CITY OF ARMADALE

AGENDA

OF **DEVELOPMENT SERVICES COMMITTEE** TO BE HELD IN THE **FUNCTION ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **MONDAY, 19 SEPTEMBER 2022 AT 7.00PM.**

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**."*

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

Public Question Time is allocated for the asking of and responding to questions raised by members of the public. Minimum time to be provided – 15 minutes (unless not required). Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at http://www.armadale.wa.gov.au/PolicyManual. It is also available in the public gallery. The public's cooperation in this regard will be appreciated.

DEPUTATION

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 15 August 2022 be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 14 - AUGUST 2022

Outstanding Matters & Information Items
Report on Outstanding Matters - Development Services Committee
Reviews before the State Administrative Tribunal (SAT)
Health
Health Services Manager's Report - August 2022
Health & Wellbeing Officer's Report - August 2022
Planning
Planning Applications Report - August 2022
Town Planning Scheme No.4 - Amendment Action Table
Subdivision Applications - WAPC Approvals/Refusals - August 2022
Subdivision Applications - Report on Lots Registered for 2022/2023
Compliance Officer's Report - August 2022
Building
Building Services Manager's Report - August 2022
Building Health/Compliance Officer's Report - August 2022

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.

CONTENTS

DEVELOPMENT SERVICES COMMITTEE

19 SEPTEMBER 2022

---

1. DEVELOPMENT

1.1 AMENDED APPLICATION - RECONSIDERATION OF DA CONDITION NO.15 - LOT 256 - 180 OXLEY ROAD, FORRESTDALE 4

2. STRATEGIC PLANNING

2.1 DEVELOPMENT CONTRIBUTION PLAN NO.4 REPORT AND INFRASTRUCTURE COST SCHEDULE REVIEW 2022 - FINAL ADOPTION 15

2.2 CONFIDENTIAL REPORT - ARMADALE CITY CENTRE INVESTMENT FRAMEWORK AND PROJECT PLAN 21

3. SCHEME AMENDMENTS & STRUCTURE PLANS

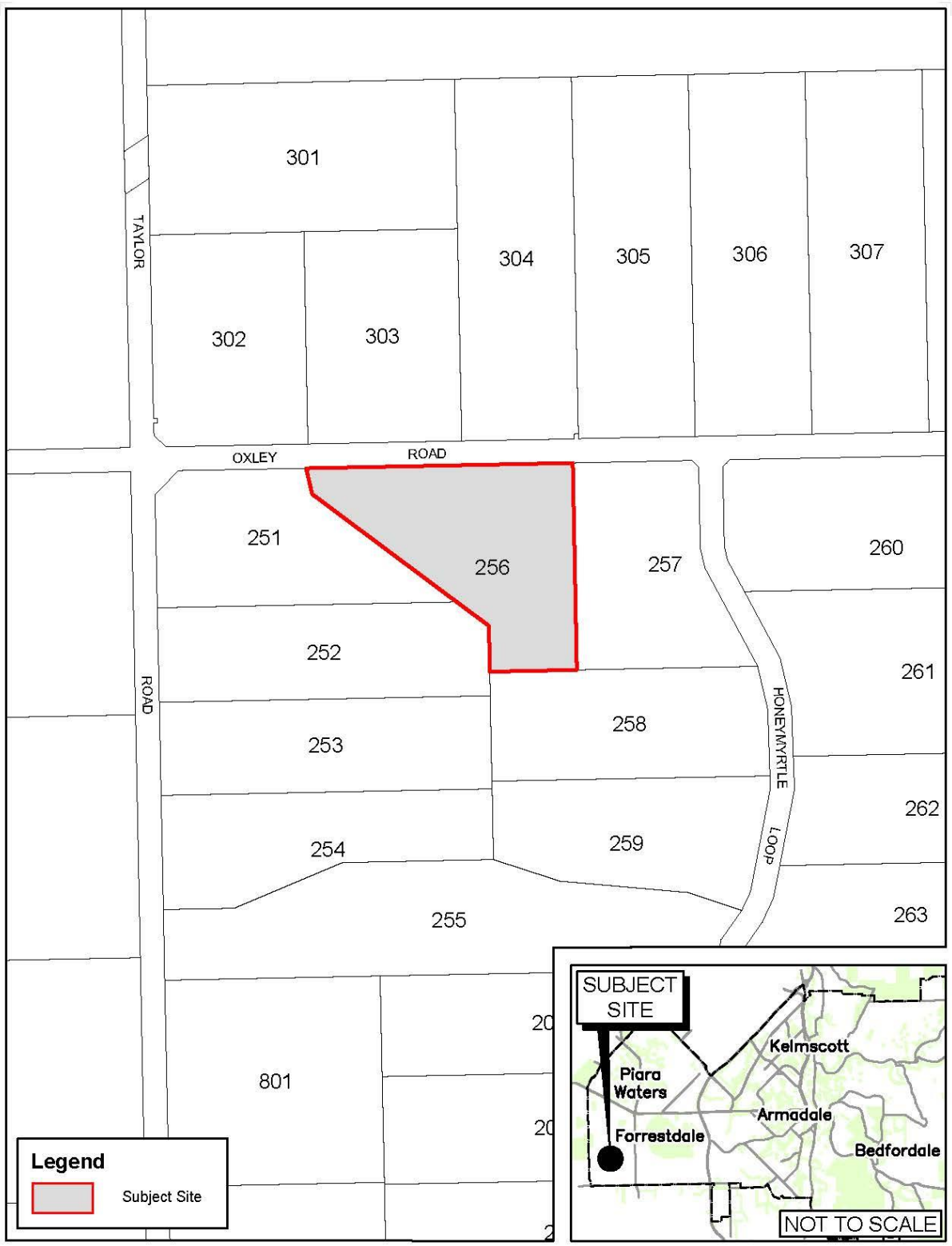
3.1 CONSIDERATION OF MINISTER'S MODIFICATIONS - TPS NO.4 AMENDMENT NO.119 - REZONING OF WEST PIARA URBAN PRECINCT NORTH 22

3.2 FINAL ADOPTION - AMENDMENT NO.116 - TOWN PLANNING SCHEME NO.4 SOUTH FORRESTDALE INDUSTRIAL AREA STAGE 2 33

4. COUNCILLORS' ITEMS

NIL 56

SUMMARY OF ATTACHMENTS 57



LOCATION PLAN

Lot 256 (No.180) Oxley Road, Forrestdale

50 0 50 100m

SCALE 1 : 5000

CITY OF Armadale

Based on information provided by and with the permission of the Western Australian Land Information Authority trading as Landgate (2022). Aerial photograph supplied by Landgate, Photomaps by Nearmap.

DATE 12 August 2022 - REVISION 2201
p:\autocad\agenda_drawings\2022\9.september\lot_256_180_oxley_road_forrestdale\dwg\lot_256_180_oxley_road_forrestdale.dwg

1.1 - AMENDED APPLICATION - RECONSIDERATION OF DA CONDITION NO.15 - LOT 256 - 180 OXLEY ROAD, FORRESTDALE

WARD	:	LAKE
FILE No.	:	- M/337/22
APPLN NO.	:	10.2022.134.1
DATE	:	15 Sept 2022
REF	:	JF
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	Richard Hammond Architect
LANDOWNER	:	Catherine Hayes
SUBJECT LAND	:	Lot 256 (No.180) Oxley Road, Forrestdale Property size 2.4 ha
ZONING MRS /	:	Rural and Rural-Water
	:	Protection
TPS No.4		Special Rural 2

In Brief:

- The City received an application to amend Development Approval 10.2017.365.1 (dated 30/08/2018) by deleting Condition No.15.
- Recommend that the Council approve the application subject to appropriate conditions.

Tabled Items

Nil.

Decision Type

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

☐ **Executive** The decision relates to the direction setting and oversight role of Council.

☑ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

AERIAL PLAN
Lot 256 (No.180) Oxley Road, Forrestdale

50 0 50 100m

SCALE 1 : 5000

CITY OF 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 12 August 2022 - REVISION 2201
p:\autocad\agenda_drawings\2022\9.september\lot_256_180_oxley_road_forrestdale\dwg\lot_256_180_oxley_road_forrestdale.dwg

Strategic Implications

2.5 Quality development that enhances the amenity and liveability of the City
- *2.5.2 Seek the retention of trees in new subdivisions and developments.*
- *2.5.6 Constantly seek improvements to the nature and standard of developments within the City.*

3.4 Thriving Tourism Industry
- *3.4.2 Encourage the development of new attractions, accommodation and activities for tourists, particularly day trippers.*

Legal Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme No.4 (TPS No.4)
Local Planning Strategy 2016
Metropolitan Region Scheme
State Planning Policy 3.7 Planning in Bushfire Prone Areas

Council Policy/Local Law Implications

Local Planning Policy PLN 2.1 Establishment or Amendment of Development Envelope Locations

Budget/Financial Implications

Nil.

Consultation

Neighbour support provided by the applicant.

BACKGROUND

Initial Development Application (DA 10.2017.365.1)

In September 2017, the City received an application for the development of Forrestdale Meditation Centre (Recreation Private, Holiday Accommodation, Consulting Rooms, Single House and Ancillary Accommodation) at Lot 256, 180 Oxley Road, Forrestdale. The City identified numerous issues requiring further consideration and requested additional information from the applicant. The applicant elected to prepare a revised application to address those concerns.

Scheme Amendment No.97

During the time in which the revised application was being prepared, Council considered and approved the advertising of Scheme Amendment No.97 which proposed to rezone the subject site to Special Rural and change the land use permissibility of the proposed non-residential uses from discretionary to not permitted uses.

Reconsideration under s.31 of the State Administrative Tribunal Act

The applicant elected to make application for review at the State Administrative Tribunal (SAT) on the basis of Deemed Refusal (decision not being made within 90 days). SAT Orders required the parties to attend mediation. Following mediation, SAT ordered that the applicant submit a revised application for Council's reconsideration under section 31 of *State Administrative Tribunal Act 2004*. Council subsequently approved the application for development of the Forrestdale Meditation Centre on 27/08/2018 (DA 10.2017.365.1).

Condition 15

When Council considered the development application in 2018 (DA 10.2017.365.1), it "*discussed lot size, nature of the use, surrounding land uses, hours of operation, special events, vegetation, traffic impact statement, noise associated with vehicles and number of classes, scale of business, car parking, traffic movements, water supply, sealing of driveway, and the matters raised by DFES. Committee recommended approval subject to additional conditions regarding relocation of the car parking area, screening/landscaping and the overflow parking being fenced to prevent vegetation being damaged".* The officer recommendation was amended by Council to incorporate the following additional conditions of approval:

15. *That the overflow car parking area being fenced (post and wire) and signage to the satisfaction of the City.*

16. *A revised site plan relocating the 12 car parking bays to the southern degraded portion of the site.*

17. *Screening fencing and/or vegetation along the eastern boundary abutting the proposed development to the satisfaction of the City. All landscaping shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.*

Subsequent Amendment to approval (DA10.2020.212.1)

The City approved some minor modifications to the Primary Residence and Ancillary Accommodation on 28/10/2020 under delegated authority (DA10.2020.212.1). The covering letter for Development Approval 10.2020.212.1 included the following advice to the applicant:

> "*The City also draws your attention to Condition No.15 of the previous Notice of Determination requiring submission of a 'revised site plan relocating the 12 car parking bays to the southern degraded portion of the site'. Contrary to this condition, the 12 parking bays have been partly constructed which constitutes a breach of the approval. The City kindly requests that you rectify these unauthorised works and reinstate the area to its original vegetated condition*".

Non-conforming Use Rights

Scheme Amendment No.97 was gazetted on 06/03/2020 therefore the non-residential components of the Forrestdale Meditation Centre are now subject to non-conforming use rights in accordance with Clause 3.8 and restrictions set out in Clause 3.9 of the City's Town Planning Scheme No.4 (TPS4). The development is now substantially commenced as follows:

Buildings constructed to date include:

- Meditation Hall;
- Administration/Dining Hall;
- Primary Residence;
- Ancillary Residence;

Other completed works include:

- 3m wide trafficable firebreak around the perimeter of the site;
- Driveway on eastern side boundary (3m wide with 6m wide passing bays);
- Rainwater tanks (x 2);
- Vegetation clearing for Holiday Accommodation;
- Compacted hardstand for overflow car parking area at northern end of site (11 spaces);
- Compacted hardstand for universal car parking space adjacent to Administration Building;
- Compacted hardstand for main car parking area adjacent to Administration Building (12 spaces);

Buildings yet to be constructed include:

- Holiday Accommodation (two separate buildings);

DETAILS OF PROPOSAL

In accordance with clause 77(1)(b), Schedule 2, *Planning and Development (Local Planning Schemes) Regulations 2015*, the applicant is now seeking to have Condition No.15 deleted from the approval (DA 10.2017.365.1) to enable the car parking area for 12 spaces to remain in its originally proposed location adjacent to the Administration Building and near the eastern side boundary.

Approximately 285m^2 of land is required to accommodate a car parking area for 12 cars and landscaping.

The applicant cites the following reasons for requesting deletion of Condition No.15:

"The main carpark for the centre is located on the junction between the previous use floraculture plantings to the south of the site and the more natural vegetation to the north of the site. In addition, this location is based on what was the most degraded section of the property - highly visible in the aerial photos of the land (attached), this location was clear of any vegetation and contained rubbish and scrap timber.

Car parking in this location is shielded by vegetation. Since the formation of the parking area, the endemic Spearwood - Kunzea ericfolia - has thickened and spread to form a dense hedge to the paved area. This screens the car parking from all adjacent properties. The construction of the administration block similarly screens the area from the "green heart" of the project, the central garden area which the buildings surround. Whilst the use of cars and the car parking area is a necessity, there is no need to celebrate it - in this location the cars are greatly concealed. The aerial photo (attached) of the carpark illustrates how it is shielded by the vegetation and the administration building from the rest of the site and the neighbours.

The only other possible location for the car parking would be to the southwest of the site, where it would be highly visible from two of the neighbouring properties and from the meditation hall. Trying to maximise the rural character of the property, for both the proponent and the neighbours, would be contradicted by making the car parking more obvious. The project is predicated on the need to provide a beautiful, restful environment for people attending the centre. The visual and aural impact of cars parked close to the facilities and the central gardens would greatly diminish that quality. Having car parking visible from the Meditation

Hall - a space designed to encourage serenity and contemplation- would contradict the whole ethos of the building.

Whilst the preferred location utilises a previously degraded part of the site, it is also extremely logical, given the site circulation and the arrangement of the buildings. The carpark is adjacent to the administration building- the "front door" to the project, where visitors and first-time attendees of the centre will come to acquaint themselves with the site. That location is the first part of the centre reached via the entry driveway. Parking elsewhere in the project would provide significantly less legibility.

To exacerbate that issue, the project is zoned on site, with the public areas to the north, notably around the administration and the meditation hall, with the private areas - the residents' homes and gardens - to the south. Bringing traffic and pedestrian movement through the private areas would reduce amenity and privacy and would be bad planning. Increased traffic flows further south on the site, along the boundary, would also adversely affect the neighbouring residence to the east of the site.

My client has been at pains to minimise any adverse effects on her neighbours and the current carpark location meets with their approval. I attach correspondence from the neighbouring property owner to the east of the site, supporting the car park as located and opposing any movement of the parking further south or southwest".

COMMENT

Development Control Unit (DCU)
The proposed location of the main car parking area was referred internally to the City's Technical Services and Development Services directorates for comment in 2017. Environment Services reviewed the proposal at the time and recommended that the overflow car parking area at the northern end of the site be relocated away from the Resource Enhancement Wetland. This recommendation would have most likely have increased the size of the main car park in its current location. The recommendation was not imposed however because it was considered that the applicant's proposal involved the least amount of vegetation clearing.

Public Advertising
The application is supported by a letter of support from the affected neighbour at Lot 257, No. 117 Honeymyrtle Loop, Forrestdale. The neighbour supports the main car parking area remaining in its current location.

ANALYSIS

Town Planning Scheme No.4 (TPS4)
Non-Conforming Uses
Clause 3.8 of TPS4 requires that any application to alter a non-conforming use be advertised in accordance with cl.64 of the Deemed Provisions (Schedule 2, *Planning and Development (Local Planning Schemes) Regulations 2015*) prior to a determination being made. The City would have elected to advertise the proposal to the affected neighbour at adjacent Lot 257 (No.117) Honeymyrtle Loop, Forrestdale in accordance with Clause 64(1)(b)(iii) due to the

proposed boundary setback variation. Clause 64(2) provides discretion to waive the advertising requirement if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature. The current development approval includes an approved reduced setback for the two smaller car parking areas to the south of the main car park. Consequently, the proposed setback variation for the main car park is considered to be minor in nature and the advertising requirement can therefore be waived in this instance. In any event, the applicant has provided written support from the aforementioned neighbour in the application submission, therefore the advertising requirement is considered to be satisfied.

Development Envelopes

Clause 4.7.5 of TPS4 is as follows:

4.7.5 Where a development envelope has been identified on an approved development plan, no clearing of natural vegetation or the destruction or damage of trees is to take place on the lot, other than within the designated envelope, except:

(a) as necessary for the establishment of an approved vehicular access from the adjacent street to the designated development envelope;
(b) as required to satisfy necessary bush fire protection measures as determined by the local government or other relevant authority; or
(c) as otherwise approved by the local government in accordance with the provisions of clause 4.5.

The existing location of the main car parking area is located within an approved Development Envelope and as such, the clearing of vegetation in this area is permitted in accordance with cl.4.7.5 of the Scheme.

The location identified and preferred by Development Approval 10.2017.365.1 (dated 27/08/2018) is located outside of the approved Development Envelope and would increase the amount of vegetation permitted to be cleared on the site. Further discussion in this regard is provided in the next section.

PLN 2.1 Establishment or Amendment of Development Envelope Locations (PLN2.1)
The objectives of PLN2.1 include the following:

"*to ensure development envelopes are located, designed and sized appropriately to minimise the environmental impacts and/or clearing of remnant vegetation and to reduce visual impact of built form on the surrounding locality*".

The applicant is seeking approval for the main car parking area to remain within the approved Development Envelope. Relocating the main car parking area would require additional clearing of vegetation in the new location which is not consistent with the objectives of PLN2.1.

The closest neighbouring landholder has been consulted on the existing location of the main car parking area and has provided written support to the main car park remaining where it is. It is therefore considered that approving the main car park in its current location will not compromise the objectives of PLN2.1.

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)
The site is located within a designated bushfire prone area and the Forrestdale Meditation Centre is considered a 'vulnerable land use' in accordance with SPP3.7. A Bushfire Management Plan was submitted in support of the 2018 application. The bushfire attack level (BAL) rating of the site is BAL-29 which is achieved through the implementation of asset protection zones (APZ) around the buildings (13m-15m zone).

The main car park location preferred in Development Approval 10.2017.365.1 (dated 27/08/2018) is located within the APZ specified in the Bushfire Management Plan and any vegetation located in that zone will need to be managed to reduce fuel loads for bushfire risk mitigation. The main car park location proposed by the applicant is also largely within the APZ and any revegetation in this area will also need to be managed to reduce fuel loads. It is therefore considered that there would be little gain in terms of environmental values if the main car park was relocated to the area identified in Development Approval 10.2017.365.1 (dated 27/08/2018).

Additionally, comments from Department of Fire and Emergency Services (DFES) at the time (2018) noted (in relation to the overflow car parking area at the northern end of the site) that "t*here is an opportunity to extend the parking area closest to the proposed facility* [the main car parking area] *to provide additional physical separation between the development and areas of remaining extreme bushfire hazard* [north of the development envelope]. *This also optimises access by allowing visitors and residents immediate access to transport in the event of an evacuation while allowing emergency vehicles to defend the facility in the event of an emergency situation.* In summary, DFES considered the present (unapproved) location and expansion of the main car parking area to be advantageous from a bushfire risk mitigation perspective.

In order to ensure that the location identified in Development Approval 10.2017.365.1 (dated 27/08/2018) (to the south and west of the development) is not degraded any further, revegetation of the area could be undertaken however this would be subject to appropriate fuel loads being maintained for the purpose of bushfire risk mitigation (i.e. APZ standards specified in the Bushfire Management Plan and the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas v1.4*).

