;</p> <ul style="list-style-type: none">(c) ignoring any improvements or works on the land;(d) the land should be valued without regard to the Common Infrastructure work and the purpose for which the land is acquired shall not be taken into consideration;(e) in selecting relevant sales evidence, regard should be had first to values derived from land in the same area, and if there is not adequate evidence, from nearby or similar land in the area, in priority to any other sales evidence;(f) the method of valuation shall otherwise be in accordance with normal fair market valuation principles. <p>4.11.5 Where land is acquired in the circumstances contemplated in subclause 4.11.3(f) of Development Contribution Plan No.4, the City shall pay to the owner an additional amount not more than 10% of the amount calculated under that subclause.</p> <p>4.11.6 Where land required for Common Infrastructure Works is ceded to the Crown or acquired by the City prior to the Minister for Planning granting final approval and publication of Amendment No.73 in the Government Gazette, the appointment of the Valuation Panel by the City under Development Contribution Plan No.4, or adoption of the Infrastructure Cost Schedule by the Council, the land shall be valued in-accordance with the subclauses 4.11.1 to 4.11.5 of Development Contribution Plan No.4 by the Valuation Panel and the date of valuation shall be the date the land for the Common Infrastructure Work is acquired by the City or the City issues its clearance to the deposited plan that contains the Common Infrastructure work land, whichever is the earlier.</p> <p>4.12 Revision of Infrastructure Cost Schedule, Contribution Costs, Estimated Lot Yields and Areas Capable of Being Developed</p> <p>4.12.1 The City shall from time to time review Contribution Costs and the Infrastructure Cost Schedule provided such reviews are conducted at least on an annual basis.</p> |
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| | | <p>4.12.2 The City shall, at the time it reviews Contribution Costs and the Infrastructure Cost Schedule review:</p> <ul style="list-style-type: none">(a) the total amount of Combined Land;(b) the Cost Contribution Rate;(c) the remaining area of the Development Contribution Plan which is capable of being developed;(d) Assessed Values; <p>having regard for the actual amount of land developed in the Development Contribution Plan area since the last review, the remaining Common Infrastructure Works, any amendments to the Local Structure Plan and any other factors the City considers relevant.</p> <p>4.12.3 When calculating or reviewing Contribution Costs and the Infrastructure Cost Schedule, the City will have regard to the value of the land required for Common Infrastructure Works and include an amount of 10% over and above the Assessed Value of such land, to ensure that the City has or will receive sufficient funds in the Development Contribution Plan Account to acquire land for Common Infrastructure Works to meet its obligations for appropriate payment to such owners, and ensure the Common Infrastructure Works can be completed in a manner that minimises the need for external borrowing. The City may also apply a further amount above the Assessed Value to recognise any compulsory taking of land and / or acquisition of structures.</p> <p>4.12.4 The City, in reviewing the various elements pursuant to subclauses 4.12.1 and 4.12.2 above, may revise or amend any of those elements and any Contribution Costs payable by an owner of land in the Development Contribution Plan Infrastructure Cost Schedule.</p> <p>4.12.5 Following revision or amendment of the elements mentioned in subclauses 4.12.1 to 4.12.3 inclusive, the City shall notify by way of public advertising the outcome of the review advising of the availability of details concerning the review and revisions and inviting comment.</p> |
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| | | <p>4.12.6 Following the issue of the invitation pursuant to subclause 4.12.5, a period of 28 days shall be allowed from the date such advertising commenced for an owner affected by the review to object to the revision of Contribution Costs and any other finding of the review. Objections to Proposed Values advertised as part of the Infrastructure Cost Schedule Review shall be dealt with under Clause 4.11 of Development Contribution Plan No.4. An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field of the cost revision being objected to and can only object to those elements that have been altered as part of the review.</p> <p>4.12.7 Any objection received by the City in-accordance with subclause 4.12.6 shall be:</p> <ul style="list-style-type: none">(i) discussed at a meeting between suitably qualified representatives of the Owner and the City who shall endeavour to reach agreement; then(ii) assessed and determined by the City; and(iii) if the objecting Owner objects to the City's determination it should be referred by the City or Owner to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act, 1985. The arbitrator shall be bound by the provisions of Part 6B the Scheme and Development Contribution Plan No.4 of the Scheme and Infrastructure <p>4.12.8 If the parties are unable to agree upon the arbitrator, the arbitrator may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party. The costs of each party involved in the arbitration process will be borne by that party, however, in the case where the arbitrator believes an objection to be frivolous or where a party has unnecessarily frustrated the process of arbitration, the Arbitrator may at his discretion, award costs against the erring party.</p> |
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| | | <p>4.12.9 If objections are received under subclause 4.12.7 (iii) the City may adopt a revised Infrastructure Cost Schedule and Cost Contribution rate using a value being the average of that identified by the City and by the Owner until such time as the arbitration is determined.</p> <p>4.12.10 When a dispute has been determined by arbitration under subclause 4.12.7 (iii), the Infrastructure Cost Schedule shall be amended in accordance with the decision of the arbitrator and the Cost Contribution rate recalculated.</p> <p>4.13 Expiration of Development Contribution Plan This Development Contribution Plan should expire fifteen (15) years from the date of gazettal of Amendment No.73, however, may also be extended for further periods, with or without modification, by subsequent Scheme Amendments.</p> <p>4.14 Preliminary Contribution Payments</p> <p>4.14.1 Where an owner or former owner of land in Development Contribution Area No.4 has made a Preliminary Contribution Payment towards their Cost Contribution, prior to the gazettal of Amendment No.73 to Town Planning Scheme No.4 and adoption of the Infrastructure Cost Schedule by the City under Part 6B the Scheme and Development Contribution Plan No.4, then the Preliminary Contribution Payment will be credited towards the Cost Contribution required under Clauses 6B.5 and 6B.6 and Development Contribution Plan No.4 in Schedule 13B.</p> <p>4.14.2 Should an owner's or former owner's Preliminary Contribution Payment be less than the required Cost Contribution, which is to be determined after the gazettal of Amendment No.73 to Town Planning Scheme No.4 and at the time the Council adopts the Infrastructure Cost Schedule, the City may seek a further payment from those owners who have made such Preliminary Contribution Payments, which represents the difference between such Preliminary Contribution Payments and the amount of the owner's Cost Contribution calculated as if the payment was made at the time</p> |
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| | <p>the Infrastructure Cost Schedule is adopted by the City. Owners shall make the further payment stipulated by the City within thirty (30) working days of receiving a written request from the City, unless otherwise agreed by the City.</p> <p>4.14.3 Should an owner's or former owner's Preliminary Contribution Payment be more than the Cost Contribution required after the gazettal of Amendment No.73 to Town Planning Scheme No.4 and at the time the City adopts the Infrastructure Cost Schedule, then the Owner is entitled to a credit or refund, which represents the difference between such Preliminary Contribution Payments and the amount of the owner's Cost Contribution calculated as if the payment was made at the time the Infrastructure Cost Schedule is adopted by the Council. If the owner seeks a refund for the difference, the City shall endeavour to make such a payment within thirty (30) working days or as soon as the necessary funds are available in the relevant account.</p> |
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- G) Amend Development Contribution Plan No.3 in Schedule 13B as follows:
- a) Amend the Description of Land in the second column by inserting "North Forrestdale (Piara Waters and Harrisdale) Urban Development Area" after "No.3".
 - b) Change the heading of the third column from "Infrastructure to which cost sharing arrangements relate" to "Contribution Arrangements".
 - c) Amend Clause 3.1.1 by deleting the words "Schedule 13B, this".
 - d) Amend Clause 3.1.2 by replacing the words "the scheme's" with "the City of Armadale Town Planning Scheme No.4 (the Scheme)".
 - e) Amend Clause 3.1.3 by:
 - i) replacing all references to "Schedule 13B" with "Development Contribution Plan No.3".
 - ii) replacing the words "this scheme" with "the scheme"
 - iii) replacing the word "prevails" with "prevail".
 - f) Amend the following definitions under Clause 3.2 as follows:

“Assessed Value” – Replace the word “Clauses” with “subclauses” and replace the words “this schedule” with “Development Contribution Plan No.3”.

“Estimated Lot Yield” – Replace the words “Schedule 13B” with “Development Contribution Plan No.3”.

“Infrastructure Cost Schedule” – Replace the words “Schedule 13B” with “Development Contribution Plan No.3”.

“Potential Lots” - Replace the words “Schedule 13B” with “Development Contribution Plan No.3”.

- g) Amend Clause 3.4.1 by replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.**
- h) Amend the last part of Clause 3.4.2 (a) (i) by replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.**
- i) Amend the definition of “D” under Clause 3.4.2 (a) (ii) by replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.**
- j) Amend the introductory paragraph of Clause 3.4.3 by:
 - i) replacing the word “Clause” with “subclause”.**
 - ii) replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.****
- k) Amend Clause 3.4.3 (b) by replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.**
- l) Amend Clause 3.4.3 (d) by:
 - i) replacing the word “Clause” in the first sentence with “subclause”.**
 - ii) replacing the word “Clauses” in the last sentence with “subclauses”.**
 - iii) replacing the words “Schedule 13B” in the first and last sentence with “Development Contribution Plan No.3”.****
- m) Amend Clause 3.4.3 (e) by:
 - i) replacing the word “Clause” where it occurs with “subclause”.**
 - ii) replacing the words “Schedule 13B” where it occurs with “Development Contribution Plan No.3”****

- n) Amend Clause 3.5.2 by replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.
- o) Amend Clause 3.6.2 (a) by replacing the word “this” with “the”.
- p) Amend Clause 3.6.2 (b) by:
 - i) replacing the word “Clause” with “subclause”.
 - ii) replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.
- q) Amend Clause 3.6.2 (e) by:
 - i) replacing the word “Clause” with “subclause”
 - ii) replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.
- r) Amend Clause 3.6.2 (f) by:
 - i) replacing the word “Clause” with “subclause”
 - ii) replacing the words “Schedule 13B” with “Development Contribution Plan No.3”
- s) Amend Clause 3.10.1 by:
 - i) replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.
 - ii) deleting the word “formal”.
 - iii) replacing the word “claim” with “prefunding application”.
- t) Amend the last sentence of Clause 3.10.2 by:
 - i) adding the words “of the scheme” after “6B”.
 - ii) replacing the words “Schedule 13B” and “the Development Contribution Plan” with “Development Contribution Plan No.3”.
- u) Amend Clause 3.10.3 by:
 - i) adding the words “of Development Contribution Plan No.3” after “3.8”.
 - ii) adding the words “or reimbursement” after the word credit where it appears in the first and second sentence.
- v) Amend Clause 3.10.5 by:
 - i) replacing the word “Clause” with “subclause”.
 - ii) replacing the word “Clauses” with “subclauses”.

- ii) replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.
- w) Amend Clause 3.10.6 by:
 - i) replacing the word “Clause” with “subclause”.
- x) Amend the first sentence of Clause 3.12.3 (d) by:
 - i) replacing the word “Schedule 13B” with “Development Contribution Plan No.3”.
- y) Amend Clause 3.12.3 (e) by:
 - i) replacing the word “Schedule 13B” with “Development Contribution Plan No.3”.
 - ii) Inserting the words “of the scheme” after “6B”.
- z) Amend the first part of Clause 3.12.4 by:
 - i) replacing the word “Clause” with “subclause”.
 - ii) replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.
- aa) Amend Clause 3.12.5 by:
 - i) replacing the word “Clause” where it occurs with “subclause”.
 - ii) replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.
- bb) Amend Clause 3.12.6 by:
 - i) replacing the word “Clauses” with “subclauses”.
 - ii) replacing the words “Schedule 13B” where it occurs with “Development Contribution Plan No.3”.
- cc) Amend the second sentence of Clause 3.13.6 by replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.
- dd) Amend Clause 3.13.7 by:
 - i) deleting the word “this”.
 - ii) replacing the words “during this period” with “3.13.6”
 - iii) replacing the words “schedule 13B of the Scheme, Development Contribution Plan” with “Development Contribution Plan No.3”.
- ee) Amend Clause 3.13.9 by replacing the word “Clause” with “subclause”.

- ff) Amend Clause 3.13.10 by replacing the word “Clause” with “subclause”.
 - gg) Amend Clause 3.15.1 by replacing the words “Schedule 3B” with “Development Contribution Plan No.3”.
- H) Amend Part 6B as follows:
- a) Amend the definition of “Cost Contribution” by replacing the number “13” with “13A or 13B”.
 - b) Amend Clause 6B.3.1 by replacing the word “and” that is between “13A” and “Schedule” with “or”.
 - c) Amend Clause 6B.3.2 by replacing the word “and” that is between “13A” and “Schedule” with “or”.
 - d) Amend Clause 6B.4.2 (a) by replacing the number “13” with “13A or 13B”.
 - e) Amend Clause 6B.4.3 by replacing the number “13” with “13A or 13B”.
 - f) Amend Clause 6B.9.1 (a) by:
 - i) Replacing the word “plan” where it occurs with “plans”.
 - ii) Add the words “and No.4” after “No.3” where it occurs.
- 2) Adopt the infrastructure items described in the following table to be included on Development Contribution Plan No.4:

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| Infrastructure Items (including land) |
| <p>PROPOSAL Upgrade of Rowley Road adjacent to Development Contribution Area No.4 to accommodate traffic generated by development of the Rowley Road Industrial Area.</p> |
| <p>SCOPE Land Land acquisitions that are required to accommodate the proposed design of the roads and intersections to be constructed as per the scope of the contribution arrangements described below under the heading Capital Works.</p> <p>Capital Works Rowley Road shall be upgraded on a staged basis adjacent to Development Contribution Area No.4 through contribution</p> |

arrangements. The works shall include design, project management and construction of the road, including earthworks, intersections*, lighting, drainage, service relocations, landscaping, paths, other associated structures and tie-in works that may extend marginally beyond the eastern and western boundaries of Development Contribution Area No.4 as required by the relevant City standards.

*The form of control is most likely to be either traffic signals or roundabouts.

NEED AND NEXUS

Progression of the Rowley Road Industrial Area the (the area) followed identification of the land in the WAPC Economic and Employment Land Strategy (EELS) as a priority Industrial area and a subsequent rezoning of the land from “Rural” to “Industrial” under the MRS. It is planned that development within the area will share the same characteristics and enjoy equal levels of service. In helping to achieve this outcome it is important for the upgrade of Rowley Road adjacent to the area to be delivered through equitable and transparent contribution arrangements.

The area will be accessed by Rowley Road linking to Tonkin Highway, Nicholson Road and further west to the Kwinana Freeway. Rowley Road is an important part of the regional road network and is planned to provide an important link for land side infrastructure associated with development of the Fremantle Outer Harbour and James Point ports in Cockburn Sound.

Rowley Road is currently a two lane single carriageway rural road with a posted speed zone of 80 km/hr. Based on information quoted in the Traffic Impact Report submitted with the MRS rezoning application for the area, the area is anticipated to yield approximately 170 hectares of industrial land which is estimated to generate approximately 24,500 vehicles per day of external trips.

Although the adjoining section of Rowley Road is not currently categorised as a Regional Road under the MRS, advice received from the Department of Planning suggests that Rowley Road will be reclassified as a Regional Road and this is currently under review by the Department and Main Roads Western Australia (MRWA).

It is understood that Rowley Road will need to be constructed to a four lane road by 2021-2031. Consequently, road widening requirements for Rowley Road adjacent to the area is to be retained under the MRS “Rural” zone pending completion of the Rowley Road Primary Freight Route Study, which will inform a future MRS Amendment. Furthermore, it is envisaged that Rowley Road will become a Controlled Access road that will limit the number of vehicle access points to individual developments proposed for the Area. Access points will therefore be restricted to major intersections

only that will need to be constructed when the Area develops (with no direct access along Rowley Road).

In considering applications for access to regional roads, the effects of proposals on traffic flow and road safety are primary considerations. Despite Rowley Road not yet being designated as a Regional Road, the same primary considerations would apply when the area is developed prior to a redesignation occurring. This eventuality results in a fostering of the need and nexus relationship supporting inclusion of the Rowley Road upgrade in DCP No.4. In particular when the need for large trucks to have safe and efficient access to the area is considered. This is a need that Rowley Road in its current rural form cannot adequately provide.

Considering the above and the Traffic Impact Report submitted with the MRS rezoning application for the area, Rowley Road will need to be upgraded to service development of the area. The upgrade will result in the Rowley Road being developed to an Urban / Industrial standard as per the Capital Works scope described above.

It is also proposed in DCP No.4 that land acquisitions that are required to accommodate the proposed design of Rowley Road, as per the Land scope described above, will be addressed through contribution arrangements.

- 3. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.**
- 4. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning and Infrastructure grant final approval to the amendment.**
- 5. Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.**
- 6. Advise the submitters and the applicant of its decision.**

ATTACHMENTS

1. Submitter Plan - TPS No.4 - Amendment No.73 - *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*
2. SCA Map 2 - TPS No.4 - Amendment No.73
3. SCA Map 3 - TPS No.4 - Amendment No.73
4. Zoning Plan - TPS No.4 - Amendment No.73

3.1 - NOMINATION OF DAP MEMBERS AND ALTERNATE MEMBERS

WARD : ALL
FILE No. : M/133/15
DATE : 5 February 2015
REF : NC
RESPONSIBLE : EDDS
MANAGER

In Brief:

- Development Assessment Panels (DAPs) were established in July 2011 and local governments were requested to nominate two permanent members and alternate members to sit on the DAPs for up to a two year term.
- In February 2013, Council nominated permanent members, Councillors Shaw and Zelones and alternate members, Councillors Norman and Wielinga to sit on the DAPs.
- Recommend that Councillors be nominated to represent Council as members and alternate members on the Eastern Metropolitan Development Assessment Panel.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
- 3.5 A well developed relationship with industry, commerce and government.
 - 3.5.2 Develop and maintain intergovernmental economic development relationships.
- 4.1 Good governance and leadership.
 - 4.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.

Legislation Implications

Planning and Development Act 2005
Approval and Related Reforms (No.4) (Planning) Act 2010
Planning and Development (Development Assessment Panels) Regulations 2011

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

- ♦ As per the Regulations, Schedule 2 - DAP members are entitled to a \$400.00 sitting fee and reimbursement of travel expenses. A \$400.00 fee for training is also applicable. Previously appointed local government DAP members that have received training are not required to attend further training.

BACKGROUND

The Approval and Related Reforms (No.4) (Planning) Act 2010 made provision for the establishment of Development Assessment Panels (DAPs) in Western Australia. The DAPs were established in July 2011 to determine development applications exceeding \$7 million in value of between \$3m and \$7m where an applicant so requests.

The Minister established 15 different JDAPs in May 2011 with each JDAP comprising of three specialist members and two local government members with JDAPs commencing operation on 1 July 2011.

The Planning and Development (Development Assessment Panels) Regulations 2011 were gazetted in March 2011 which set out the administrative details relating to the DAPs, such as the process for selection, training and payment of members, the manner in which applications are processed, how decisions are made and the fees associated with applications. The Regulations also set out a code of conduct which applies to members and the various controls on the receipt of gifts and other procedural matters.

At its meeting of 25th February 2013 (D14/2/13), Council nominated permanent members, Cr Shaw and Cr Zelones and alternate members, Cr Norman and Cr Wielinga to sit on the JDAP. Those nominations were approved by Cabinet and members were appointed by the Minister for up to a two year term, which expires 26 April 2015.

DETAILS OF PROPOSAL

- ♦ As the term for previously appointed nominees is due to expire, the Department has recently written to local governments calling for expressions of interest for two local government DAP members, noting members whose term has expired will be eligible for re-consideration.
- ♦ In the instance of local government elections resulting in a change to DAP membership, the alternate DAP member will take the place of the former DAP member.
- ♦ Meetings rotate amongst the constituent local governments of the Joint Development Assessment Panel and members are given at least five days' notice by WAPC of any meeting.
- ♦ In the event of the local government failing to make nominations within 40 days of the Minister's letter, the Minister may select representatives from the area who are eligible voters considered to have relevant knowledge of the district.
- ♦ Following receipt of all local government nominations, due 27 February 2015, the Minister will consider and appoint nominees for up to a two year term, expiring 26 April 2017.

COMMENT

The East Metropolitan JDAP has received two mandatory Armadale JDAP applications and its subsequent revised plans for assessment under Council's Scheme since its establishment in July 2011.

The following development applications are in the process of being submitted to the JDAP Committee for determination -

1. Fast Food Outlet (McDonalds), Yellowwood Ave, Harrisdale (\$3.2m)
2. 38 x multiple group dwellings Banyard Ave, Kelmscott (\$6m)
3. Park-Home Park - Lifestyle Village - South Hampton Dr, Piara Waters (17.4m)

It would be appropriate for nominations to be drawn from the membership of the Development Services Committee.

OPTIONS

Council could:

1. Nominate permanent members and alternative members for the Eastern Metropolitan DAP.
2. Decline to nominate permanent members and alternate members for the Eastern Metropolitan DAP.

CONCLUSION

Local government representation on DAPs is important to ensure the interests of the local community are considered as part of the DAP process and therefore Option 1 is recommended.

RECOMMEND

1. That Councillors _____ and _____ be nominated to represent Council as members of the Eastern Metropolitan Development Assessment Panel;
2. That Councillors _____ and _____ be nominated to represent Council as alternate members on the Eastern Metropolitan Development Assessment Panel.

ATTACHMENTS

There are no attachments for this report.

COUNCILLORS' ITEMS

Items to be submitted.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

5.1 - REVIEW OF LOCAL LAWS REGARDING KEEPING OF ROOSTERS

Following the raising of a Councillors Item by Cr Zelones, at its meeting on 24th November 2014 Council resolved that officers investigate and report back to the Development Services Committee on the best course of action with respect to action to be taken in relation to the keeping of poultry and in particular the keeping of roosters in residential suburbs.

The City of Armadale Environment, Animals and Nuisance Local Laws 2002 impose strict limitations on the number of poultry and prohibit the keeping of roosters, peafowls, guinea fowls, turkeys and geese.

No person is allowed to keep, or permitted to be kept more than 20 poultry other than in a Rural Zone. Based on the historical noise issues, other than in a Rural Zone, an owner or occupier shall not keep or allow to be kept a rooster, peafowl, guinea fowl, turkey or goose. Rooster complaints traditionally have been dealt with by the City's Health Services Department. Below is data on the number of rooster complaints registered by the City's Health Services Department in the past four financial years.

| Financial Year | No. of Registered Complaints |
|-----------------------|-------------------------------------|
| July 2011 - June 2012 | 21 |
| July 2012 - June 2013 | 27 |
| July 2013 - June 2014 | 27 |
| July 2014 - Jan 2015 | 14 |

In most cases complaints are dealt with successfully. The owner/occupier responsible is given seven days to remove all rooster(s) and inform Health Services. The City allows seven days giving the owner of the rooster(s) enough time to relocate the animal. There is some confusion in relation to the zoning, especially with residents owning large lots in Residential and Special Residential zones. During the past ten years, Health Services only issued three infringement notices under the Environment, Animals and Nuisance Local Laws 2002 and successfully prosecuted a serial offender in December 2014 under the nuisance provision of the Health Act 1911.

Actions taken to reduce rooster problem –

- Letter drop in problem area: Health Services has conducted numerous “letter drops” in problem areas informing residents of the rules and conditions of poultry keeping in the City.
- Health Services Webpage: provides relevant information on conditions for keeping poultry and the prohibition on keeping of roosters.

CONCLUSION

The City's Local Laws are sufficient to deal with the keeping of poultry and the prohibition on keeping of roosters. It is important to mention that a rooster complaint is not considered to be a significant public health risk. Other high risk public health matters often take precedence, therefore in some cases the district EHO is not able to investigate the complaint straightaway. Rooster complaints do not require the intervention of a qualified Environmental Health Officer. It is suggested that the Environmental Health Technical officer be given authority under the Environment, Animals and Nuisance Local Laws 2002, to carry out such a task.