OPTIONS

Council has the following options:

1. Approve the application to delete Condition No.15 from Development Approval 10.2017.365.1 (Forrestdale Meditation Centre);

2. Approve the application to delete Condition No.15 from Development Approval 10.2017.365.1 (Forrestdale Meditation Centre) subject to submission of a revegetation plan for the area previously identified as degraded;

3. Resolve to refuse the application and provide reasons for its decision.

CONCLUSION

Council approved the application for development of the Forrestdale Meditation Centre in August 2018 (DA 10.2017.365.1). The applicant is now seeking to modify that approval by deleting Condition No.15. Condition No.15 requires relocation of the main car parking area to an area of the site which has vegetation that was considered to be more degraded at the time.

The use is now considered to be a non-conforming use under the Scheme and any application to alter the use is subject to public advertising prior to determination. Accordingly, the applicant has provided the relevant neighbour's written support of the current proposal in support of the application.

The applicant has submitted a comprehensive explanation for the requested deletion of Condition No.15 that includes establishing necessary operational zones for the development and an assessment of the current state of existing vegetation on the site.

The proposal has been assessed against relevant Scheme and policy provisions including bushfire risk mitigation. The existing (i.e. proposed) location of the main car park is within the approved development envelope and the bushfire asset protection zone. Condition No.15 requires the main car park to be located in an area outside of the approved development envelope and within the bushfire asset protection zone. The intent of Condition No.15 was to improve environmental outcomes by relocating the main car park to an area with more degraded vegetation however both locations are subject to the same vegetation management standards to satisfy bushfire risk mitigation requirements. The density of vegetation and fuel loads are required to be managed to the same standard in both locations therefore retention of vegetation in either location will have to reflect the standards for bushfire asset protections zones in the bushfire management plan for the site.

Officer assessment concludes that the main car park location determined in Development Approval 10.2017.365.1 (dated 27/08/2018) is located within the Asset Protection Zone specified in the Bushfire Management Plan and any vegetation located in that zone will need to be managed to reduce fuel loads for bushfire risk mitigation. The main car park location proposed by the applicant is also largely within the Asset Protection Zone and any revegetation in this area will also need to be managed to reduce fuel loads. It is therefore considered that there would be little gain in terms of environmental values if the main car park was relocated to the area identified in Development Approval 10.2017.365.1 (dated 27/08/2018).

In order to ensure that the location identified in Development Approval 10.2017.365.1 (dated 27/08/2018) (to the south and west of the development) is not degraded any further, revegetation of the area should be undertaken subject to appropriate fuel loads being maintained for the purpose of bushfire risk mitigation.

This recommendation is considered to be a reasonable balance between environmental objectives, bushfire risk mitigation and neighbour amenity.

Accordingly, it is recommended that the application is approved by Council in accordance with Option 2.

RECOMMEND

That Council:

A) Approves the application for Planning Approval for deletion of Condition No.15 from Development Approval 10.2017.365.1 (Forrestdale Meditation Centre) at Lot 256, 180 Oxley Road, Forrestdale, subject to the following new condition No.18:

18. Areas of degraded vegetation to the west of the approved development envelope are revegetated in accordance with Asset Protection Zone standards contained in Schedule 1: Standards For Asset Protection Zones in Guidelines for Planning in Bushfire Prone Areas.

B) Advise the applicant and submitter of the Council's decision in this regard.

ATTACHMENTS

1. ⇩ Site Plan - Lot 256 Oxley Road, Forrestdale
2. ⇩ Plan of Pre-Development Vegetation - Lot 256 Oxley Road, Forrestdale
3. ⇩ Current Development Approval (Showing Car Park Areas) - Lot 256 Oxley Road, Forrestdale
4. ⇩ Aerial Imagery Plan (2022) - (Mark up Showing Car Park Areas) - Lot 256 Oxley Road, Forrestdale
5. ⇩ Photograph 1 - Aerial View Illustrating Visual Sheilding of Car Park by Building and Vegetation - Lot 256 Oxley Road, Forrestdale
6. ⇩ Photograph 2 - Car Park Location prior to Development - Lot 256 Oxley Road, Forrestdale

2.1 - DEVELOPMENT CONTRIBUTION PLAN NO.4 REPORT AND INFRASTRUCTURE COST SCHEDULE REVIEW 2022 - FINAL ADOPTION

WARD	:	LAKE
FILE No.	:	M/312/22
DATE	:	15 SEPT 2022
REF	:	RS
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- Council at its May 2022 meeting resolved to advertise the Draft Development Contribution Plan No.4 Report, Infrastructure Cost Schedule and Assessed / Proposed Values of land to be acquired in accordance with the provisions of Schedule 9B of the City's TPS No.4.
- The Draft DCP 4 Report and ICS was advertised for public comment for 28 days closing on 28 June 2022.
- Seven submissions were received during the advertising period which provided additional information warranting some minor modifications to the Draft ICS.
- Council is required to consider final approval of the DCP No.4 Report and ICS which includes a Cost per Hectare Base Rate of $456,042.82 and a Cost per Hectare Additional Rate of $85,109.70.
- It is recommended that Council adopts the DCP No.4 Report and ICS.

Tabled Items

Nil.

Decision Type

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

☐ **Executive** The decision relates to the direction setting and oversight role of Council.

☒ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil, but it is noted that the Development Contribution Plan No.4 provides funding to the City for staff costs associated with administering DCP No.4. These costs are included in the Infrastructure Cost Schedule and reconciled on an annual basis.

Strategic Implications

1.2.2 Provide opportunities to improve health outcomes for everyone.
1.3.1 Plan for services and facilities in existing and emerging communities.
2.2.1 Deliver attractive and functional streetscapes, open spaces, City buildings and facilities.
2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.
2.5.1.2 Implement the Developer Contribution Plan arrangements and review as required.
4.3.2 Pursue non-rates revenue opportunities.

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No.4 (TPS No.4)
Planning and Development (Local Planning Schemes) Regulations 2015
State Planning Policy 3.6 – Infrastructure Contributions

Council Policy/Local Law Implications

N/A.

Budget/Financial Implications

Through DCP No.4, the City collects development contributions which constitute an external source of funding for the development of essential facilities and infrastructure that will provide benefits to future residents of the Anstey Keane Urban Precinct.

DCP 4 includes the cost of establishing the community and sporting facility in the precinct. Once established, the City is required to cover the future recurrent operational and maintenance costs for the facilities and infrastructure that is delivered. The City also has to manage the financial impact of depreciation of these new assets. However, these assets are needed to deliver essential facilities and infrastructure to service the needs of the area.

Consultation

The DCP report and ICS including Assessed Values were advertised for a 28 day period from 30 May 2022 to 28 June 2022. Landowners liable for paying contributions in the future for remaining undeveloped land within the Development Contribution Area were notified of the advertising period in writing and the DCP documentation was placed in the Out for Comment section of the City's website as part of the public advertising process.

BACKGROUND

The DCP 4 Report is a report appurtenant to TPS No.4 which contains information and instructions on the operation of DCP 4 as periodically reviewed in accordance with the Scheme. The ICS which is included within the DCP 4 report is a schedule appurtenant to TPS No.4 which contains the estimated cost of infrastructure in DCP 4 (inclusive of administration costs), cost contribution rates and details of developable land area and deductions as periodically reviewed in accordance with the TPS No.4.

First adopted for final approval by Council in May 2021 following the Minister's approval of the DCP via Amendment No.102 to TPS 4, DCP 4 provides a mechanism to equitably share the cost of implementing common infrastructure within the Anstey Keane Urban Precinct which will result in the delivery of essential infrastructure and facilities in a coordinated manner to benefit future residents within the area.

DETAILS OF PROPOSAL

The common infrastructure items to be funded by DCP No.4 are set out in Schedule 9B of TPS No.4. The DCP 4 Report and ICS are attached for Council to consider for final adoption.

The estimates and other information included in the DCP 4 ICS and Report are based on technical / professional inputs provided by the City's Technical Services and external consultants. Assessed Values were determined by two licensed valuers as required by the DCP.

Changes to costs between the advertised DCP 4 Report and ICS and the version proposed for adoption are shown in the *Summary Table of DCP 4 ICS Changes* that appears in the following section of this report.

COMMENT AND ANALYSIS

A summary of submissions received during the 28 day advertising period is provided as follows.

Total No. of submissions received:	7
No. of submissions of conditional support/no objection:	1
No. of submissions of objection:	3
No. of submissions with comment only:	3

It is noted that two of the seven submissions noted above were received after the 28 day advertising period had concluded.

Refer to the Confidential Attachment for location plan of submitters.

The issues raised by the submissions have been summarised and a recommendation made on each submission in Attachment "Schedule of Submissions".

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

Issue 1 – *What infrastructure items are being funded by DCP 4 and when landowners become liable for the payment of contributions.*

Some of the submitters indicated that they were unclear about the type of infrastructure being funded by the DCP and the circumstances of when landowners become liable for the payment of contributions.

Comment

The infrastructure works funded by the DCP are described in TPS 4 and the DCP 4 report. These works include community facilities and road upgrades. The DCP does not generally fund items that a developer would normally be liable for such as water, sewer, power etc. The liability for payment of DCP contributions arises when land that is identified as developable in the DCP is ultimately subdivided and/or developed. The City's officers are available to discuss the DCP with landowners to clarify any queries.

Recommendation
It is recommended that this issue be noted.

Issue 2 – *Whether the costs identified in the draft Infrastructure Cost Schedule for sporting and community facilities, movement network and utility service infrastructure are appropriate.*

Comment

Several of the submissions provided feedback with respect to the costs identified in the draft ICS comprised within the DCP documents that were advertised for public comment. This feedback included advice from various landowners/stakeholders and professional detailed cost estimates from engineering and landscape architecture consultants currently involved with the design and implementation of infrastructure works in the area.

Recommendation
In response to the submissions received, it is recommended that some changes to costs in the draft ICS relating to sporting and community facilities, movement network and utility service infrastructure items are implemented. These changes are summarised as follows:

DCP 4 Cost Changes from Advertised Draft ICS 2022 to Final				
Item No.	**Item Description**	**Draft ICS 2022**	**Proposed Final ICS 2022**	**Comment / Reason for change**
1a	Senior Size Playing Field Land Acquisition	$5,895,483	$5,895,483	No change
1b	Senior Size Playing Field Construction	$6,000,474	$6,171,388	Updated cost estimates provided by the City's engineering consultant, JDSI during advertising period.
1c	Sporting and Community Buildings and Structures Construction	$3,308,901	$3,308,901	No change
1b & 1c	Allowances	$1,905,761	$1,927,124	Updated cost estimates provided by the City's engineering consultant, JDSI during advertising period.
2a	Anstey Road - Land Acquisition and Construction	$6,142,655	$6,871,690	Updated cost estimates provided by the City's engineering consultant, JDSI during advertising period.
2b	Keane Road - Land Acquisition and Construction	$2,804,762	$2,943,032	Increase in DCP costs to align with the rate of increase for Item 2a – Anstey Road requested by

DCP 4 Cost Changes from Advertised Draft ICS 2022 to Final				
Item No.	**Item Description**	**Draft ICS 2022**	**Proposed Final ICS 2022**	**Comment / Reason for change**
	(Contribution Towards)			DevelopmentWA who are funding the upgrade of Keane Road as part of the development of the adjoining Forrestdale Business Park West.
2c	Shared Path Network (Contribution Towards)	$821,983	$821,983	No change
3a	Baileys Branch Drain Surrounds – Betterment of the Baileys Branch Drain Immediate Surrounds (Contribution Towards)	$521,478	$521,478	No change
4a	Pump Station Land	$166,617	$166,617	No change
4b	High Pressure Gas Main	$2,869,250	$1,981,378	Updated cost estimates provided by the City's engineering consultant, GPA Engineering as agreed to by the service provider, ATCO Gas.
N/A	Full costs associated with preparing and administering Development Contribution Plan 4	$3,034,163	$3,034,163	No change
	Total (less reserve account forecast interest earnings)	**$33,190,988**	**$33,362,700**	

DCP 4 Changes to Cost Contribution Rates and Developable Area			
Element	**Draft ICS 2022**	**Proposed Final ICS 2022**	**Comment / Reason for change**
Per Hectare Base Rate	$452,984.31	$456,042.82	Costs have increased in response to current and detailed cost estimates provided during the advertising period.
Per Hectare Additional Rate	$85,109.70	$85,109.70	No change
Total Developable Area	75.4948	75.4948	No change

OPTIONS

1. Council may resolve to adopt the DCP 4 Infrastructure Cost Schedule 2022, DCP 4 Report and proposed Assessed Values with the modifications recommended in this report and attached.

2. Council may resolve to seek revision of the items mentioned under Option 1 before adopting the proposed DCP 4 Infrastructure Cost Schedule 2022 and DCP 4 Report and proposed Assessed Values.

CONCLUSION

The DCP 4 Report, ICS and Assessed Values have been reviewed in accordance with the provisions of DCP 4 as set out in the City's TPS No.4 including advertising for public comment. Five submissions were received during the advertising period.

The issues raised in the submissions are discussed in this report and the attached Schedule of Submissions. The key changes recommended as a result of submissions received relate to cost changes in the ICS to the community infrastructure, movement network and utility servicing infrastructure items identified in the table above. Accordingly, Option 1 is recommended.

RECOMMEND

That Council:

1. **In accordance with Development Contribution Plan 4 in Schedule 9B of Town Planning Scheme No.4 approve the attached Development Contribution Plan 4 Report and Infrastructure Cost Schedule 2022, including the Assessed Values, which includes a Cost Contribution per hectare Base Rate and Additional Rate of $456,042.82 and $85,109.70 respectively.**

ATTACHMENTS

1. ⇩ Separate Attachment - DCP 4 Annual Report - Sept 2022
2. ⇩ Separate Attachment - DCP 4 Annual Report - Sept 2022 - Appendices
3. ⇩ Schedule of Submissions - DCP 4 Annual Report - Sept 2022
4. Confidential - Submitters Plan - DCP 4 Annual Report - Sept 2022 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relating to the personal affairs of a person/s.*
5. Confidential - Submitters Names & Address List - DCP 4 Annual Report - Sept 2022 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relating to the personal affairs of a person/s.*

2.2 - CONFIDENTIAL REPORT - ARMADALE CITY CENTRE INVESTMENT FRAMEWORK AND PROJECT PLAN

WARD	:	MINNAWARRA
FILE No.	:	M/446/22
DATE	:	5 Sept 2022
REF	:	MK
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- A confidential report is presented at Confidential Attachments to this Agenda.

Decision Type

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

☒ **Executive** The decision relates to the direction setting and oversight role of Council.

☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Community Plan 2020-2030 and Corporate Business Plan 2022/23 to 2025/26

See report.

Legal Implications

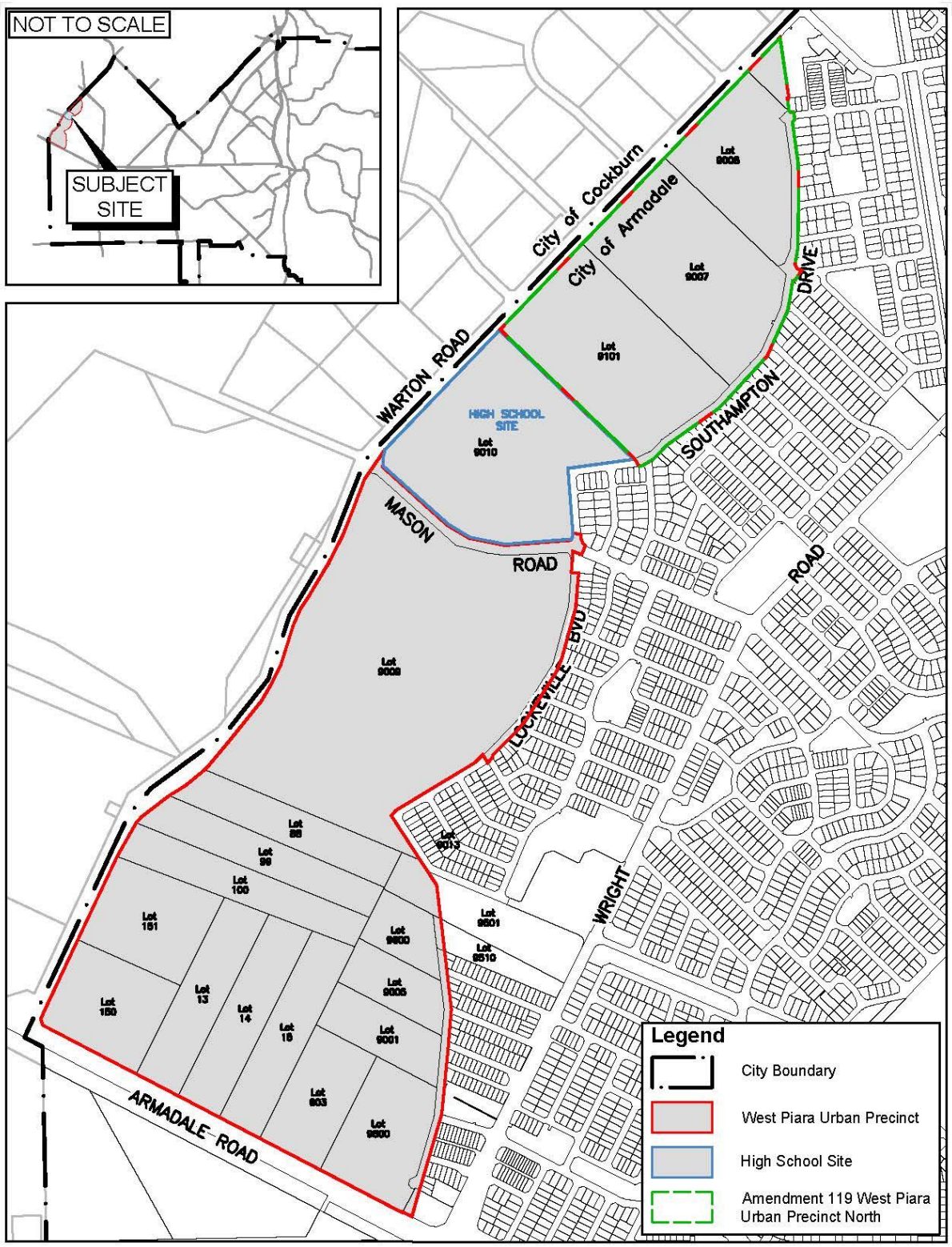
Nil.

Council Policy/Local Law Implications

Nil.

ATTACHMENTS

1. ⇩ Location Plan - Armadale Investment Framework and Project Plan Study Area
2. Confidential Report - Armadale City Centre Investment Framework and Project Plan - *This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as it deals with the matter relating to a contract entered into or which may be entered into by the City of Armadale*
3. Confidential - Draft Armadale City Centre Transformation - Technical Report - *This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as it deals with the matter relating to a contract entered into or which may be entered into by the City of Armadale*



LOCATION PLAN
Proposed TPS No.4 Amendment 119;
West Piara Urban Precinct North

125 0 125 250m

SCALE 1 : 12500

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 MetroMap.

DATE 9 March 2021 - REVISION 2101
p:\autocad\agenda_drawings\2021\4.april\amendment_119\amendment_119.dwg

CITY OF Armadale

3.1 - CONSIDERATION OF MINISTER'S MODIFICATIONS - TPS NO.4 AMENDMENT NO.119 - REZONING OF WEST PIARA URBAN PRECINCT NORTH

WARD	:	LAKE
FILE No.	:	- M/410/22
DATE	:	15 Sept 2022
REF	:	AV
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	CLE Town Planning & Design on behalf of GM Property Group
LANDOWNER	:	Various
SUBJECT LAND	:	Lot 9101 Warton Road, Lot 9007 Southampton Drive, Lot 9008 Jayes Road, Lot 9010 Warton Road (portion only)
ZONING		
MRS /	:	Urban
TPS No.4	:	General Rural

In Brief:

- At its 22/11/2021 meeting, Council resolved to adopt Town Planning Scheme No.4 Amendment No.119 and to forward the amendment to the Western Australian Planning Commission and the Minister for Transport, Planning and Ports for final approval.
- The WAPC has advised the City that the Minister requires the City to modify the Amendment pursuant to Section 87(2) of the *Planning and Development Act 2005*.
- Most of the modifications required by the Minister are minor in nature, however the modifications relating to Lot 9007 Southampton Drive, Piara Waters (zoning and land use permissibility for the approved Park Home Park) are more significant and materially affect the intent of the Amendment. Council should further consider these modifications.
- Recommend that Council adopt the modified Amendment in accordance with the Minister's modifications.