ATTACHMENTS

There are no attachments for this report.

**5.2 - 36 MULTIPLE DWELLINGS - LOTS 9, 10 & 11 BANYARD AVENUE,
KELMSCOTT**

The City has received an application to build 36 Multiple Dwellings in two-storey buildings comprising eight (8) one-bedroom and twenty eight (28) two-bedroom apartments on this Residential R15/40 zoned property. The development design incorporates a total of 40 car parking spaces, bicycle parking, bin storage, storerooms and a communal open space area.

The following design issues were identified and the applicant has been advised to redesign the development to address such issues, including:

- Relocation of the proposed bin storage area to a more appropriate location to provide un- obstructed entry/exit to the site and convenient waste pick-up;
- Provision of a waste management plan;
- Adequate number of waste and recycling bins to service all units proposed (required 72 - provided 24);
- Attractive entry point to the development avoiding blank walls;
- Provision of a comprehensive landscape plan including tree planting within the parking areas;
- Provision of cloth drying areas; and
- Provision of letter boxes.

The application was advertised for public comment and one (1) submission of objection was received.

This application is subject to the provisions of the Planning and Development (Development Assessment Panels) Regulations 2011 and as such a detailed analysis of the proposed development and the public submissions will be referred to the Eastern Joint Development Assessment Panel for determination. The City is not the decision making authority in this regard. The report is due to be submitted to the Eastern Joint Development Assessment Panel by 13 March 2015.

ATTACHMENTS

There are no attachments for this report.

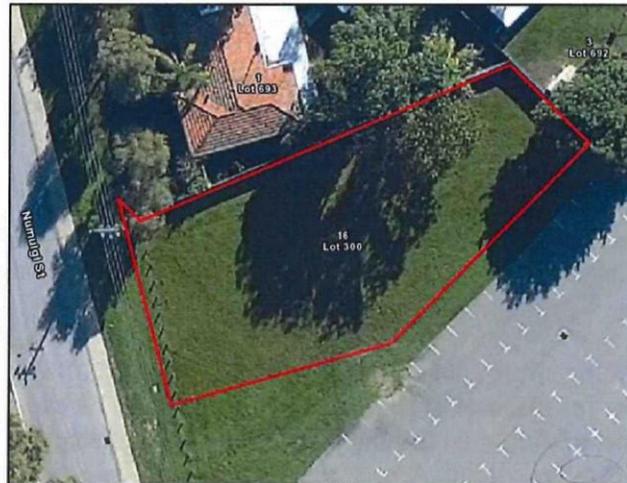
MEETING DECLARED CLOSED AT _____

| DEVELOPMENT SERVICES COMMITTEE | | |
|---|--|-------------|
| SUMMARY OF "A" ATTACHMENTS | | |
| 17 FEBRUARY 2015 | | |
| ATT NO. | SUBJECT | PAGE |
| 1.1 ADOPTION OF BUSINESS PLAN AND SALE OF LOT 300 NUMULGI STREET, ARMADALE | | |
| 1.1.1 | Copy of Final Business Plan for Lot 300 Numulgi Street, Armadale | 61 |
| 1.2 AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT - FINAL ADOPTION | | |
| 1.2.1 | Copy of Consolidated Amended Policy - PLN 3.1 Residential Density Development | 66 |
| 1.2.2 | Copy of Revised PLN 3.1 Residential Density Development (with highlighted changes) | 75 |
| 2.1 FINAL APPROVAL OF SCHEME AMENDMENT 73 - REZONING OF LOTS 6, 8 AND 200 ROWLEY ROAD FORRESTDAL E FROM "RURAL LIVING 20" TO "INDUSTRIAL DEVELOPMENT " | | |
| 2.1.2 | SCA Map 2 - TPS No.4 - Amendment No.73 | 89 |
| 2.1.3 | SCA Map 3 - TPS No.4 - Amendment No.73 | 90 |
| 2.1.4 | Zoning Plan - TPS No.4 - Amendment No.73 | 91 |



Land Transaction Business Plan

Covering the Land Parcel:



Strategic Land Assets – Residential
Lot 300 Numulgi Street, Armadale WA 6112

Proposal to Sell

Prepared pursuant to sections 3.58 and 3.59 of the Local Government Act 1995

Proposal

The City holds the freehold ownership of the following land parcel:

| Lot No | Street Address | Approx. Land Area | Certificate of Title Details | Zoning/Code | Sewer Connection Capability |
|--------|----------------------------------|-------------------|------------------------------|--|-----------------------------|
| 300 | Numulgi Street, Armadale WA 6112 | 727m ² | Volume: 1802 Folio: 97 | “Residential R15/25” with the Potential to develop at a density of “R30” as per Clause 5.24 (c) of TPS No. 4 | Yes |

The City’s Strategic Community Plan 2013 – 2028 details that the City of Armadale is one of Western Australia’s fastest growing local government areas, with its population forecast to reach 127,585 by 2028. This significant population increase will cause a substantial need for Council to fund the creation of new community facilities and assets, whilst also maintaining and rehabilitating many of those that already exist. As a direct result of this issue, a project was initiated in 2006 to determine the parcels of land the City held in freehold, purely for investment purposes, which had no immediately discernable operational or community uses. However, sale of these land parcels provided an opportunity to develop a strategic approach to the funding and provision of recreation facilities. These land parcels are referred to as Strategic Land Assets.

At its meeting of 20th November 2006, Council resolved (CS109/11/06) to adopt the principle that funds arising from the disposal of strategic land investments be expended on the basis of 70% of net sale proceeds being used to fund the acquisition of strategic investments from the proceeds of selling Strategic Land Assets and 30% of net sale proceeds going towards funding capital projects.

The property subject to this business plan has been identified as a Strategic Land Asset and has been nominated for immediate disposal. The sale of Lot 300 Numulgi Street, Armadale will fund future projects within the City.

Property

Lot 300 Numulgi Street, Armadale

The property is located within Armadale, approximately 33km south east of the Perth CBD. More specifically the property is situated on the north-eastern side of Numulgi Street and approximately 30m south of the intersection of Numulgi Street and Kyogle Place, abutting Reg Williams Reserve. The subject



Image of Lot 300 taken looking from Numugli Street: Thursday 7th August 2014

property comprises a vacant residential site with an area of approximately 727m².

The property is zoned Residential R15/25 under the City's Town Planning Scheme No. 4 (TPS No. 4). However, the location of the property adjacent to a public open space reserve allows for an increase in density to R30. This is as per the provisions of Clause 5.24 (c) of the City's TPS No.4. To achieve the increase in density, the developer must satisfy the requirements of Local Planning Policy 3.1: Residential Density Development and the State Government's R-codes.

Considerations

Expected effect on the provision of facilities and services by the City (Section 3.59(3)(a))

The subject land is owned in fee simple by the City of Armadale. Lot 300 Numulgi Street is surplus to the City's Strategic Land Assets and is proposed to be sold. This sale will not negatively impact the surrounding community as it is currently a vacant residential lot abutting a car park/Parks & Recreation Reserve.

70% of funds made from the sale will be reinvested into Strategic Asset Investments and 30% will be used to fund Capital Works.

Expected effect on other persons providing facilities and services in the district (Section 3.59(3)(b))

The subject site is vacant land owned by the City of Armadale. The land does not provide any services or facilities to the community. The net proceeds from the sale will generate income to be invested into assets and major recreation facilities and the City's capital projects thereby improving the quality of facilities and services provided by the City.

Expected financial effect on the City of Armadale (Section 3.59(3)(c))

Lot 300 has been in the City's ownership since 1988, it was acquired by the City during the subdivision of Reg Williams Reserve. The property is surplus to the City's requirements and sale would reduce maintenance costs whilst providing revenue to be reinvested into land acquisitions or City owned buildings.

A market valuation will be received for Lot 300 Numulgi Street, Armadale and the land will be sold based on a market valuation. Expenditure associated with sale will be incurred through the City's Municipal Budget.

70% of funds made from the sale will be reinvested into Strategic Asset Investments and 30% will be used to fund Capital Works.

Expected effect on matters contained in the City's Plan For the Future (Section 3.59 (3)(d))

The City's Strategic Community Plan 2013-2028 contains the following initiatives:

- 1 5 1 Provide and promote Council sport, recreation and leisure facilities*
- 2 4 2 Maintain and improve where required the quality, amenity and accessibilities of open spaces*
- 4 2 1 Develop, implement and report on Council's strategic and business plans*
- 4 6 2 Actively pursue alternative sources of revenue for Council's assets and operation*

The ability of the city to manage the transaction (section 3.59(3)(e))

The City ordinarily administers large-scale financial undertakings in its day-to-day business as a Local Government entity. The City will engage appropriately qualified consultancies to provide goods and services such as Licensed Valuations, Real Estate and Settlement Services, to ensure the disposal is executed correctly and effectively.

Other matters (Section 3.59(3)(f))

Method of Disposal

The disposal/sale of the subject site comprising this transaction and the subject of the Business Plan will be accordance with Section 3 58 (2) and (3) of the Local Government Act 1995

These sections 3.58 (2) and (3) provide the following options for disposal of property:

- 3.58 (2)
 - a to the highest bidder at public auction; or
 - b. to the person who at public tender makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender;or
- 3.58 (3)
 - a. by a private treaty giving local public notice of the proposed disposition
 - i) by describing the property concerned;
 - ii) giving details of the proposed disposition, and
 - iii) inviting submission to be made to the local government before the date specified.

Comments on this Business Plan

This business plan is being advertised for a period of 49 days from the date of notifications in the West Australian and Examiner newspapers, with the advertising period closing on 4th February 2015

The Business Plan can be inspected:

- At the Administration Centre of the City of Armadale between the hours of 8:15am to 4:45pm Monday to Friday; and/or
- At the City's Public Libraries located in Armadale, Kelmscott and Seville Grove between the following hours;

Copies of the Business Plan can be obtained by:

- Contacting the City's Special Projects Officer, Julie Quartermaine on (08) 9399 0628; or
- Contacting the City's Administrative/Lands Officer, Heidi Blundy on (08) 9399 0142; or
- By downloading the documents from the City's website at www.armadale.wa.gov.au

Submissions on the Business Plan are to be made in writing and to be received no later than **4pm, Wednesday 4th February 2015.**

Submissions to be addressed to:

Chief Executive Officer

City of Armadale

Locked Bag 2

ARMADALE WA 6992

Attention: Julie Quartermaine (Special Projects Officer) or Heidi Blundy (Administrative/Lands Officer)

Process Following Public Advertising

Following the public advertising period the Council will consider all submissions and may decide (by absolute majority) to proceed with the Land Transaction as described in this plan in accordance with the provisions of the *Local Government Act 1995*.

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

1. INTRODUCTION

This policy aims to provide guidance on Density Development within the City in general and provide clarity on the intent behind Clause 5.2.4 of Town Planning Scheme (TPS) No.4. This clause gives Council discretion to approve development of Grouped and Multiple Dwellings on dual coded lots coded R10/25, R12.5/25, R15/25, R15/60, R17.5/25 and R25/40 up to the higher density. The Scheme requires that this discretion be exercised in accordance with this Policy.

Council encourages high quality medium density housing in selected areas of the City of Armadale. This form of housing allows for more efficient use of existing services such as sewerage, roads, water supply, electricity etc while providing a choice of housing types to meet the different requirements of people living in Armadale.

Council's intention in regulating more intensive development in the residential areas of the City is to encourage an integration of higher density housing into the City after taking account of the objectives of the zones, their primary incidental densities and the potential impact of increased residential density on the established urban infrastructure.

This Policy will assist Council in determining Density Development, and assist applicants to achieve the desired quality of site development anticipated by the City.

2. APPLICATION OF POLICY

- This policy is supplementary to and is to be read in conjunction with the appropriate provisions of the City of Armadale TPS No.4 and the Residential Design Codes.
- The policy will be applied by the City in the exercise of its discretion in respect of applications for Density Development in general and specifically to proposed medium density residential development subject to dual coding.
- The policy will be taken into account by the City in making recommendations to the Western Australian Planning Commission for the development and subdivision of land subject to dual coding.

3. POLICY OBJECTIVES

This Policy facilitates:

- the Outcomes and Strategies of the major goal of 'Enhanced Natural and Built Environments' within the Strategic Community Plan 2013-2028;
- the Objectives of the Local Planning Strategy;
- the Aims of the Scheme (Clause 1.6 of TPS No.4) and the Objectives of the Zones (Clause 4.2 of TPS No.4).

The Policy Objectives are:

- (a) To locate Density Development in residential areas where it can successfully integrate into the surrounding environment and where existing access arrangements, open space, shopping, public transport, community services, drainage and sewerage facilities are capable of accommodating more intensive development.
- (b) To promote the use of Structure Plans to co-ordinate the development of medium density housing in "street blocks".

- (c) To encourage an attractive streetscape setting which enhances and complements the visual character, bulk and scale of the surrounding built form.
- (d) To achieve a high quality building development in relation to architectural design, site layout, materials, colour, tone, texture and fencing.
- (e) To provide safe, functional and attractive access arrangements in and out of the site, which contribute to the overall aesthetics of the development.
- (f) To provide for safe and convenient placement and storage of waste to the development's future residents.
- (g) To provide for the safe and convenient collection of rubbish bins by the City's waste disposal vehicles.

4. POLICY STATEMENT

4.1 All Density Developments

4.1.1 Density Development applications shall be assessed and determined based on the prevailing density code of the site, and the extent to which the Design Guidelines outlined in Clause 4.3 of this policy are met.

4.1.2 Density Development shall not be approved in areas where reticulated sewerage is not available or where adequate drainage is not available or planned to accommodate higher than existing densities to the satisfaction of the Executive Manager Technical Services.

In the event of the City not being satisfied that there is adequate provision for on-site drainage, a catchment analysis of the existing drainage network may be required to confirm the available capacity downstream of proposed additional flows, and a condition may be imposed on any approval issued requiring a contribution towards the upgrade of the City's drainage network as a result of the findings.

4.1.3 Access arrangements shall ensure that traffic generated by the proposal can be accommodated by the existing street network.

4.1.4 Adequate parking shall be available on-site without detriment to the streetscape;

4.1.5 Adequate provision shall be made for the safe and convenient collection of rubbish and recycling bins.

4.1.6 The City will not support the development of multiple dwellings which requires a plot ratio in excess of that indicated on Column 2 of Table 4 of the Residential Design Codes with respect to the designated Code identified on the Scheme Map.

4.1.7 To facilitate improvements to the City's footpath network, development taking advantage of the higher code in dual coded areas and development within areas Coded R40 will be required as a condition of planning approval to make a contribution to the City's footpath fund on the basis of the estimated cost of constructing 5m of footpath for every additional unit proposed for the site.

Contributions should generally be expended in the locality within which the contribution has been made.

4.2 Scheme Provisions relating to Dual Coded areas.

4.2.1 Areas Coded R10/25, R12.5/25, R15/25, R17.5/25 (Clause 5.2.4 a) of TPS No.4.

4.2.1.1 Clause 5.2.4 a) (ii) and (iii) of TPS No.4 refer to the surveillance of streets, public open space (POS) and pedestrian access ways (PAWs). In this regard developments shall incorporate major openings overlooking streets, or visually permeable fencing (above 1.2m high) adjacent to POS or PAW's (refer to Clause 4.4.3). Where appropriate, the City will request the provision of direct pedestrian access to POS.

4.2.2 Areas Coded R15/40, R25/40 and R15/60 (Clause 5.2.4 b) of TPS No.4).

4.2.2.1 Areas coded R15/40, R15/60 and R25/40 may be suitable for development in accordance with the higher code where the City is satisfied that the matters identified in Clause 5.2.4 b) of TPS No.4 are addressed. The matters within Clause 5.2.4 b) are elaborated on as follows:

4.2.2.2 Reticulated sewer and adequate drainage – refer to Clause 4.1.2;

4.2.2.3 Footpaths and / or cycleways – should be constructed within the road reserve to which the site abuts;

4.2.2.4 A public transport stop or station – may be either a bus route or train station, however the two have different catchments (400m and 800m respectively);

4.2.2.5 A convenience shopping site – Any shop where daily convenience goods (e.g. bread and milk) may be purchased;

4.2.2.6 Recreational open space – refers to a public open space reserve that is able to be used for active or passive recreation. Other recreational facility – may be any public or private development as relates to recreational activities;

4.2.2.7 Community facility – means a premises primarily for the provision of educational, social, or recreational facilities or services by organisations involved in activities for community benefit.

4.3 Density Development Design Guidelines

The following Design Guidelines are applicable to all forms of Density Development within the City, unless specifically stated otherwise.

4.3.1 Building Design

4.3.1.1 The provision of roofs with a pitch of 25 degrees or greater is encouraged to provide a distinctive streetscape character, unless this is likely to compromise an existing streetscape character.

4.3.1.2 Colour schemes and use of materials will be required to achieve a high standard of visual amenity to be consistent with the desired appearance of the streetscape. Materials shall complement the “natural” tones associated with the Armadale landscape.

4.3.1.3 To create a high visual standard and enhance the aesthetics of the streetscape, architectural detail and trim will be considered as an integral component of the overall appearance of the development. Details such as gutters, fascias, capping, brackets, window frames, posts,

louvers etc shall be designed and coloured to complement the overall building.

4.3.1.4 Rear dwelling(s) shall be designed and sited to ensure that the front elevation (inclusive of a window to a habitable room, or a balcony) is visible from and provides an outlook to the street.

4.3.1.5 Buildings shall be designed to include sufficient eaves (i.e. minimum 300mm width), and verandahs or awnings to provide protection for openings from summer sun.

4.3.1.6 The design of Density Development shall avoid uniformity by providing a degree of variety in the range of house designs, colours and fenestrations (windows and openings). Development including two storey dwellings or dwellings with lofts is encouraged.

4.3.1.7 In addition to the standards set out in the Residential Design Codes, where development in excess of three units is proposed to a residential density in excess of R30, one (or a proportional mix) of the following requirements shall be met:

- One third of the units within a development (to be rounded down in the event of an odd number) shall be comprised of two storey units (which shall be defined to include any development with at least one habitable room on the second level); or
- 50% of the units within a development (to be rounded down in the event of an odd number) shall have a total plot ratio floor area no greater than 110m² and include an outdoor living area of at least 24m² with a minimum dimension of 4m; or
- The density of development shall not be in excess of R30.

4.3.2 Streetscape

4.3.2.1 Where dwellings abut a Primary Street, the entrance and a major opening of the dwelling shall be orientated towards the Primary Street.

4.3.2.2 Where dwellings abut a Communal Street, the entrances to the dwellings should be visible from the Primary Street where possible, or if not possible, visible from the Communal Street.

4.3.2.3 Where dwellings abut both the Primary and Communal Street, the respective elevations shall be designed to address both streets. The Primary and Communal Street boundaries should preferably remain unfenced to maintain an open streetscape.

4.3.2.4 Garages shall not be forward of the front habitable room window of the dwelling and preferably should be 1m behind the main front wall of the dwelling;

4.3.2.5 A clear view of the proposed development from the Primary Street should be provided by staggering some of the dwelling units. Designs should provide for the breaking up of roof areas and the appropriate use of landscaping.

4.3.2.6 For surveillance, major openings from two or more of the individual units shall have an uninterrupted view to the Primary Street.

4.3.2.7 Except in the case of developments with three units or less or where the outlook from each dwelling is to public open space or to a communal facility or open space, Communal Streets shall be central within a development;

4.3.2.8 The end of Communal Streets shall not include blank walls / horizontal windowless areas (e.g. garage doors) unless adjacent dwellings are two storey.

4.3.2.9 Dwellings shall not be designed to include blank walls facing or visible from the Primary or Communal Street.

4.3.3 Fencing Design

4.3.3.1 Front walls and fences shall not be constructed in fibre cement (super six).

4.3.3.2 The height, texture, colour and style of walls and fences exposed to public spaces shall be compatible with the streetscape and existing buildings.

4.3.3.3 In the context of Clause 4.2.1, unless otherwise approved for a specific purpose (e.g. screening a drying area), fencing abutting public open space should be visually permeable when higher than 1.2m above natural ground level.

4.3.3.4 In the context of Clause 4.3.2.3, if fencing must be utilised, it shall be visually permeable when higher than 1.2m above natural ground level where it abuts a Secondary or Communal Street or is within the area in front of the building setback line to the Primary Street.

4.3.3.5 Where communal open space is to be provided, visually permeable when higher than 1.2m above natural ground level shall be utilised for at least 50% of the interface between development and the communal open space.

4.3.3.6 Where retaining is proposed or approved on boundaries, fencing shall be located on top of the retaining wall, in accordance with the requirements of the City's Fencing Local Law.

4.3.4 Retention of Existing Dwellings

4.3.4.1 The City shall encourage the retention of existing houses as part of a redevelopment proposal where the building:

- Is in good condition and of good architectural quality (the City may require an architectural report detailing building and architectural specifications and quality of the building);
- Is located on the block to provide a sufficient and usable area for additional units;
- Will retain and enhance the amenity and streetscape quality of an area;
- Is of heritage significance.

4.3.4.2 Where the City is not satisfied that the retention of a dwelling is appropriate it may require the dwelling to be demolished.

4.3.4.3 Where the City considers a building worthy of retention but it is not of a suitable condition, in order to satisfy Clause 5.2.6 and 6.2.4 of the Residential Design Codes the City will consider the imposition of a requirement for some or all of the following works to be undertaken to complement the proposed new development:

- Nature and quality of roof cladding finishes;
- External wall finishes;
- External colour scheme;
- Window treatments;
- Architectural detail and trim; and
- Other matters as detailed by the City.

4.3.4.4 Where an existing older dwelling is to be retained in a proposed Density Development, the application should outline improvements to the existing building inclusive of at least one of the following:

- Restoration or replacement of the existing roof;
- Recladding or rendering of walls; or
- Repainting of the dwelling.

4.3.4.5 Where an existing older dwelling is to be retained in a proposed Density Development, the application should outline improvements to the streetscape inclusive of at least one of the following:

- New front open style fencing;
- Re-landscaping within the front setback; or
- New paving and kerbing in the driveway and crossover.

4.3.4.6 In respect of Clauses 4.3.4.4 and 4.3.4.5, the City may apply more than one of the above criteria, where in the opinion of the City the condition of the aforementioned elements is in need of improvement.

4.3.5 Open Space and Landscaping

4.3.5.1 A 0.5m vegetated buffer strip should be provided on both sides of proposed Communal Streets.

4.3.5.2 Landscaping and maintenance proposals should where possible combine front garden or open space areas with adjoining verges to create an integrated appearance.

4.3.5.3 In accordance with Clause 5.3.2 and 6.3.2 of the Residential Design Codes applications for Density Development are to specify details of the landscape works proposed through the preparation of a landscape plan. The landscape plan is to demonstrate:

- That it has taken account of the City's Urban Forest Strategy and the relevant tree palette within which the development proposal is located in guiding tree selection;
- A strong landscaping theme incorporating feature planting in common areas;
- Details of plant species and hard landscape materials;
- Planting to soften and screen hard surfaces;
- Planting for solar control;
- Ongoing maintenance proposals including automated reticulation;
- A vegetation survey of the site and identification of significant trees with maximum vegetation retained; and
- Existing and proposed verge trees, and verge treatment.

(Refer to the City's Landscaping Guidelines for assistance – http://www.armadale.wa.gov.au/services_and_facilities/planning/).

4.3.5.4 Principal areas of private open space should be located at the rear of the dwelling. In the case of multiple dwellings, upper storey balconies may be at the front but ground floor courtyards are preferred at the rear.