Tabled Items
Nil.

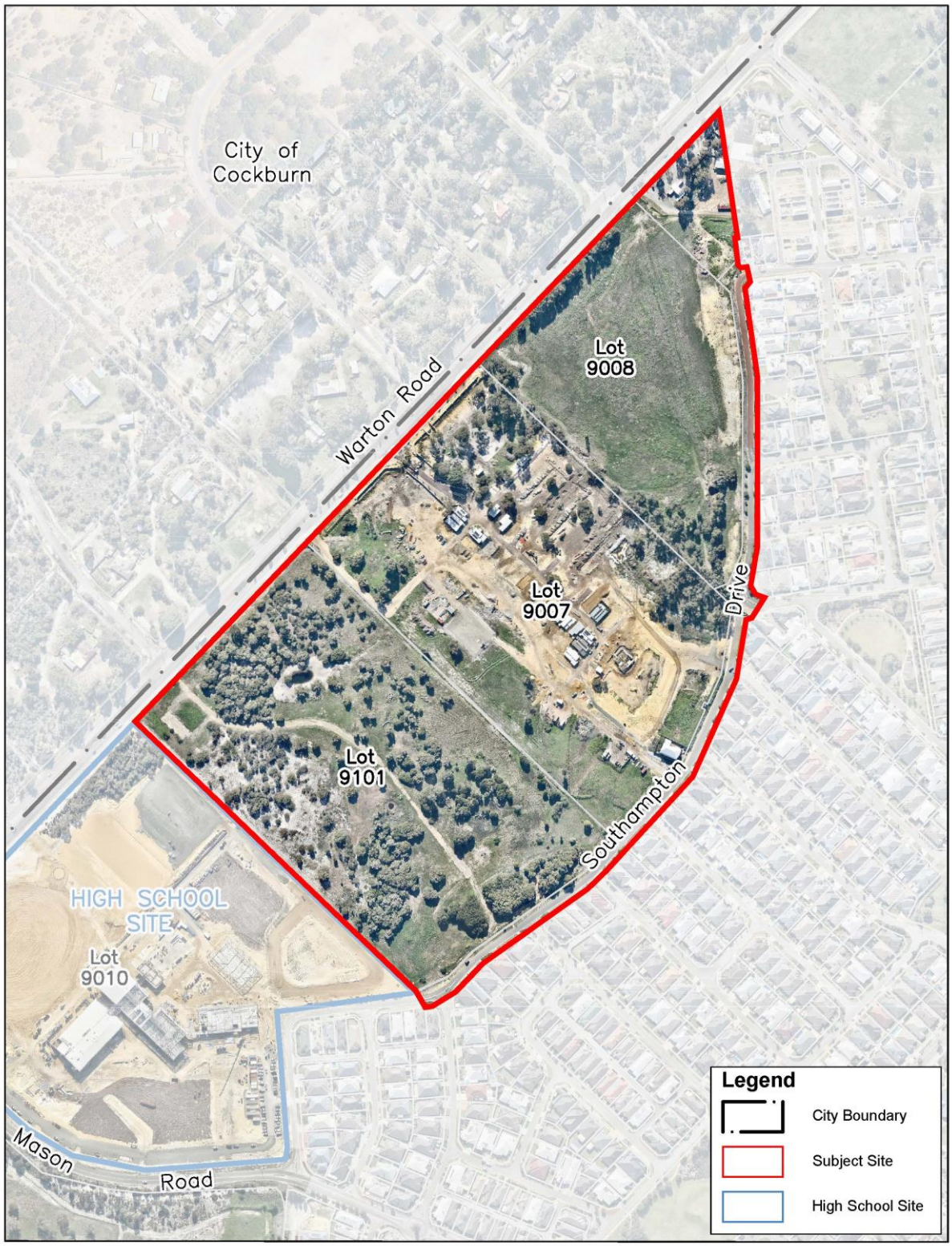
Decision Type

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

☐ **Executive** The decision relates to the direction setting and oversight role of Council.

☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil.



AERIAL PLAN
TPS No.4 Amendment 119
West Piara Urban Precinct North

60 0 60 120m

SCALE 1 : 6000

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 18 August 2022 - REVISION 2202
\\ab-file-01\dsdraft\autocad\agenda_drawings\2022\9.september\amendment_119_avp\dwg\amendment_119.dwg

CITY OF Armadale

Strategic Implications

Strategic Community Plan 2020-30

2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.

3.3.1 Ensure the City has contemporary strategies and dynamic planning frameworks to be responsive to economic development opportunities and trends.

Legal Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme (TPS) No.4

Council Policy/Local Law Implications

Local Planning Policies

Budget/Financial Implications

Nil.

Consultation

The November 2021 report to Council documents previous consultation after Amendment initiation. The City will also write to all submitters upon future gazettal of the Amendment.

BACKGROUND

Town Planning Scheme No.4 (TPS No.4) Amendment No.119 was initiated by Council at its 19 April 2021 meeting and adopted at its 22 November 2021 meeting. The Amendment was then forwarded to the Western Australian Planning Commission (WAPC). The background and planning considerations applicable to the West Piara Urban Precinct North are documented in those reports, and a copy of Council's 22 November 2021 Resolution (D45/11/21) is attached.

Refer to Council Resolution D45/11/21 (including Plan) in the Agenda Attachments.

The various proposals of Amendment No.119 (as finally adopted) are summarised as follows:

1. Rezone the West Piara Urban Precinct North to the Urban Development and Residential zones;
2. Insert applicable provisions into TPS No.4 Schedule 8 Development (Structure Planning) Areas to address later structure planning, subdivision and development;
3. Insert applicable provisions into TPS No.4 Schedule 2 Additional Uses to address the Metropolitan Outer Joint Development Assessment Panel's (JDAP) approval of a Park Home Park on Lot 9007 Southampton Drive and, in connection with Proposal 1 above, rezone Lot 9007 to the Residential zone;
4. Correct a zoning anomaly on Lot 1000 (No.7) Jayes Road, where an approximate 90 m^2 portion of a residential lot is to be rezoned from General Rural to Residential, assigned a density code of R15/40 and included within the adjoining Additional Use No.35;
5. Create a new Priority 3* Groundwater Protection Area designation on Special Control Area Map 2 and apply this designation to the West Piara Urban Precinct North to recognise the Department of Water and Environmental Regulation's (DWER)

reclassification of the public drinking water source through Metropolitan Region Scheme Amendment 1369/57 and 1370/57 processes;

6. Exempt certain low impact residential land uses from development approval requirements under the Groundwater Protection Area Special Control Area provisions;
7. Remove General Rural zones from the road reserves for Warton Road and Mason Road; and
8. Amend the TPS No.4 Scheme Maps (including Special Control Area Maps) accordingly.

The WAPC has now written to the City advising that the Minister for Transport, Planning and Ports (Minister) requires a number of modifications to the Amendment in accordance with Section 87(2)(b) of the *Planning and Development Act 2005* (*Act)*. Section 87(2)(b) states as follows:

"(2) The Minister may, in relation to a local planning scheme or amendment submitted to the Minister under subsection (1) —

...

(b) require the local government concerned to modify that local planning scheme or amendment in such manner as the Minister specifies before the local planning scheme or amendment is resubmitted for the Minister's approval under this subsection;"

Due to the substantiality of the Minister's modifications relating to Lot 9007 Southampton Drive Piara Waters, it is appropriate for Council to consider the modified Amendment text as required by the Minister.

DETAILS OF PROPOSAL

This report discusses the Minister's modifications to TPS No.4 Amendment No.119 under Section 87(2)(b) of the *Act*, outlines the City's assessment of the extent of each modification (e.g. minor or substantial) and a recommendation to Council on subsequent progression of the Amendment. A copy of the modified Amendment text and the Amendment Plan that the Minister requires Council to resubmit to the Minister for approval is attached.

The Minister's Amendment No.119 Modifications (including Plan) are presented in the Attachments to this report.

Due to the extent of the modifications required, the below table has been prepared to summarise Council's adopted Amendment proposal, describe the Minister's required modification (if applicable) and outline the opinion of the City's Planning Services Department on the substantiality of the modification.

Council Resolution Part	Details of Proposal	Minister's Required Modification and City Planning Services Department Response
1.a.	Rezone lots to the "Urban Development zone".	Change lot/address particulars from street addresses to Deposited Plan references. This is not a substantial modification and therefore should be supported.

Council Resolution Part	Details of Proposal	Minister's Required Modification and City Planning Services Department Response
1.b.	Rezone Lot 9007 Southampton Drive to the "Residential" zone and code R25, with Additional Use No.49.	Rezone Lot 9007 to the "Urban Development" zone, deletion of Additional Use provision (referenced further below). This is a substantial modification; refer to later discussion in this report.
1.c.	Rezone portion of Lot 1000 Jayes Road to the "Residential" zone.	No modification required.
1.d.	Removal of zones from Road Reserves.	Incorporated into modifications as part of "a." above. This is a minor modification of limited influence and therefore can be supported by the City.
1.e.	Schedule 8 Development (Structure Planning) Areas text applicable to later subdivision and development.	Removal of provisions exempting Lot 9007 Southampton Drive from structure planning. This is a substantial modification; refer later discussion in this report. Removal of various matters for which Structure Plans should provide design and management responses for implementation at subdivision and development stages, including land use zoning and other actions to prevent groundwater impacts, acid sulphate soils, contamination, implementation of Local Planning Policy PLN2.4 Landscape Feature and Tree Preservation and road interfaces to future schools. The provision applying to road intersections is reworded. The City's inclusion of these matters is intended to improve transparency and provide consideration of these environmental and other issues during subsequent planning processes (note that the City currently has two Structure Plans under assessment). Notwithstanding, the above matters can be assessed under other TPS No.4 and state/local planning framework policy measures at Structure Plan, subdivision and development stages. Therefore these modifications are not considered substantial.
1.f.	Additional Use No.49 provisions permitting the Park Home Park land use on Lot 9007 Southampton Drive.	Additional Use removed. The Park Home Park land use becomes an 'X' (i.e. not permitted) land use. This is a substantial modification; refer later discussion in this

Council Resolution Part	Details of Proposal	Minister's Required Modification and City Planning Services Department Response
		report.
1.g.	Include the West Piara Urban Precinct North in the Special Control Area (SCA) Map 3 to show as Development Area No.71.	Modifications to lot particulars only. This is a minor modification and therefore should be supported.
1.h.	Insert and apply new 'Priority 3*' Public Drinking Water Resource Protection Area on SCA Map 2.	No modification required.
1.i.	Modify TPS No.4 SCA provisions to exempt certain low-impact land uses from development assessment under SCA provisions.	Modifications to list of land uses, which are now clarified and expanded upon to specifically reference each exempt land use. The Minister's required modifications still reflect Council's intention. The City's Officers and the Department of Water and Environmental Regulation were consulted prior to the WAPC proposing the modification. This is a minor modification and the City supports the change.
1.j.	Modify TPS No.4 SCA provisions to generically encompass State Agency groundwater guidelines.	No modification required.
1.k.	Amend scheme maps as above.	No modification required.

COMMENT

The Minister's required modifications that are deemed to be substantial in nature relate entirely to Lot 9007 Southampton Drive, Piara Waters. Amendment No.119 proposed to transfer this lot to the Residential zone and include new Additional Use provisions. This was not supported by the Minister, who instead required Lot 9007 to be transferred to the Urban Development zone and the proposed Additional Use provisions deleted.

Council's adopted Amendment No.119 proposal for Lot 9007 was intended to formalise the previous Park Home Park development approval issued by the JDAP. The Park Home Park land use is an 'X' (i.e. not permitted) land use in every TPS No.4 zone except the Rural zone, and through the preparation of Amendment No.119 (which would transfer Lot 9007 out of the Rural zone) it was considered logical to propose a Residential zone with an Additional Use to permit the JDAP-approved land use. This approach would avoid an unnecessary Structure Plan process associated with an Urban Development zoning (not required in order to implement the JDAP development approval) and avoid granting procedurally inefficient non-conforming use rights. While non-conforming use rights allow the lawful

implementation of a development approval, they nevertheless impose specific TPS No.4 provisions and processes to extensions and changes of use, discontinuance and termination.

DPLH Officers, on behalf of the Minister and the WAPC, have provided explanatory justification for the required modifications applicable to Lot 9007, which is summarised under three headings below. The response of the City's Planning Services Department is also provided, however please refer to the Analysis section of this report for overall concluding comments and recommended actions in response.

DPLH Justification 1: Park Home Park Development is Not Prejudiced

DPLH Rationale: The Modified Amendment does not impede implementation of the existing Park Home Park Development Approval. The landowner is not obliged to prepare a Structure Plan should they wish to continue implementing existing Park Home Park approvals, and any development associated with the Park Homes will be afforded with non-conforming use rights under TPS No.4.

City Officer Response: The City sought to avoid the procedural inefficiencies arising from non-conforming use rights. This will be manifest in, for example, later development approvals to address minor amendments to built form. The City's position on this matter was explained in the City's April and November 2021 reports and reiterated in later discussions with DPLH Officers, however the City did not receive support.

DPLH Justification 2: Structure Plan Mechanism is Still Required

DPLH Rationale: Should the Park Home Park not eventuate (either in part or in whole), the Urban Development zone and associated TPS No.4 provisions provide a mechanism to ensure that comprehensive and coordinated planning still occurs contiguous with the northern and southern lots in the West Piara Urban Precinct North. In the event a decision maker determines that a Structure Plan is not necessary, Clause 27(2) of the *Regulations* affords a decision maker with discretion to approve subdivision or development in the absence of a Structure Plan.

City Officer Response: The Park Home Park development is advancing, with approximately 60 homes sold or released to the market; additional releases are anticipated this year. It should be noted that there is limited coordination between the various developers/landowners in the West Piara Urban Precinct North. Therefore the preparation of a Structure Plan is an unnecessary additional layer in the planning process, serving a narrow purpose in coordinating and guiding (already-approved) development on Lot 9007. Non-conforming use rights also create additional layers in future planning processes. The City's position on this matter was explained in the City's April 2021 report and reiterated in later discussions with DPLH Officers, however the City did not receive support.

DPLH Justification 3: Use of Residential Zone is Not Appropriate

DPLH Rationale: The Residential zone is typically applied to either round off existing residential areas or to normalise areas subject of a completed Structure Plan. This does not appear to be the case in this instance.

City Officer Response: The approved Park Home Park development is currently being implemented, and sales and marketing is well underway. Therefore no alternate development outcome is anticipated for the foreseeable medium term. The application of the Residential zone with Additional Use provisions is an efficient and appropriate land use zoning response where no Structure Plan is required. The City's position on this matter was explained in the City's April 2021 report and reiterated in later discussions with DPLH Officers, however the City did not receive support.

ANALYSIS

Council has been directed by the Minister under Section 87(2)(b) of the *Act* to make modifications to Amendment No.119. There are no formal appeal rights if Council is aggrieved by the changes required. Notwithstanding the lack of appeal rights, it is open for Council to consider political advocacy if Council so determines. Should Council wish to make a submission to the Minister with respect to some or all of the modifications required, then that option is available.

In the specific circumstance of the Park Home Park development at Lot 9007 Southampton Drive, the Minister's modified Amendment No.119 does not alter or remove the landowner's right to lawfully implement the development approval granted by the JDAP. However the consequences of the Minister's decision to create non-conforming use rights may require further investigation by the City, possibly involving further discussions with the DPLH and the landowner.

It should be noted that any delay to the finalisation of Amendment No.119 has the potential to affect assessment and determination timelines for up to four active Structure Plan applications across the West Piara Urban Precinct unrelated to Lot 9007 Southampton Drive. This is because Amendment No.119 includes zoning changes upon which existing Structure Plan applications rely, and because it proposes new groundwater management provisions applicable to both the West Piara Urban Precincts North and South.

Furthermore, delays to the finalisation of Amendment No.119 may also impact the finalisation of the extension of Development Contribution Plan (DCP) No.3 over the West Piara Urban Precinct under TPS No.4 Amendment No.115. Amendment No.115 has recently been approved by the Minister subject to minor modifications, and the City is undertaking these modifications. The WAPC has advised that, consistent with the principles of orderly and proper planning, Amendment No.115 is to be finalised in conjunction with Amendment No.118 and Amendment No.119 so that the gazetted DCP extension applies to land in the TPS No.4 Urban Development zone. Amendment No.118 has also recently been approved by the Minister subject to minor modifications, and the City is undertaking these modifications.

While the Minister's modifications relating to Lot 9007 are substantial in nature, City Officers do not consider that the impact to one development site warrants the significant delays to other active developers that could be created by the City's additional advocacy on this matter. City Officers do not recommend further advocacy in this regard, particularly given that the Lot 9007 landowner can implement the Park Home Park development approval issued by the JDAP.

The landowner and the City may need to consider alternative options at some point in the future to address the unintended consequences and procedural inefficiencies of the Minister's decision, including the need for further development applications for minor amendments to the previous JDAP approval due to non-conforming use rights.

It is considered that the Minister's required modifications to other aspects of Amendment No.119 are not substantial in nature and are of no concern as they do not materially affect the intent of Amendment No.119.

OPTIONS

1. Council may acknowledge and endorse the modifications requested by the Minister and authorise the Mayor and CEO to execute the modified amendment documentation prior to returning the documentation for final approval and gazettal without making any further submissions to the Minister.

2. Council may lodge a submission seeking the Minister's reconsideration and explaining why Council is aggrieved by the changes required by the Minister and await the Minister's response prior to implementing modifications to Amendment No.119 and authorising the Mayor and CEO to execute the modified amendment documentation.

CONCLUSION

Most of the modifications required by the Minister are considered minor in nature and are deemed not to affect the intention of the Amendment nor the subsequent Structure Plan and Subdivision Application stages. The substantive change to the proposed zoning (including deletion of the Additional Use provisions) for Lot 9007 Southampton Drive leads to unintended consequences and additional 'red tape'. On balance, however, pursuing this matter further will create significant delays for other developers that are not impacted by proposed planning framework for Lot 9007 and delay the finalisation of Amendment No.115 for the extension of DCP No.3.

In accordance with Option 1 above, it is recommended that Council resolve to endorse the modifications requested by the Minister, authorise the Mayor and CEO to execute the modified Amendment documentation and return the documentation for final approval and gazettal, without making any further submissions to the Minister.