4.3.5.5 In the case of proposals taking advantage of higher density in a dual code area, and including 12 or more units, an area of communal open space shall be provided. The communal open space:

- shall be provided at the rate of 12m² per grouped dwelling;

- shall be provided at the rate of 8m² per multiple / single bedroom / aged persons dwelling;
- shall generally be provided in one location;
- shall be of a useable shape (i.e. generally square or rectangular as far as is possible unless in the opinion of the City special circumstances dictate otherwise);
- shall contain appropriate landscaping and one or more of the following – benches, gazebo, barbeque, play equipment – at the City’s discretion based on the extent of the development. Landscaping and furniture shall be demonstrated on a comprehensive landscape plan. For developments containing six or more units this landscape plan should be submitted as part of a formal development application (refer to other clauses within section 4.3.5 and the City’s Landscaping Guidelines for assistance);
- Shall be referred to in the Management Statement associated with the strata subdivision to state that the body corporate is required to implement and maintain the adopted landscape plan in common areas.

4.3.5.6 Existing trees on a site or in the verge adjacent to a site, especially mature trees, should be preserved wherever possible.

4.3.5.7 A verge tree shall be provided for each unit adjacent to the Primary Street, unless verge trees already exist and are considered adequate.

4.3.5.8 In the case of sites including six or more units, planting of, or retention of, one 45 litre size container size low maintenance tree for every six units shall be required at strategic locations within common property (to be indicated on the comprehensive landscape plan required by Clause 4.3.5.3). The tree species selection to be to the satisfaction of the Executive Director Technical Services.

4.3.5.9 Where site conditions prevent the provision of a suitable tree on site, the developer is to contribute to the City to enable a suitable tree to be purchased and installed on public land within 400m of the development site.

4.3.5.10 Where areas of communal (private or visitor) car parking are to be provided, car parking shade trees shall be provided at the rate of at least 1 tree per 10 metre interval along any line of car parking.

4.3.5.11 Cash-in-lieu of communal open space may only be contributed where units directly abut (i.e. have a common boundary with) public open space.

4.3.6 Access and Car Parking

4.3.6.1 Garages and carports shall be designed to complement abutting dwellings by utilising consistent material types, colour schemes and design.

4.3.6.2 Other than for two unit development, to ensure the visual streetscape quality and character is maintained, car parking within the front setback is only appropriate where sited under the curtilage of a carport where the carport is designed to integrate with the principle dwelling in terms of roof pitch, building materials and colour.

4.3.6.3 Where in the City’s opinion, car parking adjacent to a side boundary will impact in terms of headlight glare on the habitable rooms of an adjoining property, provision of an adequate landscaped buffer with mature/fast growing trees will be required, sufficient to provide an adequate visual barrier between the two properties.

4.3.6.4 In addition to the requirements of Clause 5.3.4 and 6.3.4 of the Residential Design Codes, the design of the pavement within a driveway should, depending on the length of the accessway, take account of the need to limit width to 3 metres at appropriate locations to minimise the effect of its dominance and heat radiance, unless a waste collection vehicle is to enter the site.

4.3.6.5 To achieve a high visual standard which contributes to the overall amenity of an area, the City requires accessways to be constructed of block/brick paving or similar high quality material. Untreated concrete and black asphalt is not acceptable. The use of alternative paving materials will only be considered for two unit developments, where in the opinion of the City, special circumstances apply.

4.4 Waste Collection Guidelines

The following Waste Collection Guidelines are applicable to Density Development within the City, unless specifically stated otherwise.

4.4.1 On Street / Bin Pad Collection

4.4.1.1 In determining applications for Density Developments, consideration will be given to the adequacy of the provision for the safe and convenient collection of rubbish and recycling bins by the City's waste disposal vehicles. The application for planning approval is required to identify the collection points (bin pads) and the City needs to be satisfied that their placement will be adequate to facilitate easy collection and not jeopardise the safety of pedestrians on footpaths or users of the road system.

4.4.1.2 The following criteria shall be applied to the placement of bin pads in the first instance:

- Sufficient verge space is required to accommodate the standard requirement of two bins for each unit within a proposed development plus adequate separation space to enable manoeuvring by mechanical arms without encroachment onto the frontage of adjoining properties.
- Generally, a space of 1.8m per unit will be required to be clearly marked and available for bin placement at a distance of 0.8m behind the kerb. A minimum unobstructed vertical clearance of 4.3m is necessary above a bin pad to facilitate pick up;
- Bin pads should not be separated from the street by a public footpath;
- There is a presumption against the siting of bin pads near intersections, bus stops, median islands, roundabouts, slow points, along roads classified as District Distributors or higher, or where their location will impact on traffic sightlines or safety;
- Bin pads should not be located further than 75m from the respective residential dwelling. The intervening distance should have a gradient no greater than 10% with no stairs;
- The design should provide for access between the visually screened bin storage area to the bin placement area without passing through unit living areas.

4.4.1.3 Where the criteria set out in Clause 4.4.1 cannot be met in its entirety, management from bin pick-ups either on-site or via alternative access, will be required.

4.4.1.4 Where in the City's opinion a proposed development / application for planning approval cannot meet the Waste Services requirements, an application may be refused.

4.4.2 Waste Management Plan

4.4.2.1 Where the City requires the preparation of a Waste Management Plan, the plan shall take into account:

- Safety and convenience for waste generators;
- Safety and convenience for waste collectors;
- Impact on future roadside pedestrian movements;
- Impact on future road vehicle traffic;
- Maintenance of bins / bin storage areas;
- Bulk waste and green waste verge collections;
- Implementation through an associated Strata Management Statement.

5. Structure Plan

4.6.1 Where design issues for an individual site are particularly challenging and would benefit from a wider perspective, or a site is within a Development (Structure Planning) Area that does not have an approved Structure Plan, developers should submit a Structure Plan to the City for consideration in accordance with Part 6A of TPS No. 4.

6. Definitions:

Density Development: means residential development comprised of single dwellings, single bedroom dwellings, grouped dwellings or multiple dwellings for which Council discretion is required under Clause 5.2.4 of the Town Planning Scheme and within areas coded R40.

Close Proximity: means a location proximate to a destination assessed in accordance with the walkable catchment technique within Appendix Three of Liveable Neighbourhoods.

Rear dwelling: means a habitable dwelling without direct frontage to the primary street, whether on its own lot or on the same lot as the dwelling with direct road frontage.

Surveillance: means the uninterrupted view of the public domain from vantage points within a dwelling.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

| REASON FOR CHANGES | PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted) |
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| <p>New reference to “Density Development” to embrace Multiple Dwellings. Adjustment to provisions to reflect Amendment No 72.</p> | <p>1. INTRODUCTION</p> <p>This policy aims to provide guidance on Density Development within the City in general and provide clarity on the intent behind Clause 5.2.4 of Town Planning Scheme (TPS) No.4. This clause gives Council discretion to approve development of Grouped and Multiple Dwellings on dual coded lots coded R10/25, R12.5/25, R15/60, R17.5/25 and R25/40 up to the higher density. The Scheme requires that this discretion be exercised in accordance with this Policy.</p> <p>Council encourages high quality medium density housing in selected areas of the City of Armadale. This form of housing allows for more efficient use of existing services such as sewerage, roads, water supply, electricity etc while providing a choice of housing types to meet the different requirements of people living in Armadale.</p> <p>Council’s intention in regulating more intensive development in the residential areas of the City is to encourage an integration of higher density housing into the City after taking account of the objectives of the zones, their primary incidental densities and the potential impact of increased residential density on the established urban infrastructure.</p> <p>This Policy will assist Council in determining Density Development, and assist applicants to achieve the desired quality of site development anticipated by the City.</p> |
| <p>No significant changes.</p> | <p>2. APPLICATION OF POLICY</p> <ul style="list-style-type: none"> • This policy is supplementary to and is to be read in conjunction with the appropriate provisions of the City of Armadale TPS No.4 and the Residential Design Codes. • The policy will be applied by the City in the exercise of its discretion in respect of applications for Density Development in general and specifically to proposed medium density residential development subject to dual coding. • The policy will be taken into account by the City in making recommendations to the Western Australian Planning Commission for the development and subdivision of land subject to dual coding. |

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

| PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted) | REASON FOR CHANGES |
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| <p>3. POLICY OBJECTIVES</p> <p>This Policy facilitates:</p> <ul style="list-style-type: none"> • the Outcomes and Strategies of the major goal of 'Enhanced Natural and Built Environments' within the Strategic Community Plan 2013-2028; • the Objectives of the Local Planning Strategy; • the Aims of the Scheme (Clause 1.6 of TPS No.4) and the Objectives of the Zones (Clause 4.2 of TPS No.4). <p>The Policy Objectives are:</p> <ol style="list-style-type: none"> (a) To locate Density Development in residential areas where it can successfully integrate into the surrounding environment and where existing access arrangements, open space, shopping, public transport, community services, drainage and sewerage facilities are capable of accommodating more intensive development. (b) To promote the use of Structure Plans to co-ordinate the development of medium density housing in "street blocks". (c) To encourage an attractive streetscape setting which enhances and complements the visual character, bulk and scale of the surrounding built form. (d) To achieve a high quality building development in relation to architectural design, site layout, materials, colour, tone, texture and fencing. (e) To provide safe, functional and attractive access arrangements in and out of the site, which contribute to the overall aesthetics of the development. (f) To provide for safe and convenient placement and storage of waste to the development's future residents. (g) To provide for the safe and convenient collection of rubbish bins by the City's waste disposal vehicles. | <p>New reference to the Strategic Community Plan, the Local Planning Strategy and the Aims of the Scheme.</p> |

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

| | POLICY STATEMENT | REASON FOR CHANGES |
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| <p>PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)</p> | <p>4. POLICY STATEMENT</p> <p>4.1 All Density Developments</p> <p>4.1.1 Density Development applications shall be assessed and determined based on the prevailing density code of the site, and the extent to which the Design Guidelines outlined in Clause 4.3 of this policy are met.</p> <p>4.1.2 Density Development shall not be approved in areas where reticulated sewerage is not available or where adequate drainage is not available or planned to accommodate higher than existing densities to the satisfaction of the Executive Manager Technical Services.</p> <p>In the event of the City not being satisfied that there is adequate provision for on-site drainage, a catchment analysis of the existing drainage network may be required to confirm the available capacity downstream of proposed additional flows, and a condition may be imposed on any approval issued requiring a contribution towards the upgrade of the City's drainage network as a result of the findings.</p> <p>4.1.3 Access arrangements shall ensure that traffic generated by the proposal can be accommodated by the existing street network.</p> <p>4.1.4 Adequate parking shall be available on-site without detriment to the streetscape;</p> <p>4.1.5 Adequate provision shall be made for the safe and convenient collection of rubbish and recycling bins.</p> <p>4.1.6 The City will not support the development of multiple dwellings which requires a plot ratio in excess of that indicated on Column 2 of Table 4 of the Residential Design Codes with respect to the designated Code identified on the Scheme Map.</p> <p>4.1.7 To facilitate improvements to the City's footpath network, development taking advantage of the higher code in dual coded areas and development within areas Coded R40 will be required as a condition of planning approval to make a contribution to the City's footpath fund on the basis of the estimated cost of constructing 5m of footpath for every additional unit proposed</p> | <p>New sub-clause to clarify circumstances where it is necessary to contribute to the City's drainage network.</p> <p>Additional clause 4.1.6 to clarify that maximum plot ratios set out in the R Codes cannot be exceeded.</p> <p>Previously this clause was located at the end of the Policy at clause 4.5.</p> |