RECOMMEND

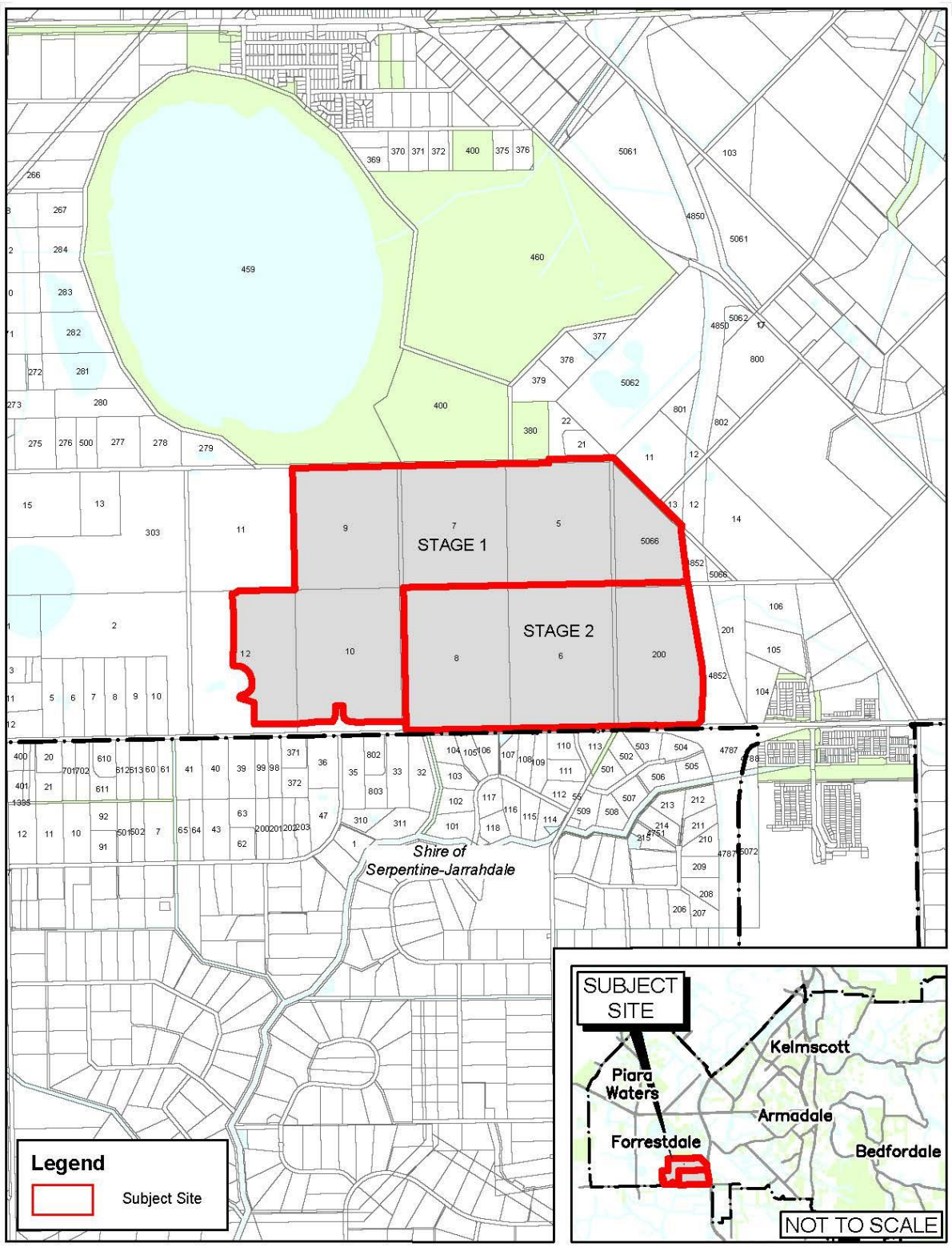
That Council:

1. **Notes the Minister for Transport, Planning and Ports' direction pursuant to Section 87(2) of the *Planning and Development Act 2005* as advised in the WAPC's letter dated 18 July 2022 to require the implementation of modifications to Amendment No.119 prior to the Amendment receiving final approval; and**

2. **Authorises the Mayor and the Chief Executive Officer to execute the modified scheme amendment documentation prior to the documentation being returned to the Western Australian Planning Commission.**

ATTACHMENTS

1. Council Resolution D45/11/21 - Amendment No.119 - Rezoning of West Piara Urban Precinct North
2. TPS No.4 Amendment No.119 - Adopted Zoning Plan
3. Minister's Amendment No.119 - Modifications
4. Minister's Amendment No.119 - Modified Zoning Plan



LOCATION PLAN
TPS Amendment 116

300 0 300 600m

SCALE 1 : 30000

CITY OF Armadale

DATE 31 August 2022 - REVISION 2202
p:\autocad\agenda_drawings\2022\9.september\amendment_116_mk\dwg\amendment_116.dwg

3.2 - FINAL ADOPTION - AMENDMENT NO.116 - TOWN PLANNING SCHEME NO.4 SOUTH FORRESTDALE INDUSTRIAL AREA STAGE 2

WARD	:	LAKE
FILE No.	:	- M/404/22
DATE	:	15 Sept 2022
REF	:	MK
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	CLE Planning
LANDOWNER	:	Various
SUBJECT LAND	:	Lots 10 & 12 (863) Rowley Rd, Lots 5 (596), 7 & 9 Oxley Rd & Lot 5066 Kargotich Rd Forrestdale
ZONING		
MRS /	:	Industrial
TPS No.4	:	Rural Living

In Brief:

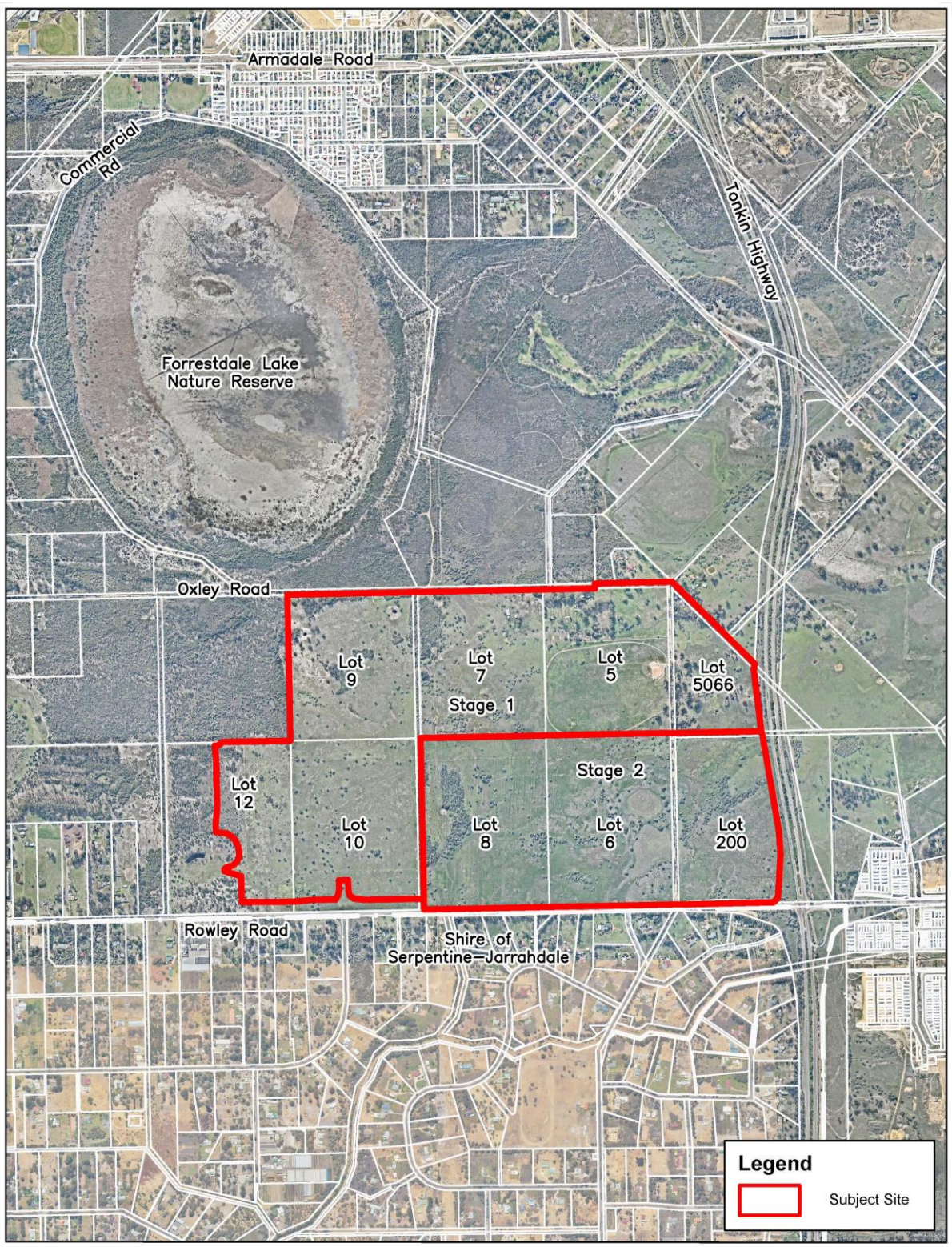
- At its 28 September 2021 meeting, Council initiated an amendment to rezone the land forming Stage 2 of the South Forrestdale Industrial Area from the Rural Living zone to the Industrial Development zone.
- The amendment was advertised for public comment for 42 days and attracted nine (9) submissions.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- Recommend that Council adopt the amendment without modification and request that the Hon Minister for Planning & Infrastructure grant final approval to the amendment.

Tabled Items
Nil.

Decision Type

☒ **Legislative**	The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
☐ **Executive**	The decision relates to the direction setting and oversight role of Council.
☐ **Quasi-judicial**	The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil.



AERIAL PLAN
TPS Amendment 116

250 0 250 500m

SCALE 1 : 25000

CITY OF Armadale

DATE 31 August 2022 - REVISION 2202
p:\autocad\agenda_drawings\2022\9.september\amendment_116_mk\dwg\amendment_116.dwg

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.

Strategic Implications

Strategic Community Plan 2020-2030

Outcome 2.5: Quality development that enhances the amenity and liveability of the City.

2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.

2.5.2 Seek the retention of trees in new subdivisions and developments.

Outcome 3.1: Increased economic growth, job creation and retention, as well as educational opportunities.

3.1.1 Facilitate vibrant and prosperous activity centres throughout the City.

Outcome 3.3: Responsive and flexible support of business.

3.3.1 Ensure the City has contemporary strategies and dynamic planning frameworks to be responsive to economic development opportunities and trends.

Corporate Business Plan 2022/23 - 2025/26

3.1 Increased economic growth, job creation and retention, as well as educational opportunities.

3.1.8 Advocate for Federal and State government commitment and investment in the City's industrial precincts and cultivate the strategic partnerships necessary for their successful development.

3.1.8.1 Prepare a submission to Infrastructure WA and Infrastructure Australia to facilitate the growth of the Rowley Road Precinct as a Strategic Logistics Centre.

3.1.8.3 Advocate for the delivery of the necessary utilities infrastructure to catalyse the development of the Rowley Road Precinct and engage with key stakeholders such as the Industrial Lands Authority.

Legal Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme No.4
Metropolitan Region Scheme

State Policies and Strategies

Economic and Employment Lands (non-heavy industry) Strategy 2012
Directions 2031 Strategy (2010)
Perth and Peel @ 3.5 Million - South Metropolitan Peel Sub-regional Framework
SPP 2.8 Bushland Policy for the Perth Metropolitan Region

Council Policy/Local Law Implications

Local Planning Strategy 2016
Urban Forest Strategy
PLN 2.4 Landscape feature and tree preservation
PLN 2.6 Water sensitive design

Budget/Financial Implications

Nil.

Consultation

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, for a 'Standard' Amendment, the Amendment was referred to the Environmental Protection Authority (EPA) for assessment prior to advertising of the amendment commencing.

Following the receipt of final advice from the EPA on 20 April 2022, the Amendment was advertised for public comment for a period of 42 days with letters sent to all landowners affected by the Amendment including land owners within the City of Armadale and a number of landowners within the Shire of Serpentine-Jarrahdale (as a result of the subject land being directly adjacent to the boundary between the two Local Government Authorities). In addition, information concerning the amendment including FAQ's, Maps and the Amendment Report was placed on the City's website. An advertisement was also placed in the Western Australian Newspaper and signs advertising the proposal were placed at two (2) locations abutting the subject land.

BACKGROUND

The City has received a request to initiate an amendment to rezone the area which will comprise Stage 2 of the South Forrestdale Industrial Area (SFIA) from Rural Living 20 zone to Industrial Development zone. The Industrial Development zone requires Structure Planning to occur.

In 2009, the Government released an Industrial Lands Strategy for public comment to provide the essential strategic planning framework for industrial land use planning and development in the Perth and Peel regions over the next 20 years. In that initial 2009 Strategy, the South Forrestdale area was identified as one of six 'Priority industrial sites'. A submission on the Strategy's proposal for South Forrestdale was lodged by the City with the WAPC advocating for the prioritisation of this industrial area on the basis that providing land suitable for substantial business operations is an important element to create local economic development for the City and increase employment self-sufficiency (Refer Council Minutes 25 January 2010 D6/1/10).

In the Perth and Peel regions, 43% of the labour force employment is in industrial businesses and the identification of potential industrial business sites assists in planning provision of employment opportunities to support the City's growing residential population and existing population in addition to the City's focus on Activity Centres and other employment areas.

The final report of the Strategy, produced by the WAPC, was retitled as the Economic and Employment Lands Strategy (EELS) and included the South Forrestdale site as a Priority site. In July 2015, Council considered a report on the WAPC's Perth and Peel @3.5million, which amongst other proposals, supported the designation of the South Forrestdale Precinct as an "Industrial Expansion Area", given it is consistent with the City's Local Planning Strategy, previous Council decisions and development of sites for employment and commerce are high priorities to balance the anticipated residential growth with the availability of jobs and employment. Subsequently, the WAPC's Perth and Peel @3.5 million South Metropolitan Peel – Sub-regional Planning Framework released in March 2018 included the South Forrestdale site as an "Industrial Expansion Area".

Stage 1 of the South Forrestdale Industrial Area (SFIA)
Stage 1 of the Business Park (comprised of Lots 6, 8 and 200 Rowley Road) was rezoned "Industrial" under the MRS and "Industrial Development" under the City's Town Planning Scheme No.4 in 2016. As was the case with the MRS Amendment for Stage 1 of this industrial area, the City supported the proposal for the above land to be included in the future industrial area. The development of additional potential employment centres within the City is a key objective of the City's Strategic Plan, Local Planning Strategy and Economic Development Strategy.

All of the strategic planning processes (MRS and TPS amendments, Structure Plan) for Stage 1 of the SFIA have already been completed and a subdivision application for Stage 1 has been approved by the Western Australian Planning Commission. Concurrently, the City issued Development Approval for bulk earthworks to commence within Stage 1.

Stage 2 of the South Forrestdale Industrial Area (SFIA)
An Amendment to the Metropolitan Region Scheme (MRS) rezoning the land within Stage 2 of the SFIA from "Rural" zone to "Industrial" zone was approved in October 2019. On 28 September 2021 Council resolved to initiate Amendment 116 to bring TPS No.4 into consistency with the MRS zoning that now applies to the site (refer to Council resolution D32/9/21).

The amendment area for Stage 2 of the SFIA is approximately 170 hectares and comprises Lots 5 (596), 7 & 9 Oxley Road, Lot 5066 Kargotich Road and portions of Lot 10 and Lot 2 Rowley Road, Forrestdale.

DETAILS OF PROPOSAL

This report proposes the final adoption of Amendment 116 to:

a. Rezone Lots 10 & 12 (863) Rowley Rd, Lots 5 (596), 7 & 9 Oxley Rd & Lot 5066 Kargotich Rd Forrestdale from Rural Living 20 zone to Industrial Development zone as shown on the Scheme Amendment map. Note: some portions of these lots that are affected by wetlands and buffers to wetlands and/or Bush Forever or other conservation areas are proposed to be retained in the Rural Living 20 zone.
b. Amend Special Control Area Map 3 to extend the boundaries of Development Area 46 to include Lots 10 & 12 (863) Rowley Rd, Lots 5 (596), 7 & 9 Oxley Rd & Lot 5066 Kargotich Rd Forrestdale; and
c. Amend Schedule 8 Development (Structure Plan) Areas in the Scheme Text by:
    i Amending the "Description of Land" for Development Area 46 to include the lots detailed above.
    ii Insert a new provision to address particular issues relating to the need for buffers between the industrial development and various environmental areas including Bush Forever Area 345 and the wetland within Stage 2.
    iii Renumbering existing provisions to take into account the new provisions added.

Public Advertising of the Amendment
The proposed amendment was advertised for 42 days, closing on 13 July 2022. 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.

Total No. of submissions received	:	9
No. of submissions of conditional support/no objection	:	5
No. of submissions of objection	:	4

Refer to the Confidential Attachments for location plan of submitters.

The issues raised by the submissions have been summarised in the Attachments and responded to as described under below.

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

Key Issues
Issue 1 – The development will impact current rural lifestyle and everyday life by virtue of changing the outlook from rural to industrial and adversely impact the ambience of the area through increase in traffic, noise, pollution and safety concerns.

Comment
The subject land has already been zoned to Industrial under the Metropolitan Region Scheme and has been identified for future industrial development in strategic State Government planning documents (such as the Employment and Economic Lands Study and the Perth and Peel @3.5 million South Framework) since as far back as 2009.

Main Roads WA advise that Rowley Road is expected to be reclassified as an Other Regional Road in the future and upgraded to a four (4) lane road as the road will provide access for heavy vehicles to the Westport development and because traffic volumes on the road are expected to increase due to other factors such as Development WA's Wungong Masterplan for the suburbs of Hilbert and Haynes, which will ultimately have a residential population of approximately 45,000 people.

Recommendation
That the issue is not supported.

Issue 2 – No rural buffer has been provided to protect the rural properties on the north side of Oxley Road and the unnamed road reserve on the north-east corner of the proposed development from impacts from the industrial area including noise, visual amenity, light spill and noise pollution.

Comment
When Development Applications are lodged for the specific industrial land uses that will occur the City will assess the potential impact on adjacent sensitive land uses in accordance with the EPA's *Guidelines for Separation Distances between Industrial and Sensitive Land Uses*. Development Applications may require the submission of acoustic, traffic, environmental and other studies addressing the specific land use/development proposed that clearly demonstrate the potential impact on adjacent sensitive land uses and any mitigation measures required.

Recommendation
That the issue is supported.

Issue 3 – Traffic generated by the proposed industrial area may use Blair Road and other local rural roads south of Rowley Rd as a shortcut between Rowley Rd and Nicholson Road. Modifications should be made to the intersections of local roads with Rowley Road to prevent this from occurring.

Comment
The subject land is already zoned Industrial under the MRS and the amendment will make the local scheme zoning consistent with the MRS.

It is not expected that traffic from the industrial area will use local roads such as Blair Road. In general most traffic generated by the industrial area will use Rowley Road, Tonkin Highway and the Freeway, especially as there are restrictions on vehicles over a certain size using local roads.

Recommendation
That the issue is not supported.

Issue 4 – There is concern from landowners within Stage 2 that earthworks for Stage 1 (not part of this amendment) will impact drainage flows and future fill level requirements for Stage 2 land owners.

Comment
This issue is not relevant to consideration of the final adoption of Amendment 116. However, it should be noted that the Subdivision Approval for Stage 1 (issued by the Western Australian Planning Commission) contains conditions relating to drainage requirements and fill levels, including the need to ensure the alignment of pre and post development storm water flow onto adjoining land outside Stage 1. The Development Application for the Bulk Earthworks for Stage 1 was advertised for public comment before being determined. The submitter did not lodge a submission with regard to this Development Application.

Recommendation
That the issue is not supported.

Issue 5 – A 45m strip of land for future road widening was left in the Rural zone when Stage 2 of the industrial Area was rezoned to Industrial under the Metropolitan Region Scheme. Only 30m of land for future road widening was left in the Rural zone on the Stage 1 lots and detailed design has identified that this is all that is required for road widening in Stage 1. The extent of land left in the Rural Living zone under TPS 4 for Stage 2 should be modified accordingly.

Comment
It is recommended that the proposed zoning plan be modified to show a reduced 30m wide strip of land left in the Rural Living zone at the frontage of Lots 10 and 12 Rowley Road.

Recommendation
That the issue is supported.

Issue 6 – The land required for the widening of Rowley Road will be the subject of compensation or other mechanism that provides for its equitable funding. This is expected to be addressed at the Local Structure Plan stage.

Comment
This is not part of the TPS rezoning process and the WAPC has decided not to reserve the widening of Rowley Road in the MRS. No other mechanism is in place.

Recommendation
That the issue is not supported.

Issue 7 – The agreed Rowley Road access scenario for Stage 2 has been confirmed by Main Roads WA, who provided written endorsement for two intersections on Rowley Road - one being a full-movement intersection at Rowley Road/ Blair Road and the second being a left in-left out intersection west of Blair Road. We note the second, left in-left out intersection was not confirmed in the access discussion of the initiation report and as such are seeking to confirm this agreed access strategy to align with future planning for the amendment area.

Comment
This matter will be confirmed at the Structure Planning stage of the process subject to Main Roads WA agreement and no changes to the Scheme Amendment are required as a result.