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

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| <p>for the site.</p> <p>Contributions should generally be expended in the locality within which the contribution has been made.</p> | |
| <p>4.2 Scheme Provisions relating to Dual Coded areas.</p> <p>4.2.1 Areas Coded R10/25, R12.5/25, R15/25, R17.5/25 (Clause 5.2.4 a) of TPS No.4.</p> <p>4.2.1.1 Clause 5.2.4 a) (ii) and (iii) of TPS No.4 refer to the surveillance of streets, public open space (POS) and pedestrian access ways (PAW's). In this regard developments shall incorporate major openings overlooking streets, or visually permeable fencing (above 1.2m high) adjacent to POS or PAW's (refer to Clause 4.4.3). Where appropriate, the City will request the provision of direct pedestrian access to POS.</p> | <p>This new clause relates to the new provision resulting from Amendment No. 72 concerning development abutting POS and PAW's.</p> |
| <p>4.2.2 Areas Coded R15/40, R25/40 and R15/60 (Clause 5.2.4 b) of TPS No.4).</p> <p>4.2.2.1 Areas coded R15/40, R15/60 and R25/40 may be suitable for development in accordance with the higher code where the City is satisfied that the matters identified in Clause 5.2.4 b) of TPS No.4 are addressed. The matters within Clause 5.2.4 b) are elaborated on as follows:</p> <p>4.2.2.2 Reticulated sewer and adequate drainage – refer to Clause 4.1.2;</p> <p>4.2.2.3 Footpaths and / or cycleways – should be constructed within the road reserve to which the site abuts;</p> <p>4.2.2.4 A public transport stop or station – may be either a bus route or train station, however the two have different catchments (400m and 800m respectively);</p> <p>4.2.2.5 A convenience shopping site – Any shop where daily convenience goods (e.g. bread and milk) may be purchased;</p> <p>4.2.2.6 Recreational open space – refers to a public open space reserve that is able to be used for active or passive recreation. Other recreational facility – may be any public or private development as relates to recreational activities;</p> | <p>Clause 5.2.4(b) of TPS No. 4 has been amended by Amendment No. 72. The new Scheme Clause sets out some criteria for eligibility for the higher density under the dual code. These criteria are further explained more directly under Policy 4.2 than in the current policy.</p> |

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

| | REASON FOR CHANGES |
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| <p>PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)</p> <p>4.2.2.7 Community facility – means a premises primarily for the provision of educational, social, or recreational facilities or services by organisations involved in activities for community benefit.</p> | |
| <p>4.3 Density Development Design Guidelines</p> <p>The following Design Guidelines are applicable to all forms of Density Development within the City, unless specifically stated otherwise.</p> <p>4.3.1 Building Design</p> <p>4.3.1.1 The provision of roofs with a pitch of 25 degrees or greater is encouraged to provide a distinctive streetscape character, unless this is likely to compromise an existing streetscape character.</p> <p>4.3.1.2 Colour schemes and use of materials will be required to achieve a high standard of visual amenity to be consistent with the desired appearance of the streetscape. Materials shall complement the “natural” tones associated with the Armadale landscape.</p> <p>4.3.1.3 To create a high visual standard and enhance the aesthetics of the streetscape, architectural detail and trim will be considered as an integral component of the overall appearance of the development. Details such as gutters, fascias, capping, brackets, window frames, posts, louvers etc shall be designed and coloured to complement the overall building.</p> <p>4.3.1.4 Rear dwelling(s) shall be designed and sited to ensure that the front elevation (inclusive of a window to a habitable room, or a balcony) is visible from and provides an outlook to the street.</p> <p>4.3.1.5 Buildings shall be designed to include sufficient eaves (i.e. minimum 300mm width), and verandahs or awnings to provide protection for openings from summer sun.</p> <p>4.3.1.6 The design of Density Development shall avoid uniformity by providing a degree of variety in the range of house designs, colours and fenestrations (windows and openings). Development including two storey dwellings or dwellings with lofts is encouraged.</p> | <p>Additional sentence to clarify the applicability to all development within the definition of “Density Development”.</p> <p>The reflective materials clause (formerly clause 4.3.1.3) has been deleted.</p> |

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

| | REASON FOR CHANGES |
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| <p>PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)</p> <p>4.3.1.7 In addition to the standards set out in the Residential Design Codes, where development in excess of three units is proposed to a residential density in excess of R30, one (or a proportional mix) of the following requirements shall be met:</p> <ul style="list-style-type: none"> • One third of the units within a development (to be rounded down in the event of an odd number) shall be comprised of two storey units (which shall be defined to include any development with at least one habitable room on the second level); or • 50% of the units within a development (to be rounded down in the event of an odd number) shall have a total plot ratio floor area no greater than 110m² and include an outdoor living area of at least 24m² with a minimum dimension of 4m; or • The density of development shall not be in excess of R30. <p>4.3.2 Streetscape</p> <p>4.3.2.1 Where dwellings abut a Primary Street, the entrance and a major opening of the dwelling shall be orientated towards the Primary Street.</p> <p>4.3.2.2 Where dwellings abut a Communal Street, the entrances to the dwellings should be visible from the Primary Street where possible, or if not possible, visible from the Communal Street.</p> <p>4.3.2.3 Where dwellings abut both the Primary and Communal Street, the respective elevations shall be designed to address both streets. The Primary and Communal Street boundaries should preferably remain unfenced to maintain an open streetscape.</p> <p>4.3.2.4 Garages shall not be forward of the front habitable room window of the dwelling and preferably should be 1m behind the main front wall of the dwelling;</p> <p>4.3.2.5 A clear view of the proposed development from the Primary Street should be provided by staggering some of the dwelling units. Designs should provide for the breaking up of roof areas and the appropriate use of landscaping.</p> <p>4.3.2.6 For surveillance, major openings from two or more of the individual units shall have an</p> | <p>Additional requirement that the outdoor living area should have a minimum dimension of 4m.</p> <p>The clause requiring anti-graffiti finish (previously one of the dot points under clause 4.3.2.2) has been deleted.</p> <p>Further clarification of requirements for development abutting a Communal street is provided under clauses 4.3.2.2 and 4.3.2.3.</p> <p>Expansion of clause 4.3.2.4 to state that garages should generally be 1m behind the front of the dwelling.</p> |

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

| PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted) | REASON FOR CHANGES |
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| <p>uninterrupted view to the Primary Street.</p> <p>4.3.2.7 Except in the case of developments with three units or less or where the outlook from each dwelling is to public open space or to a communal facility or open space, Communal Streets shall be central within a development;</p> <p>4.3.2.8 The end of Communal Streets shall not include blank walls / horizontal windowless areas (e.g. garage doors) unless adjacent dwellings are two storey.</p> <p>4.3.2.9 Dwellings shall not be designed to include blank walls facing or visible from the Primary or Communal Street.</p> <p>4.3.3 Fencing Design</p> <p>4.3.3.1 Front walls and fences shall not be constructed in fibre cement (super six).</p> <p>4.3.3.2 The height, texture, colour and style of walls and fences exposed to public spaces shall be compatible with the streetscape and existing buildings.</p> <p>4.3.3.3 In the context of Clause 4.2.1, unless otherwise approved for a specific purpose (e.g. screening a drying area), fencing abutting public open space should be visually permeable when higher than 1.2m above natural ground level.</p> <p>4.3.3.4 In the context of Clause 4.3.2.3, if fencing must be utilised, it shall be visually permeable when higher than 1.2m above natural ground level where it abuts a Secondary or Communal Street or is within the area in front of the building setback line to the Primary Street.</p> <p>4.3.3.5 Where communal open space is to be provided, visually permeable when higher than 1.2m above natural ground level shall be utilised for at least 50% of the interface between development and the communal open space.</p> <p>4.3.3.6 Where retaining is proposed or approved on boundaries, fencing shall be located on top of the retaining wall, in accordance with the requirements of the City's Fencing Local Law.</p> | <p>Additional clause 4.3.3.6 to provide guidance with respect to fencing on retaining walls.</p> |

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| REASON FOR CHANGES | PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted) |
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| | <p>4.3.4 Retention of Existing Dwellings</p> <p>4.3.4.1 The City shall encourage the retention of existing houses as part of a redevelopment proposal where the building:</p> <ul style="list-style-type: none"> • Is in good condition and of good architectural quality (the City may require an architectural report detailing building and architectural specifications and quality of the building); • Is located on the block to provide a sufficient and usable area for additional units; • Will retain and enhance the amenity and streetscape quality of an area; • Is of heritage significance. <p>4.3.4.2 Where the City is not satisfied that the retention of a dwelling is appropriate it may require the dwelling to be demolished.</p> <p>4.3.4.3 Where the City considers a building worthy of retention but it is not of a suitable condition, in order to satisfy Clause 5.2.6 and 6.2.4 of the Residential Design Codes the City will consider the imposition of a requirement for some or all of the following works to be undertaken to complement the proposed new development:</p> <ul style="list-style-type: none"> • Nature and quality of roof cladding finishes; • External wall finishes; • External colour scheme; • Window treatments; • Architectural detail and trim; and • Other matters as detailed by the City. <p>4.3.4.4 Where an existing older dwelling is to be retained in a proposed Density Development, the application should outline improvements to the existing building inclusive of at least one of the following:</p> <ul style="list-style-type: none"> • Restoration or replacement of the existing roof; |

Clause requiring new development to be designed to be compatible with existing building (previously 4.3.4.4) has been deleted.

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| <p>PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)</p> <ul style="list-style-type: none"> • Recladding or rendering of walls; or • Repainting of the dwelling. <p>4.3.4.5 Where an existing older dwelling is to be retained in a proposed Density Development, the application should outline improvements to the streetscape inclusive of at least one of the following:</p> <ul style="list-style-type: none"> • New front open style fencing; • Re-landscaping within the front setback; or • New paving and kerbing in the driveway and crossover. <p>4.3.4.6 In respect of Clauses 4.3.4.4 and 4.3.4.5, the City may apply more than one of the above criteria, where in the opinion of the City the condition of the aforementioned elements is in need of improvement.</p> <p>4.3.5 Open Space and Landscaping</p> <p>4.3.5.1 A 0.5m vegetated buffer strip should be provided on both sides of proposed Communal Streets.</p> <p>4.3.5.2 Landscaping and maintenance proposals should where possible combine front garden or open space areas with adjoining verges to create an integrated appearance.</p> <p>4.3.5.3 In accordance with Clause 5.3.2 and 6.3.2 of the Residential Design Codes applications for Density Development are to specify details of the landscape works proposed through the preparation of a landscape plan. The landscape plan is to demonstrate:</p> <ul style="list-style-type: none"> • That it has taken account of the City's Urban Forest Strategy and the relevant tree palette within which the development proposal is located in guiding tree selection; • A strong landscaping theme incorporating feature planting in common areas; • Details of plant species and hard landscape materials; • Planting to soften and screen hard surfaces; • Planting for solar control; • Ongoing maintenance proposals including automated reticulation; | <p>New requirement under clause 4.3.5.3 to consider the City's Urban Forest Strategy.</p> <p>New requirement to consider existing and proposed verge</p> |

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| PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted) | REASON FOR CHANGES |
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| <p>• A vegetation survey of the site and identification of significant trees with maximum vegetation retained; and</p> <p>• Existing and proposed verge trees, and verge treatment.</p> <p>(Refer to the City’s Landscaping Guidelines for assistance – http://www.armadale.wa.gov.au/services_and_facilities/planning/).</p> <p>4.3.5.4 Principal areas of private open space should be located at the rear of the dwelling. In the case of multiple dwellings, upper storey balconies may be at the front but ground floor courtyards are preferred at the rear.</p> <p>4.3.5.5 In the case of proposals taking advantage of higher density in a dual code area, and including 12 or more units, an area of communal open space shall be provided. The communal open space:</p> <ul style="list-style-type: none"> • shall be provided at the rate of 12m² per grouped dwelling; • shall be provided at the rate of 8m² per multiple / single bedroom / aged persons dwelling; • shall generally be provided in one location; • shall be of a useable shape (i.e. generally square or rectangular as far as is possible unless in the opinion of the City special circumstances dictate otherwise); • shall contain appropriate landscaping and one or more of the following – benches, gazebo, barbeque, play equipment – at the City’s discretion based on the extent of the development. Landscaping and furniture shall be demonstrated on a comprehensive landscape plan. For developments containing six or more units this landscape plan should be submitted as part of a formal development application (refer to other clauses within section 4.3.5 and the City’s Landscaping Guidelines for assistance); • Shall be referred to in the Management Statement associated with the strata subdivision to state that the body corporate is required to implement and maintain the adopted landscape plan in common areas. <p>4.3.5.6 Existing trees on a site or in the verge adjacent to a site, especially mature trees, should be preserved wherever possible.</p> | <p>trees in the landscape plan.</p> <p>Need to specify private open space requirements for multiple dwellings.</p> <p>New clarification for the open space requirements for grouped compared with multiple dwellings under clause 4.3.5.5.</p> <p>Additional reference under clause 4.3.5.6 to verges adjacent to the site.</p> |