Recommendation
That the issue is noted.

COMMENT

In support of the proposed Scheme Amendment, the applicant lodged the following Technical Reports with the Scheme Amendment:

- Engineering Servicing Report;
- Bushfire Hazard Level Assessment;
- Traffic Impact Assessment;
- District Water Management Strategy; and
- Environmental Impact Assessment.

These Technical Reports were assessed by the City's Technical Officers prior to Council initiating the Scheme Amendment in September 2021 and subsequently were assessed by the relevant Government Agencies during the consultation period prior to the matter being brought back to Council for final adoption. Officers identified that the Servicing Report, which had been prepared in 2015 was required to be reviewed and updated. As a result, Council's resolution of 28 September 2021 included the following requirement:

6. *Advise the applicant of the above decision and that an updated Engineering Service Report should be prepared and submitted to the City for its consideration, prior to a report being considered by Council on the Amendment No.116 for consideration for final adoption and recommendation to the Hon Minister for Planning.*

The applicant lodged the updated Servicing Report with the City on 26 April 2022. This updated document was reviewed by City Officers and assessed as being suitable for the TPS Amendment, with servicing being considered by the relevant State Government agencies at the Structure Planning and subdivision stages..

Part 7 of Council's resolution of 28 September 2021 was as follows:

7. Write to the WAPC requesting that the portion of Lot 12 Rowley Road containing a portion of Bush Forever Area 345 and Conservation Category Wetland be included in a future omnibus amendment to the MRS to include this land within the Parks and Recreation reservation to enable the subsequent acquisition of the land by the WAPC in the future and the protection of its environmental assets and values.

The WAPC provided the following response to this request on 26 November 2021:

WAPC properties is not prepared to consider the purchase of the property, rather any acquisition or transfer of the Bush Forever site is recommended to be coordinated through the structure plan and subdivision process.

It is recommended that this matter be followed up with the WAPC again and accordingly this part of the previous Council resolution is included in the Recommendation for final adoption of Amendment 116.

Referral to the Environmental Protection Authority (EPA)
On 22 October 2021, following initiation of the Scheme Amendment by Council, the proposed Scheme Amendment was referred to the EPA for assessment. On 8 December 2021, the EPA wrote to the City requesting that the applicant provide an updated Flora and Fauna Survey before providing their determination as they considered that the version lodged with the Scheme Amendment request was prepared several years earlier as part of the MRS Amendment process and significant on site changes may have occurred since that time. This updated technical report was provided by the applicant to the EPA on 14 February 2022. The EPA subsequently issued their Notice of Assessment on 20 April 2022. The EPA's conclusion with regard to the proposed Scheme Amendment was that the implementation of the amendment can be managed to meet the EPA's environmental objectives for the above factors through existing planning scheme controls and the proposed amendment text.

Development Control Unit (DCU)
DCU considered the proposal and no objections to the proposal were raised.

Government Agencies Comments
Amendment 116 was referred to relevant State Government agencies for comment and the Shire of Serpentine-Jarrahdale (as the subject land abuts the boundary between to the City of Armadale and the Shire).

The comments received from the various referral agencies are detailed below along with the City's response to any issues raised.

Department of Biodiversity Conservation and Attractions

DBCA notes that the approved Metropolitan Region Scheme amendment boundaries differ slightly from the referred MRS boundary and the current proposed Town Planning Scheme No.4 (TPS) amendment. DBCA considers the TPS amendment boundaries, which extend the industrial zoning to the boundary of the adjacent Bush Forever Site 345, will facilitate appropriate consideration of buffer and interface treatments to Forrestdale Lake and Bush Forever Site 345 through the planning process.

It is noted that the current proposed TPS Amendment 116 requires the future structure plans to make adequate provision for the protection of adjoining Conservation Category Wetlands, Bush Forever land and Regional Parks and the Resource Enhancement Wetland on Lot 8 Rowley Road. This will be achieved through the provision of appropriate buffer areas which are to be detailed on the Structure Plan. The extent/width of the buffers is to be to the satisfaction of the Environmental Protection Authority and the DBCA (TPS 4 Schedule 8 clause 46.3 i).

In addition, a Buffer Management Plan is to be prepared in consultation with DBCA to the satisfaction of the local authority (TPS 4 Schedule 8 clause 46.3 i).

Conservation Values

Lot 11 to the west of Lot 9 is WAPC-owned and likely to be managed by DBCA in the future, and Crown Reserve 27165 to the north of Lots 7 and 5 is managed jointly under an informal arrangement between DBCA and the City of Armadale, however, officially the Management Order for the reserve remains in favour of the City. Both Lot 11 and R27165 are shown as proposed Nature Reserve in the *Forrestdale Lake Nature Reserve Management Plan* (Department of Conservation and Land Management 2005).

Wetland Mapping

In anticipation of future structure planning and wetland buffer areas being determined for the site, wetland ecologists from DBCA's Species and Communities Branch have undertaken a preliminary review of the wetlands located within the area covered by Amendment 116.

The review has identified that some wetland areas, within and adjacent to the amendment area, may not reflect the assigned management categories and boundaries currently shown in the *Geormorphic Wetland Swan Coastal Plain* (GWSCP) dataset. Where the mapping of a wetland in the current dataset is not considered to reflect the actual values of the wetland, an evaluation can be undertaken in accordance with *'A methodology for the evaluation of wetlands on the Swan Coastal Plain, Western Australia*' (DEC 2017). Outcomes of the wetland review may result in changes to the wetland mapping shown in the GWSCP dataset, which should be utilised to inform future planning. DBCA can provide further information, when available, regarding any relevant amendments to the GWSCP dataset.

Response:

DBCA comments identify that the matters related to the wetlands and associated buffers will be able to be addressed at the Structure Planning stage when more detailed planning of Stage 2 occurs including the future layout of the industrial area including roads, lots and buffers.

It would be appropriate for the Western Australian Planning Commission to acquire the wetland and associated buffers on Lot 12 (863) Rowley Road and include this land within the Conservation Reserve on Lot 11 Oxley Road (Bush Forever Site 345 and Parks and Recreation Reserve under the MRS).

Main Roads Western Australia (MRWA)

The provided Transport Impact Assessment (TIA) was prepared in 2015; an updated TIA is required to assess the impacts of the proposed rezoning on the performance and safety of the surrounding transport network. The updated Transport Impact Assessment shall be prepared in accordance with the WAPC Transport Impact Assessment Guidelines (August 2016) and is to be prepared and based upon trip generation rates agreed to by Main Roads.

Response:

Schedule 8 Development (Structure Plan) Areas includes a provision requiring a Transport Assessment to be carried out as part of the preparation of the Structure Plan for Development Area 46 as follows:

46.2. A transport assessment shall be prepared in accordance with applicable Western Australian Planning Commission Guidelines.

It is not considered that any modifications are required to proposed Provision 46.2 with regard to the specific wording contained in MRWA's submission.

Water Corporation

The Water Corporation provided advice with regards to the headworks for the reticulated water and sewer infrastructure for the development including identifying the following:

- The future development will require headworks size water mains to be constructed. The headworks mains may be required to be constructed as part of the subdivision process of this or other proposed developments in the surrounding area. A route for the headworks mains will also be required, up to 20 metres wide. The route should be in the form of a road reserve.
- The proposed water reticulation strategy outlined in the servicing report will need to be further refined by the developer's consultant engineers at the subdivision stage in consultation with our Land Servicing Section.
- There is no permanent Wastewater Pump Station (WWPS) for the catchment the subject area falls within. Headworks infrastructure will need to be constructed to service the whole catchment. The headworks infrastructure may be required to be constructed as part of the subdivision process of this or other proposed developments in the surrounding area.
- Consideration must be made to the location of a proposed WWPS. A WWPS will require appropriate land to be provided for the works and the odour buffer that will surround the works. The proposed WWPS is planned to be a Type 90. Therefore the buffer surrounding the WWPS should be 20 metres in radius. A route 20 metres wide for the headworks mains will also be required. The route should be in the form of a road reserve.

The Water Corporation confirmed that the Bioscience District Water Management Strategy 2017 (DWMS) attached to this proposal is acceptable but, a LWMS will need to be provided before a Structure Plan is undertaken.

Response:

The Water Corporation requested that their submission be provided to the developer and this has occurred. No modifications are required to the amendment text or mapping.

Department of Health (DOH)

The Department of Health provided the following advice:

- There are references to the use of greywater in the documentation and the DOH expressed concerns about onsite wastewater management. If greywater or other onsite wastewater treatment systems are proposed, the DOH will need to be informed prior to the development stage as the proposed land is located within two existing flood plains. Under the Government Sewerage Policy (2019) this area is classified as estuary catchments on the Swan Coastal Plain and within 1km of significant wetlands. Due to this there are specific criteria that are required to be met for the management of onsite wastewater systems.
- There is no evidence of previous potentially contaminative land uses and the site has not been classified as recorded on the Department of Water and Environmental Regulation's (DWER) Contaminated Sites Database.
- The nearest sensitive developments are numerous low density (rural) residential blocks located immediately to the south of Rowley Road, although most dwellings are set back in excess of 50m from the road, on large rural blocks. Any industrial development should be in accordance with the *Environmental Protection Act 1986* Guideline (2005) 'Separation Distances between Industrial and Sensitive Land Uses'.
- The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitoes. Prior to development, the DOH recommends a Mosquito Management Plan (MMP) be developed and approved by both the DOH and the City of Armadale to ensure the risk to the community of exposure to nuisance and/or disease carrying mosquitoes is considered. This MMP is to be approved by the City of Armadale and DOH prior to any subdivision.

Response:

The submission from DOH has been provided to the applicant. Some of the matters will be addressed at the structure planning stage, including the inclusion of provisions within the structure plan that address the requirements for greywater and other onsite wastewater treatment and the requirement for a Mosquito Management Plan. At subdivision stage specific conditions will address these matters. The matter regarding separation distances between sensitive land uses (eg adjacent residences) and particular land uses will be addressed at the Development Application stage as specific land uses proposed on future lots will not be identified until that stage. No modifications are required to the provisions for Development Area 46 with regard to the above matters.

Shire of Serpentine-Jarrahdale

The boundary between the Shire of Serpentine-Jarrahdale (The Shire) and the City is Rowley Road. Accordingly, the Amendment was referred to the Shire for comment. The Shire raised the following matters with regard to the proposed Amendment:

Rowley Road

- The proposed 'Industrial Development' zone will generate significant traffic impacts and increased traffic volumes on Rowley Road, which cannot be accommodated under the current infrastructure extent.
- The full upgrade of Rowley Road should be required as part of the proposed Scheme Amendment, including its intersection with Nicholson Rd. This should include (as part of the Scheme amendment) design plans to depict how upgrades will occur, including any associated land impacts, so that the development contribution plan can be determined now, rather than deferred to a later stage. Land acquisition should be

considered on the northern side of Rowley Rd, so as to enable the southern side to be protected for its longer term intended function for rural living and equine purposes.

- The City of Armadale should ensure that a secure development contribution arrangement for the upgrade of Rowley Road is in place prior to development, including upgrades to the Nicholson Rd intersection and current intersections of Blair Rd and Kargotich Rd. The Shire seeks confirmation of this, noting it may be more consistent with orderly and proper planning to prioritise developer contribution arrangements first.

Response:
Traffic from the South Forrestdale Industrial area will only comprise a part of the future increase in traffic volume that will occur on Rowley Road. The projected increase in traffic volumes on Rowley Road will result from the Wungong Master Plan development in Hilbert and Haynes (ultimate population of approximately 40000-50000 people), changing traffic patterns as a result of the extension of the Tonkin Highway to Mundijong Road and through to South Western Highway and the Westport development in Kwinana.

The required road widening for the upgrade of Rowley Road to accommodate the increase in traffic from the South Forrestdale Industrial Area has already been identified at the Metropolitan Region Scheme Amendment stage and as such the land required for road widening was not rezoned to Industrial at that time. The decision regarding acquisition of road widening has been made by the WAPC. The extent of the upgrades required to be done to Rowley Road by the developers of both stages of the Industrial Area will ultimately be determined at subdivision stage, including intersection treatments. A Developer Contribution Plan is not required as a result.

Interface Management

- The proposed 'Industrial Development' zone is located adjacent to the Shire of Serpentine Jarrahdale boundary to the south, adjoining an established rural living area within the Shire. The interface between the proposed 'Industrial Development' zone and the rural living area within the Shire must be sensitively managed to ensure sufficient separation and to minimise adverse impacts on the sensitive residential land uses.
- The Shire is concerned that general industrial land uses at this interface will generate offsite impacts that could adversely affect the amenity of the adjacent rural living properties. The Shire recommends that service and light industrial land uses be located at the southern interface of the proposed 'Industrial Development' zone, with a ribbon of such land being 300m deep. There should also be designated preferred and non-preferred land uses, based on the principle of separating incompatible development forms from one another.
- The Shire recommends that the visual amenity impacts to the rural living properties within the Shire be addressed with measures such as landscaped planted buffers and vegetation screening. A deep vegetation screen of 50m, stretching the full width of the interface (and taking account of Rowley Rd widening), would be effective in this respect.

Response:
The matters outlined by the Shire with regard to the interface between the Industrial Area and Rural uses to the south will be addressed in detail in both the Structure Plan for Stage 2 (preferred zones and land uses adjacent to Rowley Road) and at the |Development Application stage for each future lot (assessment of impact of specific proposed uses and mitigation requirements). However, it should be noted that some of the expectations of the Shire are not reasonable, such as the request for a 50m wide vegetation screen between industrial land uses and the Rowley Road frontage of the future lots. These matters do not need to and, for the most part, cannot be addressed in detail at the Scheme Amendment stage.

Water and Wetland Management

- A Local Water Management Strategy is required to manage the impact of the proposed 'Industrial Development' area on the drainage at the site and the surrounding areas and infrastructure.
- A portion of a Water Corporation main drain is contained within Lot 150 Peters Way, Oakford, which is located within the Shire, south of Rowley Road. This drain extends to a Conservation Category Wetland (ufi 15392), which is located approximately 110m south from the Rowley Road reserve. The proposed Scheme Amendment includes provisions for the protection of Conservation Category Wetlands located within the City of Armadale under provision 46.3, however no such provision is included for this Conservation Category Wetland located within the Shire, which is likely to receive outflows from the proposed 'Industrial Development' area.
- The proposed provision should consider the protection of the Conservation Category Wetland (ufi 15392) within the Shire by requiring rehabilitation/revegetation measures in the portion of Lot 150 Peters Way, Oakford leading to the Conservation Category Wetland.

Response:
A District Water Management Strategy (DWMS) has been prepared for Stage 2 and the Water Corporation confirmed that the Bioscience District Water Management Strategy 2017 (DWMS) attached to this proposal is acceptable but a Local Water Management Strategy (LWMS) will need to be provided before a Structure Plan is undertaken.

The DWMS and the subsequent LWMS will address the need to maintain pre and post development drainage flows and measures required to ensure drainage outflows are treated before entering groundwater and adjacent wetlands.

It is not appropriate to impose requirements for vegetation rehabilitation measures on the wetland in Peters Way which is outside the boundary of this Scheme Amendment and there is no need and nexus for the request.

Department of Planning Lands and Heritage - Bush Forever Office
The Bush Forever Office advised that they will consider the proposed amendment and the implications of SPP 2.8 Bushland Policy for the Perth Metropolitan Region when the WAPC receives the amendment for endorsement.

Response:
Comment Noted.

ANALYSIS

Town Planning Scheme No.4

The following provision of TPS No.4 requires a Structure Plan to be prepared before any development occurs in the Industrial Development zone:

4E.1 Subdivision and Development
4E.1.1 Subdivision and Development within the Urban Development Zone and the Industrial Development Zone shall be in accordance with an approved Structure Plan prepared in accordance with Part 4 of the Deemed Provisions.

Accordingly, it will be necessary to add the lots within Stage 2 to Schedule 8 of TPS No.4 under Development Area 46 so that the requirement for development to be consistent with an approved structure plan and other requirements that will need to be met by the developers can be enforced. Currently, the listing for Development Area 46 only includes those lots that comprise Stage 1. It will also be necessary to amend Special Control Area Map 3 to extend the boundaries of Development Area 46 to include the lots comprising Stage 2. These matters were addressed when the amendment was initiated by Council in September 2021.

As was detailed in the report to Council when the amendment was initiated in September 2021, all of the existing provisions for Development Area 46 in Schedule 8 will apply to Stage 2 if they are not modified via Amendment 116. When the amendment was initiated modifications were identified as being required to provisions 46.3 and 46.4 in Schedule 8.

With regard to provision 46.4 modifications were required to address the requirement for a Local Water Management Strategy to be prepared and to address any drainage within the buffer area raised by the EPA at the Metropolitan Region Scheme Amendment stage. Accordingly, it is proposed to add a new part c. to provision 46.4 in Schedule 8 as follows:

c. A Local Water Management Strategy which, in addition to standard matters, addresses the location and design of any stormwater drainage features within the buffer. The Local Water Management Strategy is to be prepared in consultation with the Department of Water and Environmental Regulation to the satisfaction of the local authority.

With regard to provision 46.3, modifications were proposed as the provision was not consistent with the outcome of the MRS amendment and does not deal with the need for buffers between the industrial development and adjoining environmental elements, rehabilitation and management of the buffers and protection of the buffers through reserving them for public open space. Currently provision 46.3 states as follows:

46.3 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 local government.

The provision was determined by City Officers to be too broadly worded such that it would require developers of the industrial area to carry out rehabilitation of lands that are not within their control such as the Forrestdale Nature Reserve, the whole of Bush Forever site 345 and other MRS Regional Reserve to the north and west of the industrial area. Accordingly, the provision was modified to read as follows:

46.3 The Structure Plan shall make adequate provision for the 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 local government through:

i The provision of appropriate buffers between future industrial development and the Bush Forever site and Conservation Category Wetland on Lot 12 and environmentally sensitive areas abutting the northern boundaries of Lots 5, 7 and 9 Oxley Road. The buffer areas are to be detailed on the Structure Plan. The extent/width of the buffers is to be to the satisfaction of the EPA and the DBCA.

ii A Buffer Management Plan for the buffer areas determined by the EPA and DBCA. The Buffer Management Plan is to address the retention of any native vegetation within the buffer, revegetation of cleared areas, bushfire management, access and drainage. The Buffer Management Plan is to be prepared in consultation with the Department of Biodiversity, Conservation and Attractions to the satisfaction of the local authority.

iii At the Subdivision stage, the land identified for buffer areas is to be ceded free of cost as reserves for Public Open Space and Drainage.

City of Armadale Local Planning Strategy 2016

The City's current Local Planning Strategy (LPS) accommodates the land use intentions identified in the Directions 2031 Strategy and the Economic and Employment Lands Strategy.

Accordingly, the proposed South Forrestdale Industrial Area is included in the LPS strategy map as an Employment Area and this supports the rezoning of Stage 2 of the industrial area to the Industrial Development zone. Specifically the LPS Activity and Retail (Commercial) Centres Strategy Actions 1 and 8 apply to this Amendment and subsequent Structure Planning process as follows:

1. Prepare and maintain controls over a hierarchy of activity centres and indicative floorspace quantity to ensure the centres hierarchy is maintained, while also allowing a degree of flexibility responsive to changes in community and market preferences for commercial activities and centres.

8. Allocate enough land for the long term floorspace potential of planned mixed use centres and ensure that developers comply.

The following Bushfire Protection Strategy actions contained in the LPS are relevant to this amendment and subsequent planning proposals:

1. Establish the goal of protection of life and property from bushfire attack as the highest priority in the planning of new land developments in areas with an elevated bushfire risk.

2. At rezoning stages designate areas determined by bushfire hazard analysis as sites of elevated bushfire risk into the TPS No.4 Special Control Area of "Prime Bushfire Hazard Protection Area" to ensure the appropriate Australian Construction Standard is applied to habitable buildings commensurate to the level of bushfire attack.

3. Ensure that bushfire risks and impacts in new areas of closer subdivision and development are reduced and minimised by implementing a Bushfire hazard analysis and preparation of Bushfire Management Plans in risk areas from the earliest stages in planning assessment processes at the rezoning, structure plan, subdivision and development stages.

With regard to Action 2 above, it should be noted that the Department of Fire and Emergency Services mapping of Bushfire Prone Land achieves this requirement and now supersedes this Action in the 2016 LPS. As a result it is not necessary for the City to include Bushfire Prone Land on the Special Control Area maps that are part of TPS No.4.

The following Biodiversity Strategy Actions contained in the LPS are applicable to this proposed Scheme Amendment:

2. *Balance objectives for protection and management of areas of significant local natural bushland and other natural areas with social and economic development objectives in the City's land use and development decisions.*
3. *Have regard to the management and protection of biodiversity in recommendations and decisions for land use and development, particularly in rezoning, structure plans and subdivisions.*

These Actions are addressed partly by the existing and proposed provisions in Schedule 8 of TPS 4 that will be applicable to the subject land such as Provision 46.3 and, will be addressed in more detail at the Structure Planning stage for Stage 2.

City of Armadale Retail (Commercial) Centres Strategy 2020
Industrial areas including the proposed South Forrestdale Industrial Area are included as Activity Centres in the City's Retail (Commercial) Centres Strategy 2020 (adopted by Council at their meeting on 14 December 2020) as they do include in some instances Shop retail, and generally in all instances Other Retail, which generally takes the form of Bulky Goods Showrooms. The Strategy identifies a floorspace for Other Retail of approximately 16000m^2 by 2041 (development commencing from approximately 2021) but does not allow for any Shop retail floorspace.

There are several proposed and existing shopping centres (Wungong Urban Area) which will adequately accommodate the Shop retail needs of the adjacent residential areas and it is important not to diminish the capacity/viability of those centres by also allowing Shop Retail in the South Forrestdale Industrial Area. The extent of Other Retail in Stage 2 of the South Forrestdale Industrial Area will be addressed at the Structure Planning stage.

Local Planning Policies
A number of Local Planning Policies (LPP's) will apply to development of this industrial area including:

PLN 2.4 Landscape feature and tree preservation
PLN 2.6 Water sensitive design
PLN 2.9 Landscaping
PLN 4.1 The design of industrial sites and estates

As per the identified parameters within the "Application of the Policy" part of each policy, these policies will predominantly be applied during the Structure Plan and Subdivision stages of the planning processes which is when detailed design of the layout of the estate is carried out.

State Planning Instruments
The following State planning instruments are relevant to the assessment of the proposal.

Metropolitan Region Scheme
The subject land is now predominantly contained within the 'Industrial' zone under the Perth Metropolitan Region Scheme (MRS). The MRS Amendment assessment process resulted in land for the future widening of Rowley Road reservation being left in the Rural zone under the MRS at the request of Main Roads WA and the Department of Planning, Lands and Heritage. This will enable the road reserve for Rowley Road to be widened to 40 metres in the future. The road widening areas retaining the Rural zone under the MRS will retain a 'Rural Living' zoning under TPS No.4 through this scheme amendment.

The applicant advised in their submission that the extent of road widening at the front of Lots 10 and 12 should be reduced to 30 metres in accordance with the outcome of detailed Structure Planning for Stage 1. Accordingly, the Proposed Zoning map for Amendment 116 has been modified accordingly.

Refer Attachment - Current MRS Zoning

Directions 2031 Strategy
The Directions 2031 Strategy identifies Priority Industrial sites to meet demand for industrial land over the coming 20 years, to provide employment land supporting economic growth and a balanced distribution of employment across the Perth and Peel regions.

The subject land is identified as a Priority Industrial site, which will substantially contribute to meeting metropolitan employment and economic growth needs, along with the needs of households. The Strategy identifies a need to provide a balanced distribution of industrial centres across Perth to reduce freight handling and improve the provision of products and services for the broader community into the future. The timely delivery of lots for general industry and industrial business development on the subject land will serve to meet the intent of the Strategy.

The Directions 2031 Strategy identified six sub-regional planning areas for distinct planning and policy development measures. The south east sub-region is estimated to experience population growth of up to 228,000 persons, being a 34 per cent increase on current population levels. The Strategy also identifies an employment self-sufficiency target of 55 per cent for the sub-region, requiring 31,000 new jobs by 2031. In order for this to be realised, concerted action will be required over the next two decades.

This amendment is therefore timely in its preparation; as it will enable subsequent detailed structure planning to take place in the near future, enabling the delivery of additional new employment land in the medium term.

Economic and Employment Lands Strategy (non - heavy Industrial) for Perth and Peel (WAPC, 2012)
The Economic and Employment Lands Strategy 2012 (EELS) identified several locations where future industrial sites may be considered, to accommodate future demand and economic growth in the south east sub-region, in response to and in order to achieve the following:

- Population growth;
- Sustained levels of economic growth and employment targets;
- Improved freight infrastructure; and
- De-constraining existing industrial land.

The subject land was included within an area identified as a medium term non-heavy industrial site (4-10 years/2016-2022) under EELS.

The EELS Strategy states the predominant type of industrial development for the South Forrestdale site will include general industrial development. However, it also states that some of the site should also be zoned 'Industrial Business' in order to enable the provision of additional employment opportunities for nearby residential areas (both existing and future). In this regard, the EELS Strategy identifies land uses such as commercial vehicle parking, storage and warehousing along with activities such as recreation-public, garden centre and showrooms. The land use mix in Stage 2 of the South Forrestdale Industrial area will be determined through the subsequent Structure Planning process following completion of Amendment 116.

Perth and Peel @ 3.5 Million – South Metropolitan and Peel Sub-regional Framework
The South Metropolitan and Peel Sub-regional Framework was published in 2018 and identifies Stage 1 of the industrial area as Industrial (as the land had already been zoned for Industrial development at both the MRS and TPS levels) and the land that will comprise Stage 2 as Industrial Expansion. At the time the MRS amendment relating to Stage 2 of South Forrestdale had not been commenced.

State Planning Policy 4.2 - Activity Centres for Perth and Peel
The State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP4.2) sets out broad planning requirements guiding the development of new and existing activity centres. With regards to land for industrial purposes, the policy aims to ensure that the key uses for industrial land are to be maintained and commensurate with industrial purposes. To this end, the future structure plan (to be adopted by the City and endorsed by the WAPC) will ensure an appropriate response meeting with the intent of this policy.

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 amendment proposes to rezone Lot 10 and portion of Lot 12 (863) Rowley Road, Lots 5 (596), 7 and 9 Oxley Road and Lot 5066 Kargotich Road Forrestdale from Rural Living 20 zone to Industrial Development zone to enable the local Structure Planning to progress.

To implement the recommendations of the EPA and DBCA Provisions 46.3 and 46.4 in Schedule 8 (Development (Structure Plan) Areas) in TPS No.4 be proposed to detail the requirements with regard to wetland and bushland protection (buffers) and stormwater management. Special Control Area Map 3 is also required to be amended to include the lots the subject of Amendment No.116 within Development Area 46.

In summary, the proposed Scheme Amendment:

- Achieves the aims and objectives of the City of Armadale Town Planning Scheme No.4 and the applicable Local and State planning frameworks.
- Will assist in achieving relevant objectives contained in the City's Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2030.
- Will implement a framework enabling more detailed consideration of impacts on environmental features and appropriate solutions during subsequent structure planning over the land.
- Will assist the City in working towards achieving new job creation within the City of Armadale.

The issues raised in the submissions were considered and an assessment was made with regard to if any modifications needed to be made to the amendment prior to final adoption by Council. The only modification identified as being required was the reduction of the width of land left within the Rural Living zone under TPS 4 for future road widening from 45 metres down to 30 metres consistent with that applied in the approved Structure Plan for Stage 1.

It is recommended that Council resolve to adopt the amendment with the one modification as detailed above in accordance with Option 1.

RECOMMEND

That Council:

1. **Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, with modification (reduction of land for future road widening at the front of Lots 10 and 12), Amendment No.116 to Town Planning Scheme No.4 as follows:**

    a. **Rezoning Lot 10 and portion of Lot 12 (863) Rowley Road, Lots 5 (596), 7 and 9 Oxley Road and Lot 5066 Kargotich Road Forrestdale from "Rural Living 20" zone to "Industrial Development" zone as shown on the Scheme Amendment map and, amend the Scheme Maps accordingly;**

    b. **Amend Special Control Area Map 3 to extend the boundaries of Development Area 46 to include Lot 10 and portion of Lot 12 (863) Rowley Road, Lots 5 (596), 7 & 9 Oxley Road & Lot 5066 Kargotich Road, Forrestdale; and**

c. Amend Schedule 8 Development (Structure Plan) Areas in the Scheme Text by:

i Amending the "Description of Land" for Development Area 46 to include the land the subject of Amendment No.116 as follows:

"*South Forrestdale Industrial Area" - Lots 6, 8 and 200 Rowley Rd, Forrestdale (Stage 1) and Lot 10 & portion of Lot 12 (863) Rowley Rd, Lots 5 (596), 7 & 9 Oxley Rd and Lot 5066 Kargotich Road, Forrestdale (Stage 2)*".

ii Amending provision 46.3 to the following:

46.3 The Structure Plan shall make adequate provision for the 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 local government through:

i The provision of appropriate buffers between future industrial development and the Bush Forever site and Conservation Category Wetland on Lot 12 and environmentally sensitive areas abutting the northern boundaries of Lots 5, 7 and 9 Oxley Road. The buffer areas are to be detailed on the Structure Plan. The extent/width of the buffers is to be to the satisfaction of the EPA and the DBCA.

ii A Buffer Management Plan for the buffer areas determined by the EPA and DBCA. The Buffer Management Plan is to address the retention of any native vegetation within the buffer, revegetation of cleared areas, bushfire management, access and drainage. The Buffer Management Plan is to be prepared in consultation with the Department of Biodiversity, Conservation and Attractions to the satisfaction of the local authority.

iii At the Subdivision stage, the land identified for buffer areas is to be ceded free of cost as reserves for Public Open Space and Drainage.

iii Adding a part c, to provision 46.4 as follows:

c. A Local Water Management Strategy which, in addition to standard matters, addresses the location and design of any proposed stormwater drainage features within the buffer. The Local Water Management Strategy is to be prepared in consultation with the Department of Water and Environmental Regulation to the satisfaction of the local authority.

2. Has determined that the Amendment is Standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

a. Amendment No.116 is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and

b. Amendment No.116 is an amendment required to the scheme so that it is consistent with a region planning scheme that applies to the scheme area.

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. Should the Hon. Minister require any minor modifications to the Scheme Amendment at the final adoption stage, then authorise the Mayor and Chief Executive Officer to sign and seal the modified amendment documents.

7. Write to the WAPC requesting that the portion of Lot 12 Rowley Road containing a portion of Bush Forever Area 345 and Conservation Category Wetland be included in a future omnibus amendment to the MRS to include this land within the Parks and Recreation reservation to enable the subsequent acquisition of the land by the WAPC in the future and the protection of its environmental assets and values.

8. Advise the submitters and the applicant of its decision.

ATTACHMENTS

1. ⇩ Schedule of Submissions - Amendment 116 - South Forrestdale Industrial Area Stage 2
2. ⇩ Environmental Features Plan - Amendment No.116 - South Forrestdale Industrial Area Stage 2
3. ⇩ Existing and Proposed Zoning Plan - TPS No.4 - Amendment No.116 - South Forrestdale Industrial Area Stage 2
4. ⇩ Existing and Proposed Zoning Plan - Special Control Area Map 3 - Amendment No.116 - South Forrestdale Industrial Area Stage 2
5. ⇩ Metropolitan Region Scheme Map - Amendment No.116 - South Forrestdale Industrial Area Stage 2
6. Confidential Submitter Plan - Amendment No.116 - South Forrestdale Industrial Area Stage 2 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relating to the personal affairs of a person/s.*
7. Confidential - Submitters Names & Addresses - Amendment 116 - South Forrestdale Industrial Area Stage 2 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relating to the personal affairs of a person/s.*

COUNCILLORS' ITEMS

Nil

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT _____

DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF ATTACHMENTS

19 SEPTEMBER 2022

ATT NO.	SUBJECT	PAGE
1.1	**AMENDED APPLICATION - RECONSIDERATION OF DA CONDITION NO.15 - LOT 256 - 180 OXLEY ROAD, FORRESTDALE**	
1.1.1	Site Plan - Lot 256 Oxley Road, Forrestdale	58
1.1.2	Plan of Pre-Development Vegetation - Lot 256 Oxley Road, Forrestdale	59
1.1.3	Current Development Approval (Showing Car Park Areas) - Lot 256 Oxley Road, Forrestdale	60
1.1.4	Aerial Imagery Plan (2022) - (Mark up Showing Car Park Areas) - Lot 256 Oxley Road, Forrestdale	61
1.1.5	Photograph 1 - Aerial View Illustrating Visual Sheilding of Car Park by Building and Vegetation - Lot 256 Oxley Road, Forrestdale	62
1.1.6	Photograph 2 - Car Park Location prior to Development - Lot 256 Oxley Road, Forrestdale	63
2.1	**DEVELOPMENT CONTRIBUTION PLAN NO.4 REPORT AND INFRASTRUCTURE COST SCHEDULE REVIEW 2022 - FINAL ADOPTION**	
2.1.1	Separate Attachment - DCP 4 Annual Report - Sept 2022	64
2.1.2	Separate Attachment - DCP 4 Annual Report - Sept 2022 - Appendices	65
2.1.3	Schedule of Submissions - DCP 4 Annual Report - Sept 2022	66
2.2	**CONFIDENTIAL REPORT - ARMADALE CITY CENTRE INVESTMENT FRAMEWORK AND PROJECT PLAN**	
2.2.1	Location Plan - Armadale Investment Framework and Project Plan Study Area	70
3.1	**CONSIDERATION OF MINISTER'S MODIFICATIONS - TPS NO.4 AMENDMENT NO.119 - REZONING OF WEST PIARA URBAN PRECINCT NORTH**	
3.1.1	Council Resolution D45/11/21 - Amendment No.119 - Rezoning of West Piara Urban Precinct North	71
3.1.2	TPS No.4 Amendment No.119 - Adopted Zoning Plan	75
3.1.3	Minister’s Amendment No.119 - Modifications	76
3.1.4	Minister’s Amendment No.119 - Modified Zoning Plan	79
3.2	**FINAL ADOPTION - AMENDMENT NO.116 - TOWN PLANNING SCHEME NO.4 SOUTH FORRESTDALE INDUSTRIAL AREA STAGE 2**	
3.2.1	Schedule of Submissions - Amendment 116 - South Forrestdale Industrial Area Stage 2	80
3.2.2	Environmental Features Plan - Amendment No.116 - South Forrestdale Ind Area Stage 2	83
3.2.3	Existing and Proposed Zoning Plan - TPS No.4 - Amendment No.116 - South Forrestdale Industrial Area Stage 2	84
3.2.4	Existing and Proposed Zoning Plan - Special Control Area Map 3 - Amendment No.116 - South Forrestdale Industrial Area Stage 2	85
3.2.5	Metropolitan Region Scheme Map - Amendment No.116 - South Forrestdale Industrial Area Stage 2	86

180
LOT 256

6m PASSING BAY

TRAFFICABLE FIRE BREAK

SEALED DRIVEWAY

SITE BOUNDARY

FRONT DOOR

PUBLIC

PRIVATE

MAIN PARKING AREA

UNIVERSAL ACCESS PARKING

PARKING FOR ACCOMODATION

LANDSCAPED CENTRAL GARDEN

6m PASSING BAY

TRAFFICABLE FIRE BREAK

NORTH
1:500 @ A3

RICHARD HAMMOND ARCHITECTS
FORRESTDALE - MEDITATION CENTRE
180 OXLEY RD, FORRESTDALE 6112
PUBLIC/PRIVATE DIAGRAM
JUNE 2021

RICHARD HAMMOND ARCHITECT REG. No 953

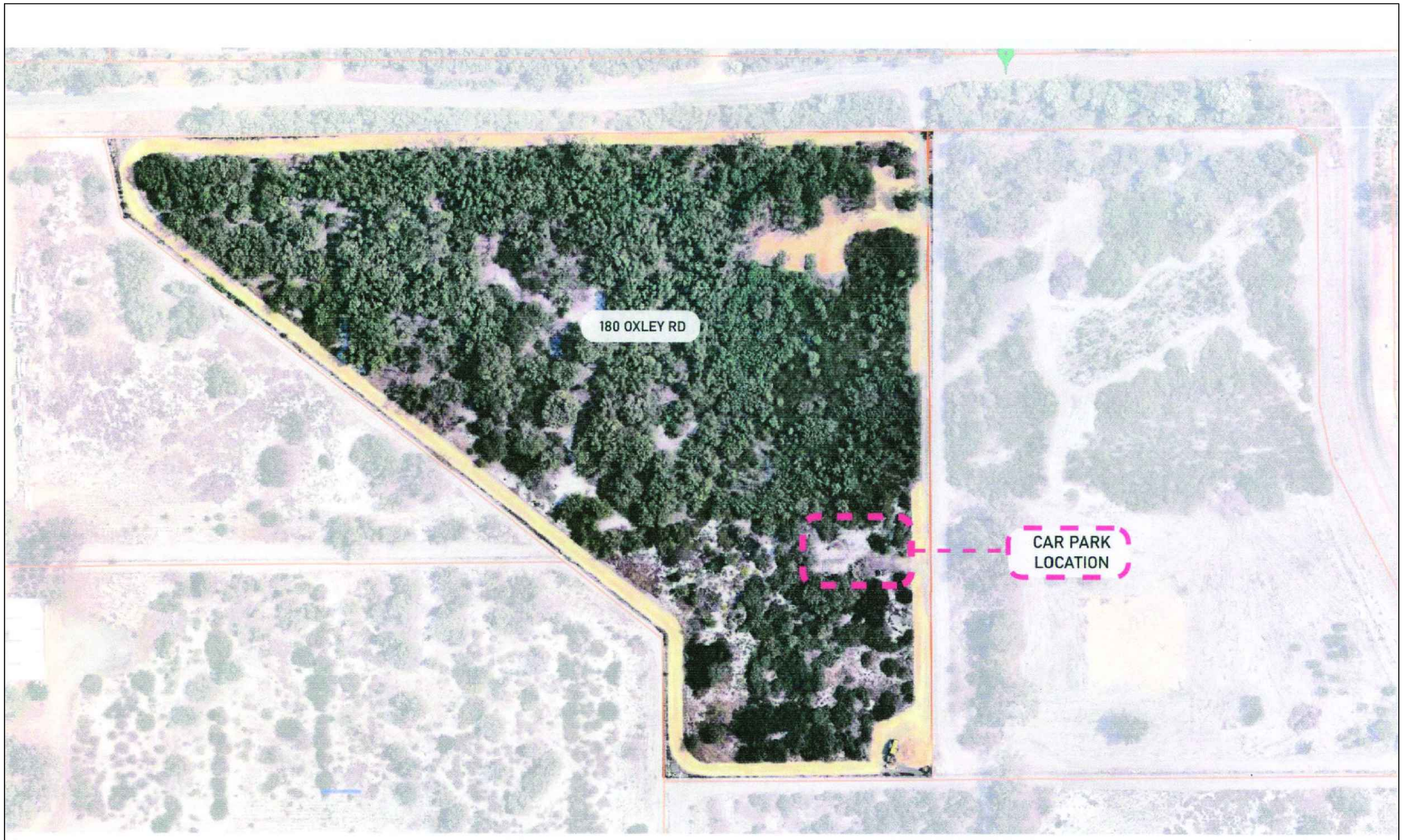
CITY OF Armadale

NOT TO SCALE

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

SITE PLAN
Lot 256 (No.180) Oxley Road, Forrestdale

DATE 17 August 2022 - REVISION 220
p:\sketchup\agenda_drawings\2022\9 residential_256_180_oxley_road_forrestdale\layout_256_180_oxley_road_forrestdale.dwg



RICHARD HAMMOND ARCHITECTS
FORRESTDALE - MEDITATION CENTRE
180 OXLEY RD, FORRESTDALE 6112
CARPARK LOCATION SATELLITE ARIAL
JUNE 2021

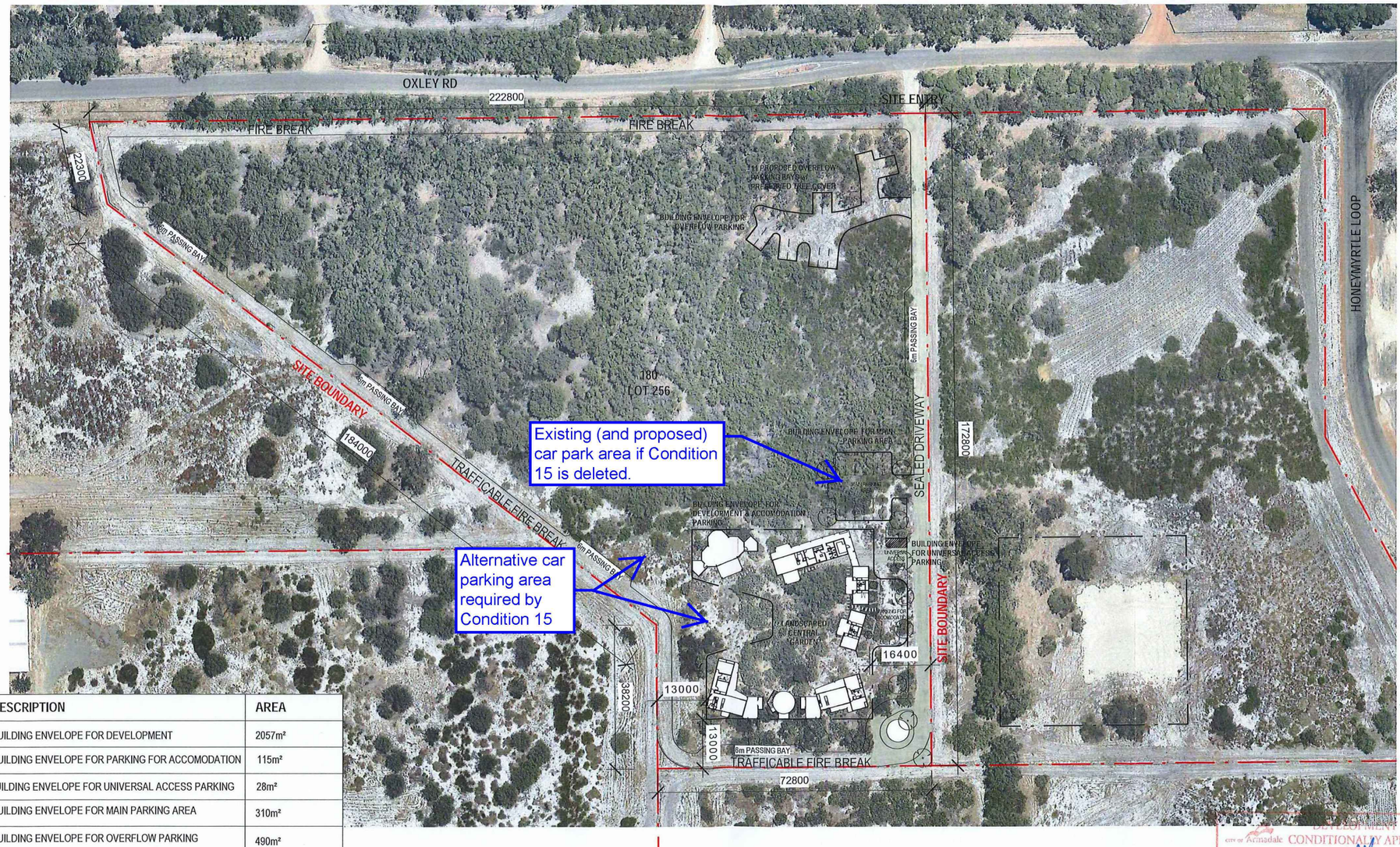
RICHARD HAMMOND ARCHITECT REG. No 953

CITY OF Armadale

NOT TO SCALE

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.

PLAN OF PRE-DEVELOPMENT VEGETATION
Lot 256 (No.180) Oxley Road, Forrestdale



	DESCRIPTION	AREA
1.	BUILDING ENVELOPE FOR DEVELOPMENT	2057m²
2.	BUILDING ENVELOPE FOR PARKING FOR ACCOMODATION	115m²
3.	BUILDING ENVELOPE FOR UNIVERSAL ACCESS PARKING	28m²
4.	BUILDING ENVELOPE FOR MAIN PARKING AREA	310m²
5.	BUILDING ENVELOPE FOR OVERFLOW PARKING	490m²
	TOTAL BUILDING ENVELOPE	3000m²

RICHARD HAMMOND ARCHITECT
16/342 SOUTH TERRACE, SOUTH FREMANTLE

0438 918 753 | RICHARD@HRARCHITECTS.COM.AU

© 2017 Reproduction of the whole or part of this document constitutes an infringement of copyright. The information, ideas and concepts contained in this document are confidential. The recipient(s) of this document is/are prohibited from disclosing such information, ideas and concepts to any person without prior written consent of the copyright holder.

No.	Description	Date

FORRESTDALE RESIDENCE & MEDITATION CENTRE

180 OXLEY RD, FORRESTDALE 6112

SITE & LOCATION PLAN

Project number	00	A - 001	
Date	18.07.27		
Drawn by	RHA		
Checked by	RHA	Scale@A3	1 : 1000

27/07/2018 2:39:36 PM

DEVELOPMENT SERVICES
City of Armadale CONDITIONALLY APPROVED PLAN
APPROVED
APPROVAL DATE 30.8.2018
APPLICATION No. 10.2017.365.1
This approval Plan is to be read in conjunction with Notice of Determination of the same date

CITY OF Armadale

NOT TO SCALE

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

Approved Development Plan (2018) - Mark up Showing Car Park Areas
Lot 256 (No.180) Oxley Road, Forrestdale

DATE 17 August 2022 - REVISION 200
p:\assets\agenda_drawings\2022\4.asset\dental_254_180_oxley_road_forrestdale\dwg\dp_254_180_oxley_road_forrestdale.dwg

CITY OF Armadale

NOT TO SCALE

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.

Aerial Imagery Plan (2022) - Mark up Showing Car Park Areas
Lot 256 (No.180) Oxley Road, Forrestdale

Carpark Location Prior to Development

Carpark Location Prior to Development

Aerial View Illustrating Visual Shielding of Carpark by Building and Vegetation

CITY OF ARMADALE

DCP 4 ANNUAL REPORT –

SEPT 2022

Refer separate Attachment

CITY OF ARMADALE

DCP 4 ANNUAL REPORT –

SEPT 2022 –

APPENDICES

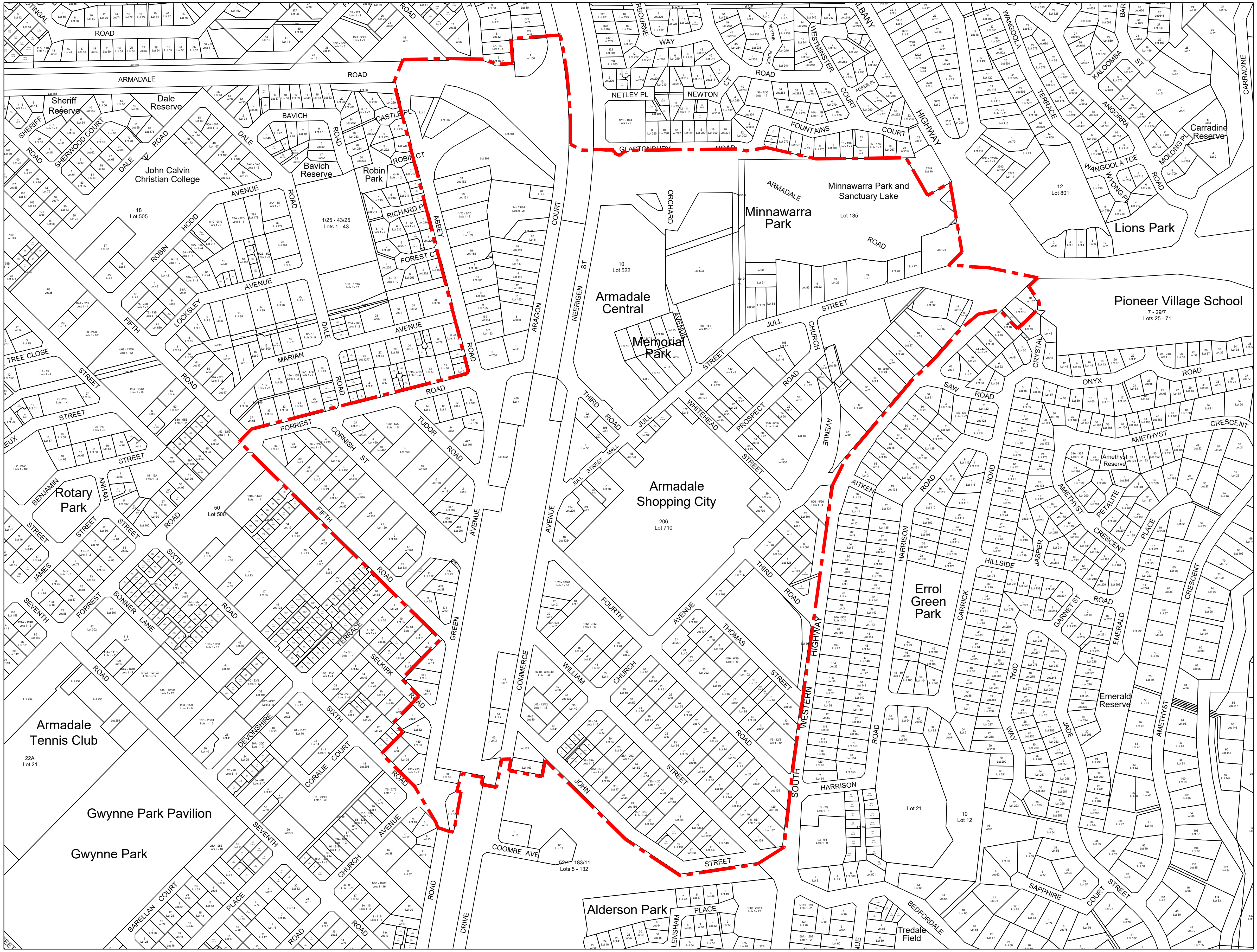
Refer separate Attachment

SCHEDULE OF SUBMISSIONS – DCP NO.4 REPORT AND INFRASTRUCTURE COST SCHEDULE REVIEW 2022				
NO	**SUBMITTER**	**SUPPORT / OBJECT / COMMENT**	**SUMMARY OF SUBMISSION**	**COMMENT/RECOMMENDATION**
1	Landowner CE/75950/22	Objection	Landowner concerned about needing to fund sewer connection from Armadale Road when developers have installed sewer adjacent to rear of property.	Not Supported. Sewerage infrastructure is not common infrastructure funded by the DCP. Landowners/developers are generally responsible for funding of utility services as part of their developments. The submitter should liaise with Water Corporation.
2	Landowner CE/81229/22	Objection	Landowner is unclear as to what infrastructure is being funded by the DCP and seeks to defer payment of DCP contributions until such time as the property is sold.	Noted. The infrastructure works funded by the DCP are described in TPS 4 and the DCP 4 report. The liability for payment of DCP contributions arises when the property is ultimately subdivided/developed.
3	Water Corporation 629 Newcastle Street, Leederville 6007 CE/80958/22	No objection/ comment	No objections provided that DCP contributions are not levied on land owned by Water Corporation.	Noted. Water Corporation owns a corridor of land that runs centrally within the DCP 4 area which is occupied by a drainage channel (Baileys Branch Drain). This land is excluded from the net developable area of DCP 4 and DCP contribution payments do not apply.
4	Landowner CE/81726/22	Objection	Justification should be provided for the development costs identified in draft ICS 2022 for the following common infrastructure items: - 2a – Movement Network – Anstey Road Widening and Upgrade - 4b – Utilities – High Pressure Gas Pipeline	Noted. Refer to response to Submission 5.
5	JDSI Consulting Engineers	Comment	Detailed cost estimates provided for the following common infrastructure items:	Noted.

SCHEDULE OF SUBMISSIONS – DCP NO.4 REPORT AND INFRASTRUCTURE COST SCHEDULE REVIEW 2022				
NO	**SUBMITTER**	**SUPPORT / OBJECT / COMMENT**	**SUMMARY OF SUBMISSION**	**COMMENT/RECOMMENDATION**
	CE/85397/22		- 1b – Sporting and Community Facilities – Senior Size Playing Field – Construction (dated May 2022) - 2a – Movement Network – Anstey Road Widening and Upgrade (dated June 2022) - 4b – Utilities – High Pressure Gas Pipeline (dated June 2022)	Detailed cost estimates were provided by JDSI during the advertising period for the DCP 4 review as part of consultancy work currently being undertaken for the design of the Anstey Road upgrade and the design of the senior sized playing field. These costs estimates differ from the advertised costs contained in the ICS and are considered more accurate and up to date. It is not unusual for the City to adjust DCP costs in response to submissions received during the advertising period. It is considered good practice to make adjustments to DCP costs when presented with more current and accurate information/evidence as provided in this submission. The cost estimates contained in this submission have been forwarded to Submitter 4 and other major landowners/developers in the DCP 4 area for their information.
6	**LATE SUBMISSION** ATCO Gas CE/85395/22	Comment	Submission relates to 4b – Utilities – High Pressure Gas Pipeline. - Costs advertised in the draft ICS 2022 are reflective of construction rates from 2019-2020 and can no longer be considered valid. Additionally, ATCO has noted an order of magnitude increase in material, design and construction costs in the past year with the influx of infrastructure projects across the state.	Not supported. - Noted. Further advice has been sought and obtained from engineering consultants with respect to current day costs and the draft ICS 2022 has been updated accordingly to account for the estimated cost associated with this common infrastructure item based on current 2022 market rates.

SCHEDULE OF SUBMISSIONS – DCP NO.4 REPORT AND INFRASTRUCTURE COST SCHEDULE REVIEW 2022				
NO	**SUBMITTER**	**SUPPORT / OBJECT / COMMENT**	**SUMMARY OF SUBMISSION**	**COMMENT/RECOMMENDATION**
			- Assumptions around civil/trench and survey works being provided by the developers is inferred as no longer valid. ATCO will have to undertake these works by itself. - As such, ATCO estimates the current cost of undertaking the works to be circa $8.7m (exc. GST), indicatively.	- The City considers the assumptions to be valid as the works associated with the implementation of this infrastructure item will be undertaken by developers in conjunction with the upgrade of Anstey Road (Item 2a). - This cost estimate is not supported as sufficient information/justification to demonstrate the accuracy of these costs has not been provided by ATCO. Additionally, this cost estimate is predicated on ATCO undertaking civil/trench works which will not be the case as the works will be implemented by developers as noted above. Following the City's review of ATCO's submission, ATCO has consented to the City engaging a mechanical engineering consultant (GPA Engineering) from their engineering services panel to provide a detailed cost estimate. The costs in the ICS have subsequently been updated based on the information provided by GPA.
7	**LATE SUBMISSION** DevelopmentWA CE/92522/22	Comment	DevelopmentWA does not agree with the cost estimates in the draft ICS 2022 relating to Item 2b – Keane Road Construction and suggests that the costs apportioned to this infrastructure should be increased to a higher rate that is consistent with the rate of cost increases for other similar infrastructure items such as the Anstey Road upgrade.	Supported. Keane Road (now known as MacFarlane Road) runs along the northern boundary of the DCP area and is shared with DevelopmentWA's Forrestdale Business Park West (FBPW) precinct. Due to this road carrying industrial traffic from the FBPW area, the road needs to be upgraded to an industrial standard. Based on need/nexus and equity reasons, the value of the contribution provided by DCP 4 towards the cost of upgrading MacFarlane Road is based on the costs being equivalent to a residential access street standard.

SCHEDULE OF SUBMISSIONS – DCP NO.4 REPORT AND INFRASTRUCTURE COST SCHEDULE REVIEW 2022				
NO	**SUBMITTER**	**SUPPORT / OBJECT / COMMENT**	**SUMMARY OF SUBMISSION**	**COMMENT/RECOMMENDATION**
				In the current ICS 2021, DCP 4 contributes a total of $2,455,138 towards the costs of upgrading MacFarlane Road. In the advertised draft ICS 2022, the proposed DCP contribution was increased in accordance with the 2021 and 2022 LGCI rates to $2,751,181 (12% cumulative increase). It is noted that the costs associated with the upgrade of Anstey Road have increased by a rate of approximately 34% between the current ICS 2021 and the draft ICS 2022. This cost increase has been anticipated by landowners and developers in the area, and is consistent with the rate of cost increases experienced in the WA development industry. Having regard to the cost increase for the Anstey Road common infrastructure item, it is considered reasonable and appropriate to increase the DCP contribution towards the upgrade of MacFarlane Road by a similar rate.



LEGEND

Study Area

Armadale Investment Framework and Project Plan Study Area
Location Plan

DATE 31 August 2022 - REVISION 2201
p:\autocad\agenda_drawings\2022\9.september\armadale_investment_framework\ciy_centre_sp.dwg

40 0 40 80m

SCALE 1 : 4 000

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.

CITY OF Armadale

Planning and Ports grant final approval to the amendment.

4. **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.**
5. **Advise the submitters and the applicant of its decision.**
6. **Authorise the Mayor and Chief Executive Officer to execute the modified Amendment No.115 documents should the Hon Minister for Transport, Planning and Ports grant final approval to the Amendment subject to minor modifications.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation D45/11/21 - Final Adoption - Amendment No.119 to TPS No.4 - Rezoning of West Piara Urban Precinct North

MOVED Cr M J Hancock

That Council:

1. **Pursuant to Part 5 of the *Planning and Development Act 2005* adopt, with modification, Amendment No.119 to Town Planning Scheme No.4, to:**
   a. **Rezone Lot 9101 Warton Road, Lot 9008 Jayes Road and portion of Lot 9010 Warton Road from the "General Rural" zone to the "Urban Development" zone;**
   b. **Rezone Lot 9007 Southampton Drive from the "General Rural" zone to the "Residential" zone and code R25 and Additional Use No.49;**
   c. **Rezone portion of Lot 1000 (No.7) Jayes Road from the "General Rural" zone to the "Residential" zone and code R15/40 and include within the extent of Additional Use No.35;**
   d. **Remove the "General Rural" zones from the Warton Road, Southampton Drive and Jayes Road reserves;**
   e. **Insert the following text in Schedule 8 Development (Structure Planning) Areas for the land generally bound by Warton Road, the MRS Public Purpose (High School) Reservation, Southampton Drive and Jayes Road:**

No.	Description of Land	Additional provisions applicable to subdivision and development
71.	**West Piara Urban Precinct North**	**71.1 Subdivision and development of land is to generally be in accordance with a structure plan prepared and approved pursuant to Part 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended).** **71.2 Provision 71.1 does not apply to the following applications for subdivision and/or development approval on Parent Lot 9007 Southampton Drive:** **a. Park Home Park Applications for Development Approval, including incidental uses;**

		b. Applications for Subdivision or Survey Strata Subdivision for residential lots with primary frontage to Southampton Drive, where the following matters are addressed in conditions of approval: **i. Widening and construction of Southampton Drive free of cost to the satisfaction of the City of Armadale, including service relocation;** **ii. Preparation and approval of an Urban Water Management Plan, including coordination of finished lot levels with adjoining development.** **71.3 The following plans are to be prepared by the applicant and approved by the City of Armadale and used to inform the Structure Plan:** **a. Local Water Management Strategy, prepared in accordance with any relevant District Water Management Strategy, in consultation with the Department of Water and Environmental Regulation;** **b. Bushfire Management Plan;** **c. Acoustic assessment, to address traffic and kennel noise;** **d. Environmental Management Plan in consultation with the Department of Biodiversity, Conservation and Attractions to the satisfaction of the City of Armadale. The Environmental Management Plan shall address as a minimum, actions to prevent and manage impacts of urban development on vegetation identified for retention, and be informed by a botanical survey to assess the potential presence of conservation significant flora.** **71.4 The Structure Plan shall provide design and management responses for implementation through subdivision and development, addressing:** **a. Land use zones and other actions to prevent and manage urban development impacts on public groundwater drinking sources, in accordance with applicable State Planning Policies;** **b. Acid sulphate soils;** **c. Site contamination;**

		d. Safe and efficient road intersections to Warton Road for traffic distribution and congestion management, on the advice of the City of Armadale; **e. Identification of a roundabout-controlled intersection at the future Southampton Drive/Pipeline Boulevard four way intersection;** **f. Identification and protection of significant landscape trees and features as per Local Planning Policy PLN 2.4 Landscape Feature and Tree Preservation, where possible;** **g. Gazetted road frontage to the high school, including vehicle and bus parking.** **h. Visual impact of noise attenuation measures;** **i. Mosquito management; and** **j. High pressure gas mains.** **71.5 The provision of public open space shall satisfy the following criteria:** **a. Provision of unrestricted public open space in accordance with WAPC policy;** **b. Protection of significant vegetation and environmental features;**

f. Insert the following text in Schedule 2 Additional Uses:

No.	Description of Land	Additional Use	
49.	**Parent Lot 9007 Southampton Drive, Piara Waters (West Piara Urban Precinct North)**	**Permitted (P) Use:** **Park Home Park**	**49.1 Within the extent of any Park Home Park, all P use classes listed for the base zone shall be D (Discretionary) uses notwithstanding that they are P uses in the zoning table.** **49.2 One left-in left-out driveway access only is permitted to Warton Road.** **49.3 In determining any application for development approval, the local government shall have regard to the compatibility of proposed development and/or use with the existing use of the site and adjoining development and/or use.**

g. Include the land generally bound by Warton Road, the MRS Public Purpose (High School) Reservation, Southampton Drive and Jayes Road within Special Control Area Map 3 with the appropriate 'Development Area (Structure Plan) Schedule 8' and 'No.71' designations;

h. Insert a new designation 'Public Drinking Water Resource Protection Areas - Priority 3 and 3* Source Protection Area' on Special Control Area Map 2 and transfer land generally bound by Warton Road, Mason Road, Southampton Drive and Jayes Road from the Public Drinking Water Resource Protection Areas - Priority 2 Source Protection Area to the Public Drinking Water Resource Protection Areas - Priority 3 and 3* Source Protection Area;

i. Modify Clause 5.3.2 to state:

"All development (including use of land, the removal of vegetation and earthworks) within a Public Drinking Water Resource Protection Area shall be subject to a requirement for development approval and shall be subject to the discretion of the local government, notwithstanding that the use may be designated a 'P' use under the Scheme. Residential development (including any incidental or ancillary development, Home Office and Home Occupation) in a Priority 3 and 3* Source Protection Area is excluded from the requirements of this clause."

j. Modify Clause 5.3.3(a) to state "or superseding guidance" after "*Areas*";

k. Amend the Scheme Maps accordingly.

2. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.

3. 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.

4. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and request the Hon Minister for Transport, Planning and Ports grant final approval to the amendment.

5. Advise the submitters and the applicant of its decision.

6. **Should the Hon. Minister require any minor modifications to the Scheme Amendment at the final adoption stage, then authorise the Mayor and Chief Executive Officer to sign and seal the modified amendment documents.**

MOTION not opposed, DECLARED CARRIED (14/0)

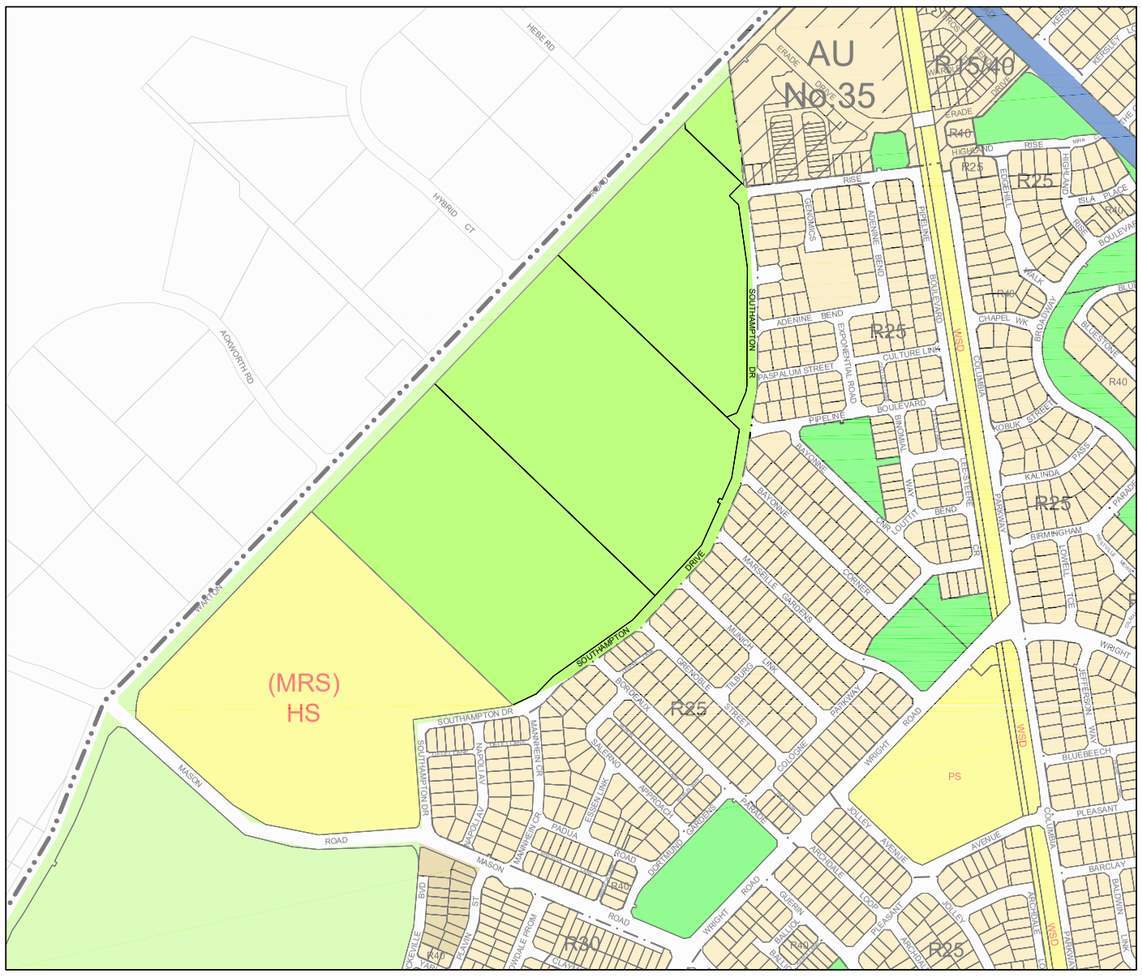
Recommendation D46/11/21 - DevelopmentWA Transfer of Development Contribution Funding - Forrestdale Business Park East

Cr Butterfield declared a non-financial interest in this item as she is a member on the DevelopmentWA Armadale Land Redevelopment Authority Committee. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association, consider the matter on its merits and vote accordingly.

MOVED Cr M J Hancock

That Council:

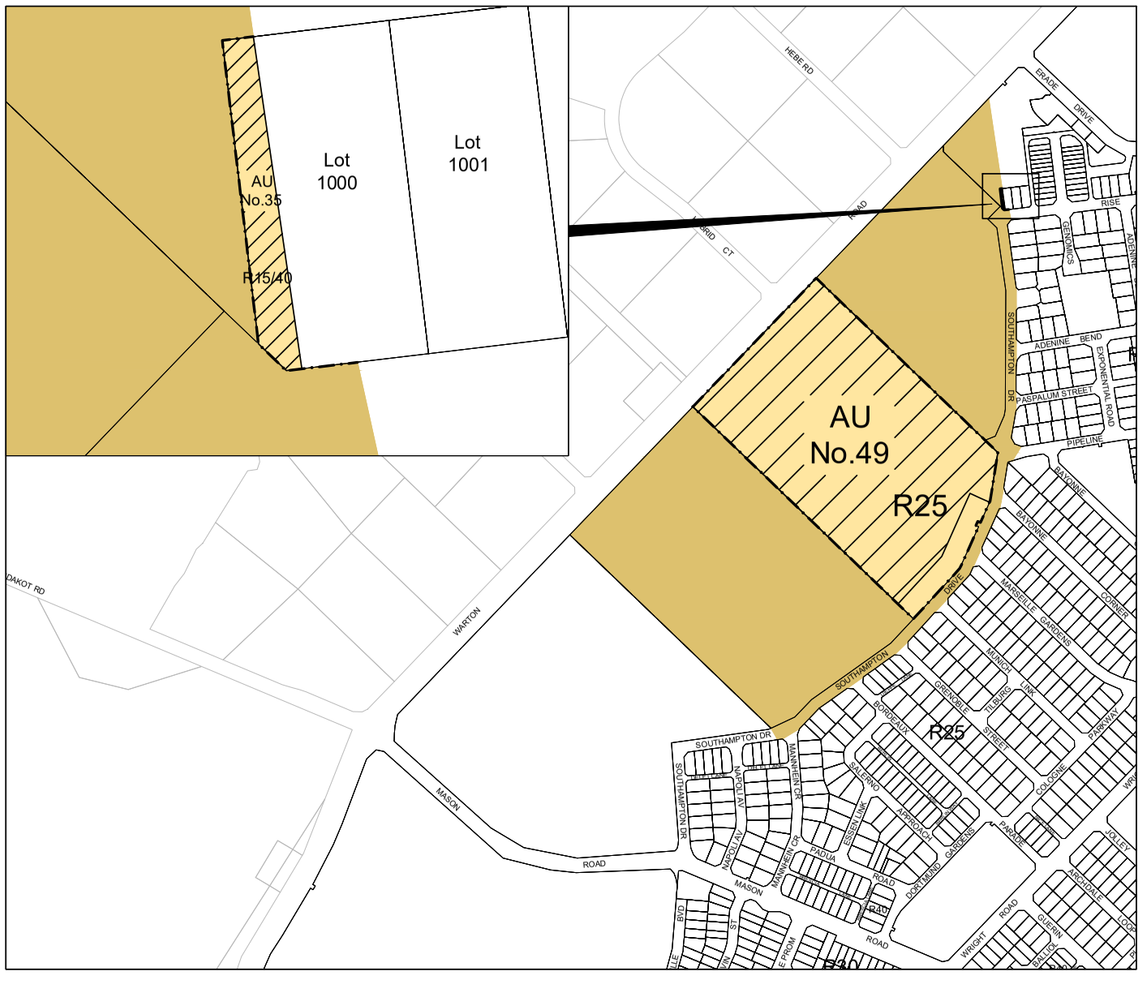
EXISTING ZONING



ZONES

- RESIDENTIAL Including Residential Planning Density Codes
- URBAN DEVELOPMENT ZONE
- RURAL LIVING - 1,2,4,10,20,X
- GENERAL RURAL
- SPECIAL RURAL
- SPECIAL RESIDENTIAL
- MIXED BUSINESS / RESIDENTIAL
- LOCAL CENTRE
- DISTRICT CENTRE
- STRATEGIC REGIONAL CENTRE
- GENERAL INDUSTRY
- INDUSTRIAL BUSINESS
- INDUSTRIAL DEVELOPMENT
- SPECIAL USE No.1
- ADDITIONAL USE No.7
- RESTRICTED USE RU No.4
- DENSITY CODE BOUNDARY
- SCHEME BOUNDARY

PROPOSED ZONING



RESERVATIONS

- MRS PARKS & RECREATION (Region)
- PARKS & RECREATION (Local)
- RAILWAYS
- STATE FOREST
- WATERWAYS
- WATER CATCHMENTS
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- PUBLIC PURPOSE (Local)
- (MRS) PUBLIC PURPOSE (Region)

PUBLIC PURPOSE
Miscellaneous Sub Categories

CG	Commonwealth Government
TS	Technical School
HS	High School
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

AMENDMENT No. 119

City of Armadale Town Planning Scheme No. 4

75 0 75 150m

SCALE 1 : 7500

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 2 March 2021 - REVISION 2101

\\ab-file-01\dsdraft\autocad\town_planning_schemes\town_planning_scheme_no4\scheme_amendments\tps4_amendment\tps4_amendment_no_119\tps4_amendment_no_119.dwg

CITY OF Armadale

CITY OF ARMADALE TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.119
MINISTER'S SCHEDULE OF MODIFICATIONS

1. Replace the textual component of the amendment resolution with the following:

   (a) Rezone Lot 9101 on DP 65831 Warton Road, Part Lot 9012 on DP 422253, Part Lot 1102 on DP 422253 Warton Road, Part Lot 9107 on DP 422140, Part Lots on DP 408100, 75425, 63674, 66788, 71428 and Lots on DP 66319, 65130 and 58901 from General Rural to Urban Development;

   (b) Rezone Part Lot 9107 on DP 422140 from General Rural to Residential and apply a density code of R25;

   (c) Rezone portion of Lot 1000 on DP 417970 (No.7) Jayes Road from General Rural to Residential and apply a density code R15/40 and include within the extent of Additional Use No.35;

   (d) Insert the following text in Schedule 8 Development (Structure Planning) Areas for the land generally bound by Warton Road, the MRS Public Purpose (High School) Reservation, Southampton Drive and Jayes Road;'

No.	Description of Land	Additional provisions applicable to subdivision and development
71	West Piara Urban Precinct North	71.1 Subdivision and development of land is to generally be in accordance with a structure plan prepared and approved pursuant to Part 4 of the Deemed Provisions. 71.2 The following plans are to be prepared by the applicant and approved by the local government and used to inform the Structure Plan: (a) a Local Water Management Strategy, prepared in accordance with any relevant District Water Management Strategy, in consultation with the Department of Water and Environmental Regulation. (b) a Bushfire Management Plan; (c) an acoustic assessment, to address traffic and kennel noise; (d) an Environmental Management Plan in consultation with the Department of Biodiversity, Conservation and Attractions. The Environmental Management Plan shall address as a minimum, actions to prevent and manage impacts of urban development on vegetation identified for retention, and be informed by a botanical survey to assess the potential presence of conservation significant flora.

No.	Description of Land	Additional provisions applicable to subdivision and development
		71.3 The structure plan shall provide design and management responses for implementation through subdivision and development, addressing: (a) Road intersections to Warton Road and Southampton Drive/Pipeline Boulevard for safe and efficient traffic distribution and congestion management, on the advice of the local government; (b) high pressure gas mains; (c) visual impact of noise attenuation measures; and (d) mosquito management.

(e) Include Lot 9101 on DP 65831 Warton Road, Lot 9012 on DP 422253, Part Lot 9107 on DP 422140, Part Lot 1102 on DP 422253 Warton Road, Part Lots on DP 408100, 75425, 63674, 66788, 71428 and Lots on DP 66319, 65130 and 58901 within Special Control Area Map 3 with the appropriate 'Development Area (Structure Plan) Schedule 8' and 'No.71' designations;

(f) Insert a new designation 'Public Drinking Water Resource Protection Areas - Priority 3 and 3* Source Protection Area' on Special Control Area Map 2 and transfer land generally bound by Warton Road, Mason Road, Southampton Drive and Jayes Road from the Public Drinking Water Resource Protection Areas - Priority 2 Source Protection Area to the Public Drinking Water Resource Protection Areas - Priority 3 and 3* Source Protection Area;

(g) Modify Clause 5.3.2 to state:
"All development (including use of land, the removal of vegetation and earthworks) within a Public Drinking Water Resource Protection Area shall be subject to a requirement for development approval and shall be subject to the discretion of the local government, notwithstanding that the use may be designated a 'P' use under the Scheme. Where land is identified within a Priority 3* Drinking Water Source Protection Area, the following residential land uses (including any incidental or ancillary development) are excluded from the requirements of this clause:

(a) Ancillary Accommodation;

(b) Grouped Dwelling;

(c) Home Business (by definition are carried out in a dwelling or on land around a dwelling, to be no greater than 50sqm, and not to affect amenity of the neighbourhood);

(d) Home Occupation (by definition are carried out in a dwelling or on land around a dwelling, to be no greater than 20sqm, and not to affect amenity of the neighbourhood);

(e) Home Office;

(f) Home Store (shop with net lettable area less than 100sqm and attached to a dwelling);

(g) Multiple Dwelling;

(h) Residential Building;

(i) Single House;

(j) Single Bedroom Dwelling; and

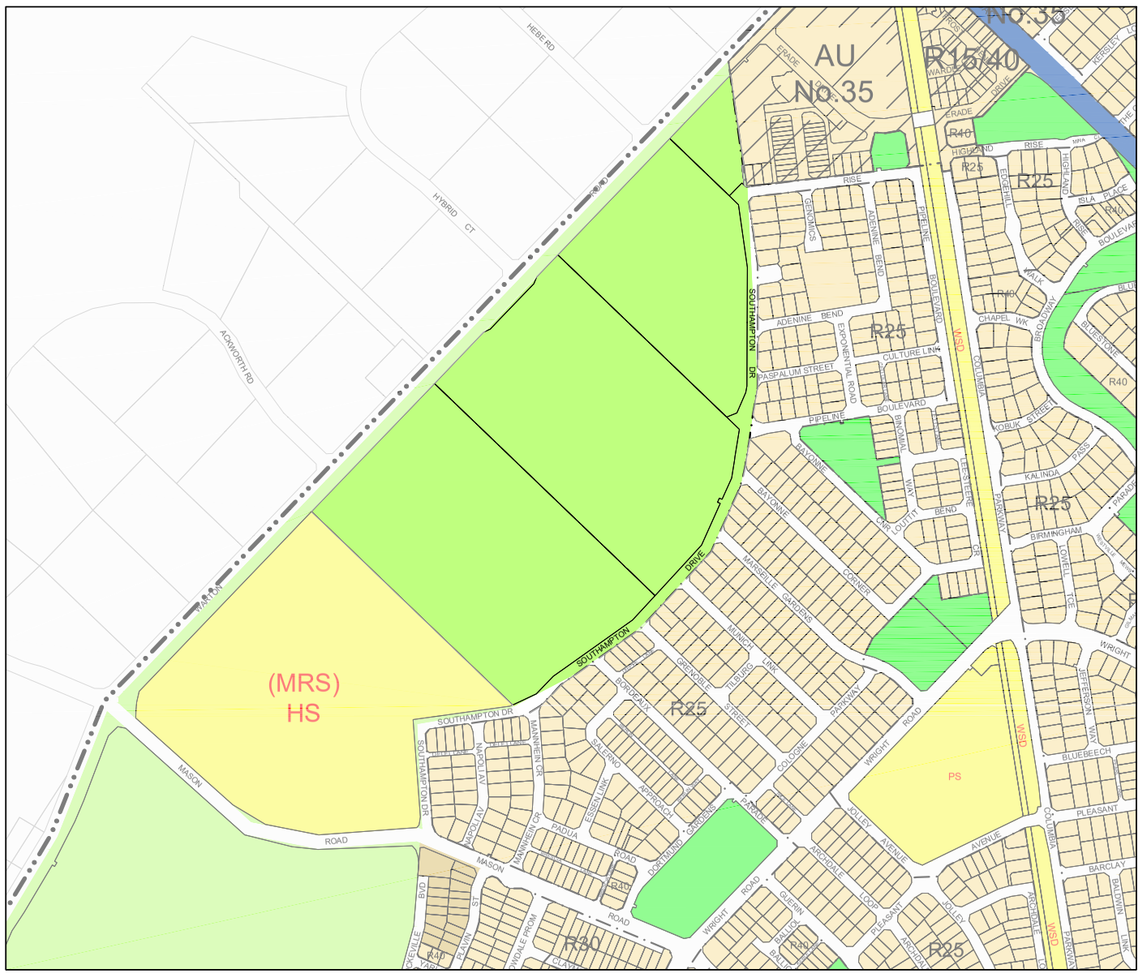
(k) Bed and Breakfast."

h) Modify Clause 5.3.3(a) to state "or superseding guidance" after "*Areas*"; and