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| <p>4.3.5.7 A verge tree shall be provided for each unit adjacent to the Primary Street, unless verge trees already exist and are considered adequate.</p> | <p>Clause 4.3.5.8 expanded to clarify the desired size of tree to be provided and to increase the requirement from one per six to one per three units.</p> |
| <p>4.3.5.8 In the case of sites including three or more units, planting of, or retention of, one 45 litre size container size low maintenance tree for every three units shall be required at strategic locations within common property (to be indicated on the comprehensive landscape plan required by Clause 4.3.5.3). The tree species selection to be to the satisfaction of the Executive Director Technical Services.</p> | <p>New Clause 4.3.5.9 to require provision of off-site tree where it is not possible to plant on site.</p> |
| <p>4.3.5.9 Where site conditions prevent the provision of a suitable tree on site, the developer is to contribute to the City to enable a suitable tree to be purchased and installed on public land within 400m of the development site.</p> | <p>New Clause 4.3.5.10 to require shade trees in areas of communal parking.</p> |
| <p>4.3.5.10 Where areas of communal (private or visitor) car parking are to be provided, car parking shade trees shall be provided at the rate of at least 1 tree per 10 metre interval along any line of car parking.</p> | |
| <p>4.3.5.10 Cash-in-lieu of communal open space may only be contributed where units directly abut (i.e. have a common boundary with) public open space.</p> | |
| <p>4.3.6 Access and Car Parking</p> | |
| <p>4.3.6.1 Garages and carports shall be designed to complement abutting dwellings by utilising consistent material types, colour schemes and design.</p> | |
| <p>4.3.6.2 Other than for two unit development, to ensure the visual streetscape quality and character is maintained, car parking within the front setback is only appropriate where sited under the curtilage of a carport where the carport is designed to integrate with the principle dwelling in terms of roof pitch, building materials and colour.</p> | <p>Deletion in clause 4.3.6.3 of word "acoustic" as it is understood that landscaping cannot serve an acoustic barrier function.</p> |
| <p>4.3.6.3 Where in the City's opinion, car parking adjacent to a side boundary will impact in terms of headlight glare on the habitable rooms of an adjoining property, provision of an adequate landscaped buffer with mature/fast growing trees will be required, sufficient to provide an</p> | |

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| <p>adequate visual barrier between the two properties.</p> <p>PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)</p> <p>4.3.6.4 In addition to the requirements of Clause 5.3.4 and 6.3.4 of the Residential Design Codes, the design of the pavement within a driveway should, depending on the length of the accessway, take account of the need to limit width to 3 metres at appropriate locations to minimise the effect of its dominance and heat radiance, unless a waste collection vehicle is to enter the site.</p> <p>4.3.6.5 To achieve a high visual standard which contributes to the overall amenity of an area, the City requires accessways to be constructed of block/brick paving or similar high quality material. Untreated concrete and black asphalt is not acceptable. The use of alternative paving materials will only be considered for two unit developments, where in the opinion of the City, special circumstances apply.</p> | |
| <p>4.4 Waste Collection Guidelines</p> <p>The following Waste Collection Guidelines are applicable to Density Development within the City, unless specifically stated otherwise.</p> <p>4.4.1 On Street / Bin Pad Collection</p> <p>4.4.1.1 In determining applications for Density Developments, consideration will be given to the adequacy of the provision for the safe and convenient collection of rubbish and recycling bins by the City's waste disposal vehicles. The application for planning approval is required to identify the collection points (bin pads) and the City needs to be satisfied that their placement will be adequate to facilitate easy collection and not jeopardise the safety of pedestrians on footpaths or users of the road system.</p> <p>4.4.1.2 The following criteria shall be applied to the placement of bin pads in the first instance:</p> <ul style="list-style-type: none"> • Sufficient verge space is required to accommodate the standard requirement of two bins for each unit within a proposed development plus adequate separation space to enable manoeuvring by mechanical arms without encroachment onto the frontage of adjoining properties. • Generally, a space of 1.8m per unit will be required to be clearly marked and available for | <p>New specification of 4.3m vertical clearance under Clause</p> |

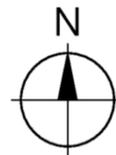
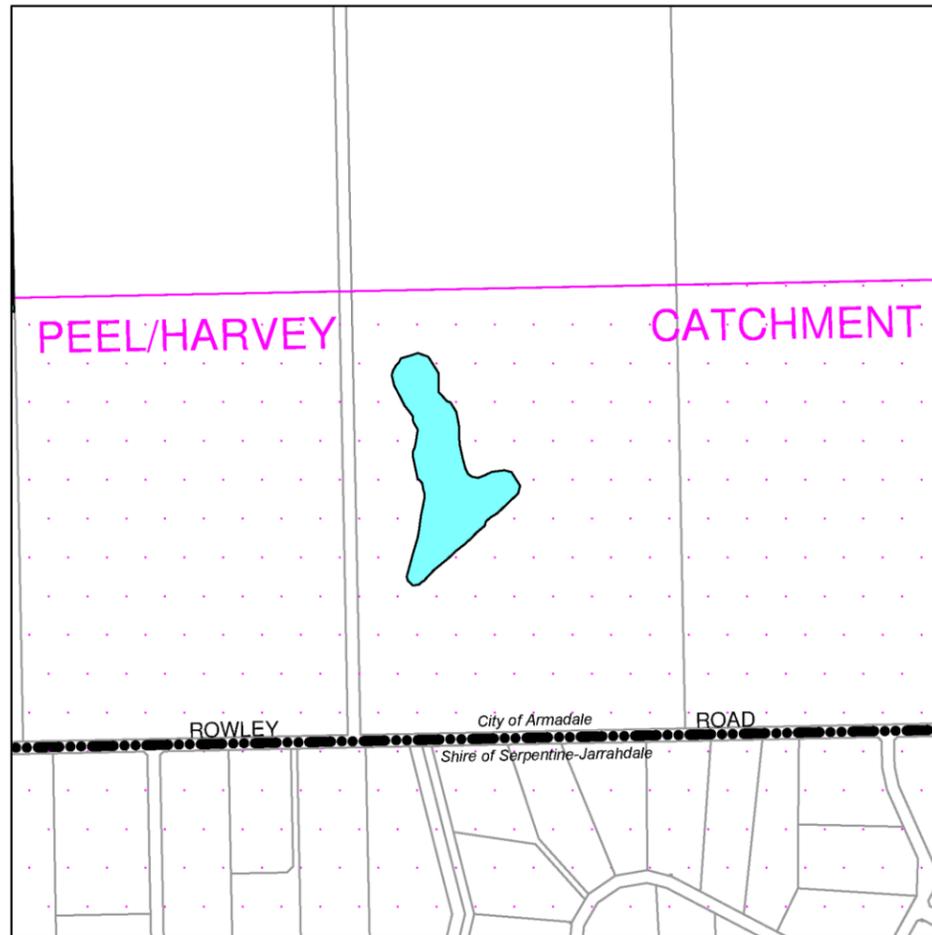
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| <p>PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)</p> <p>bin placement at a distance of 0.8m behind the kerb. A minimum unobstructed vertical clearance of 4.3m is necessary above a bin pad to facilitate pick up;</p> <ul style="list-style-type: none"> Bin pads should not be separated from the street by a public footpath; There is a presumption against the siting of bin pads near intersections, bus stops, median islands, roundabouts, slow points, along roads classified as District Distributors or higher, or where their location will impact on traffic sightlines or safety; Bin pads should not be located further than 75m from the respective residential dwelling. The intervening distance should have a gradient no greater than 10% with no stairs; The design should provide for access between the visually screened bin storage area to the bin placement area without passing through unit living areas. <p>4.4.1.3 Where the criteria set out in Clause 4.4.1 cannot be met in its entirety, management from bin pick-ups either on-site or via alternative access, will be required.</p> <p>4.4.1.4 Where in the City's opinion a proposed development / application for planning approval cannot meet the Waste Services requirements, an application may be refused.</p> <p>4.4.2 Waste Management Plan</p> <p>4.4.2.1 Where the City requires the preparation of a Waste Management Plan, the plan shall take into account:</p> <ul style="list-style-type: none"> Safety and convenience for waste generators; Safety and convenience for waste collectors; Impact on future roadside pedestrian movements; Impact on future road vehicle traffic; Maintenance of bins / bin storage areas; Bulk waste and green waste verge collections; Implementation through an associated Strata Management Statement. | <p>4.4.1.2.</p> <p>Clarification that "busy arterial roads" means "District Distributors or higher" roads.</p> <p>Additional clauses to clarify the requirements in the event of on-street pick-up being prevented or Waste Services requirements not being met.</p> <p>Some additional criteria have been included under Clause 4.4.2 relating to bin maintenance, bulk waste and management statements.</p> |

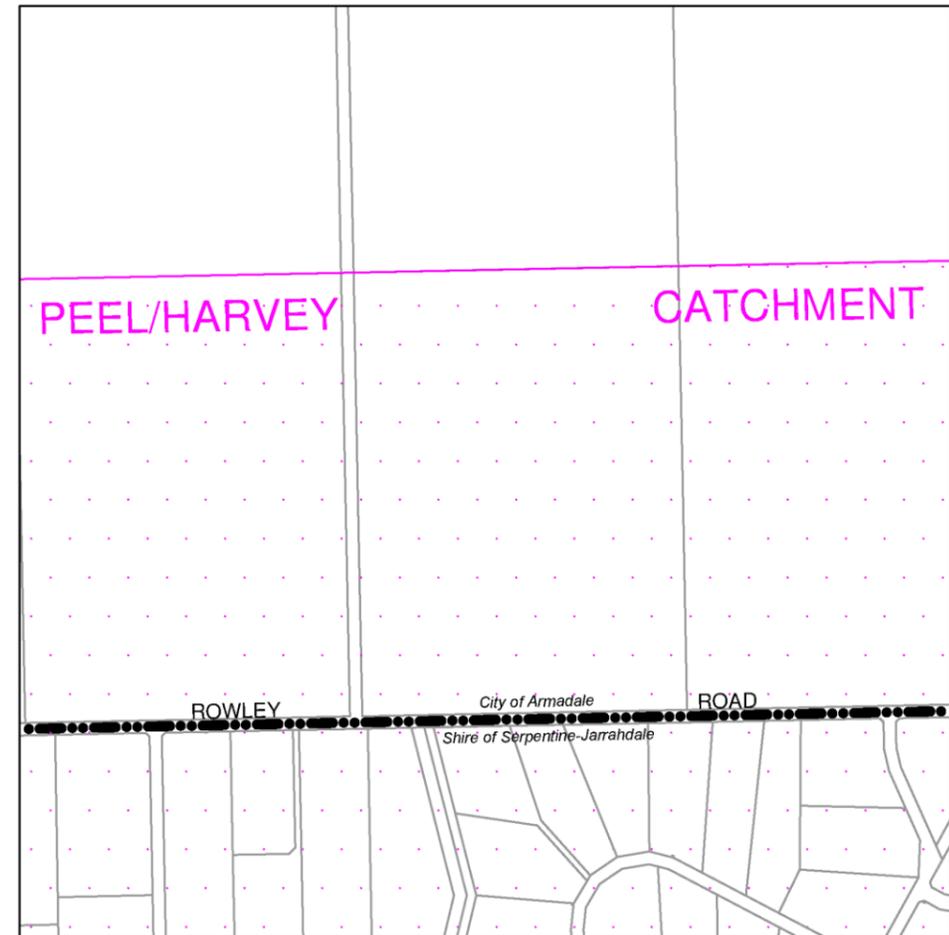
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| PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted) | REASON FOR CHANGES |
|--|--|
| <p>5. Structure Plan</p> <p>4.6.1 Where design issues for an individual site are particularly challenging and would benefit from a wider perspective, or a site is within a Development (Structure Planning) Area that does not have an approved Structure Plan, developers should submit a Structure Plan to the City for consideration in accordance with Part 6A of TPS No. 4.</p> | <p>Previously the Policy included extensive provisions relating to Outline Development Concept Plans, which have been deleted and replaced with a statement concerning structure plans in general.</p> |
| <p>6. Definitions:</p> <p>Density Development: means residential development comprised of single dwellings, single bedroom dwellings, grouped dwellings or multiple dwellings for which Council discretion is required under Clause 5.2.4 of the Town Planning Scheme and within areas coded R40.</p> <p>Close Proximity: means a location proximate to a destination assessed in accordance with the walkable catchment technique within Appendix Three of Liveable Neighbourhoods.</p> <p>Rear dwelling: means a habitable dwelling without direct frontage to the primary street, whether on its own lot or on the same lot as the dwelling with direct road frontage.</p> <p>Surveillance: means the uninterrupted view of the public domain from vantage points within a dwelling.</p> | <p>For the sake of clarity the following terms used within the Policy are considered to merit precise interpretation.</p> |

CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 73



SCALE
1 : 10 000



EXISTING SCA MAP 2

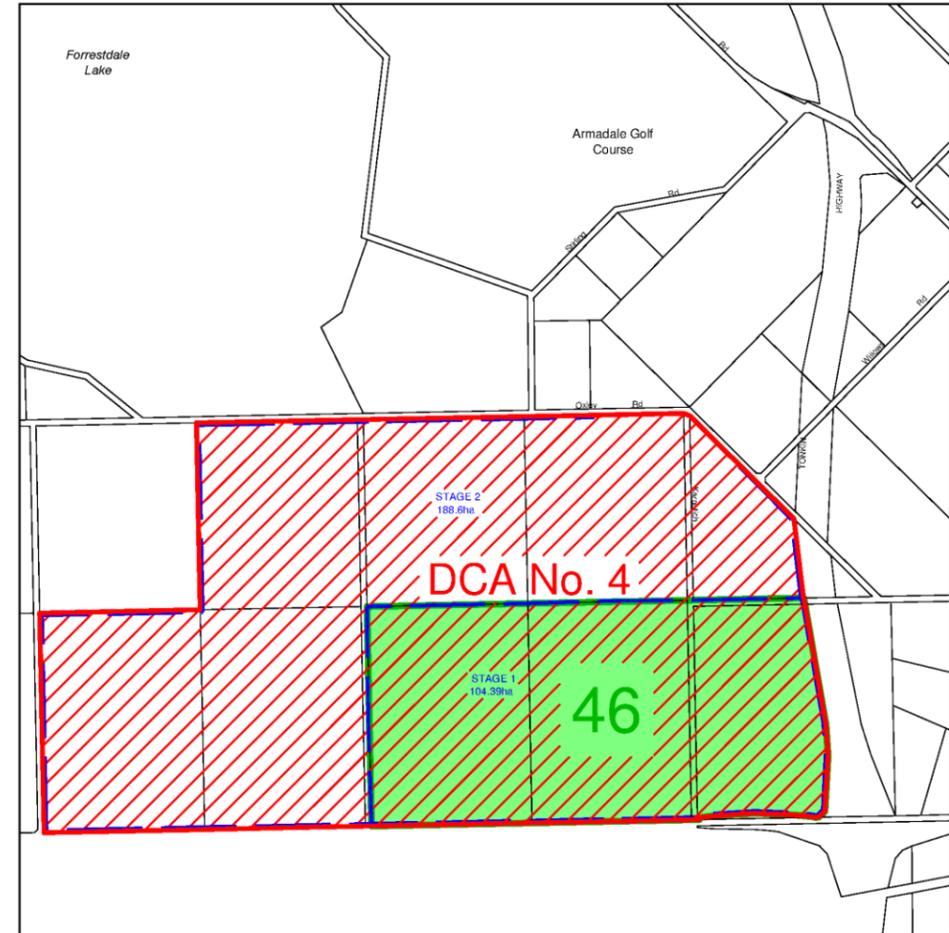
PROPOSED SCA MAP 2

| LEGEND | |
|---|---|
|  | Flood Prone Areas - Floodways |
|  | Flood Prone Areas - Flood Fringes |
|  | Public Drinking Water Resource Protection Areas - Priority 1 Source Protection Area |
|  | Public Drinking Water Resource Protection Areas - Priority 2 Source Protection Area |
|  | Wetland Protection Areas - Environmental Protection Policy Swan Coastal Plain Lakes Areas |
|  | Wetland Protection Areas - Conservation Category Wetlands |
|  | Wetland Protection Areas - Groundwater Environmental Management Areas |
|  | Catchment Protection Area - Peel Harvey Coastal Plain Catchment |
|  | Armadale Redevelopment Area Boundary |
|  | Municipal Boundary |
|  | Major Roads |
|  | Roads |
|  | Proposed Roads |
|  | Railway |
|  | Railway Station |
|  | Water Features |
|  | Drains |

CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 73



SCALE
1 : 20 000

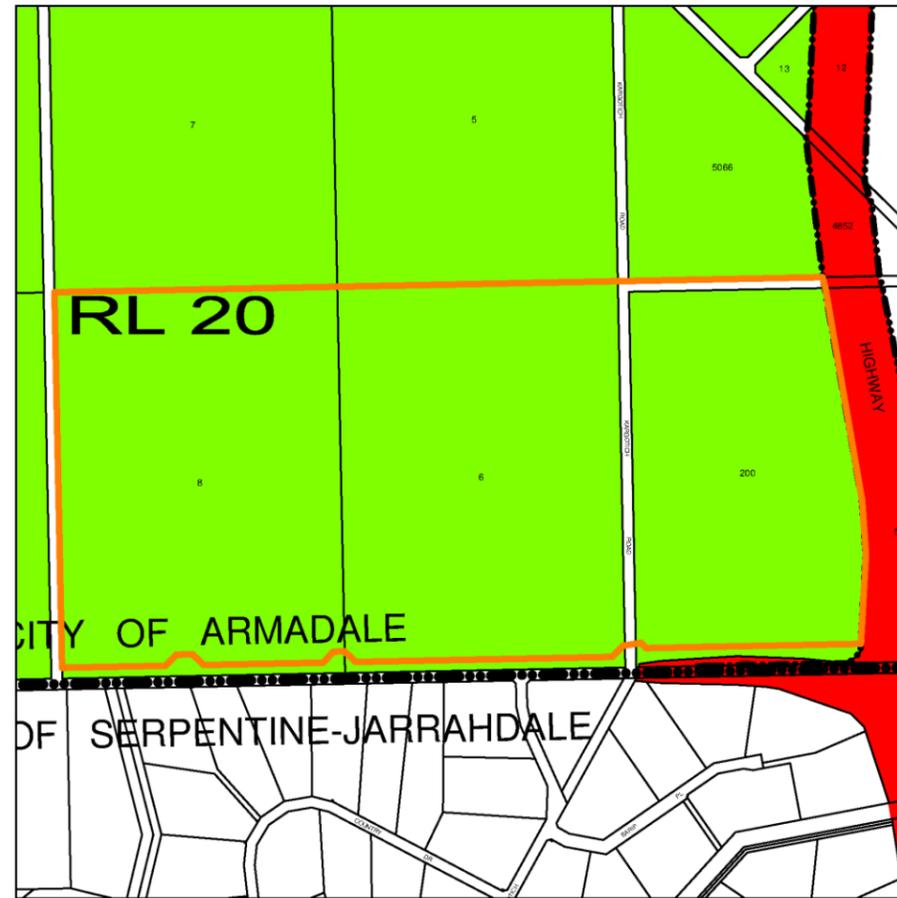


EXISTING SCA MAP 3

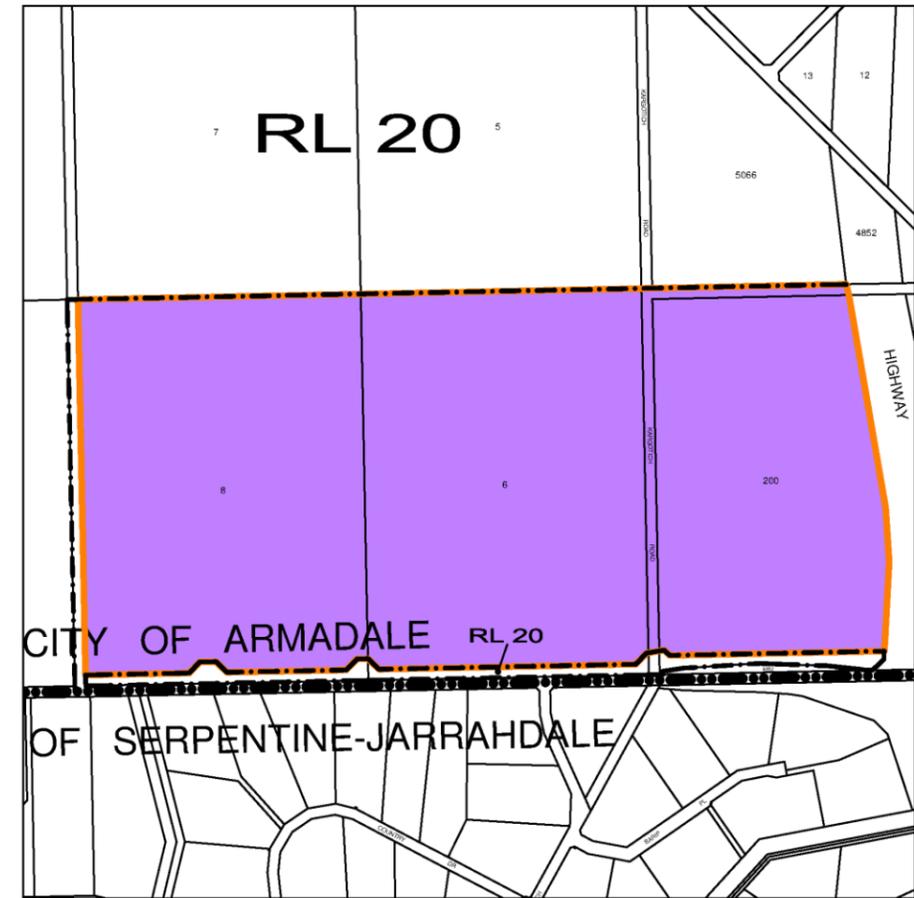
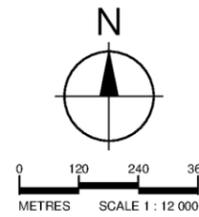
PROPOSED SCA MAP 3

| LEGEND | | | |
|--------|--------------------|--|---|
| | Municipal Boundary | | Development Area (Structure Plan) (Schedule 12) |
| | Major Roads | | Development Contribution Area (Schedule 13) |
| | Roads | | Environmental Conditions (Schedule 10) |
| | Proposed Roads | | Armadale Redevelopment Area Boundary |
| | Railway | | |
| | Water Features | | |
| | Drains | | |

CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 73



EXISTING ZONING



PROPOSED ZONING

| ZONES | | | RESERVATIONS | | |
|--|---------------------------|------------------------|-----------------------------|-------------------------|---|
| RESIDENTIAL Including Residential Planning Density Codes | LOCAL CENTRE | SPECIAL USE No.1 | PARKS & RECREATION (Region) | PRIMARY REGIONAL ROADS | PUBLIC PURPOSE (Region) Denoted as Follows |
| URBAN DEVELOPMENT ZONE | DISTRICT CENTRE | ADDITIONAL USE No.7 | PARKS & RECREATION (Local) | OTHER REGIONAL ROADS | |
| RURAL LIVING - 1,2,4,10,20,X | STRATEGIC REGIONAL CENTRE | RESTRICTED USE RU No.4 | RAILWAYS | PUBLIC PURPOSE (Region) | CG Commonwealth Government |
| GENERAL RURAL | GENERAL INDUSTRY | DENSITY CODE BOUNDARY | STATE FOREST | PUBLIC PURPOSE (Local) | TS Technical School |
| SPECIAL RESIDENTIAL | INDUSTRIAL BUSINESS | SCHEME BOUNDARY | WATERWAYS | | HS High School |
| MIXED BUSINESS / RESIDENTIAL | INDUSTRIAL DEVELOPMENT | | WATER CATCHMENTS | | PS Primary School |
| | | | | | H Hospital |
| | | | | | WSD Water Authority of WA |
| | | | | | SU Special Use |
| | | | | | SEC State Energy Commission |
| | | | | | T Telstra |

NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning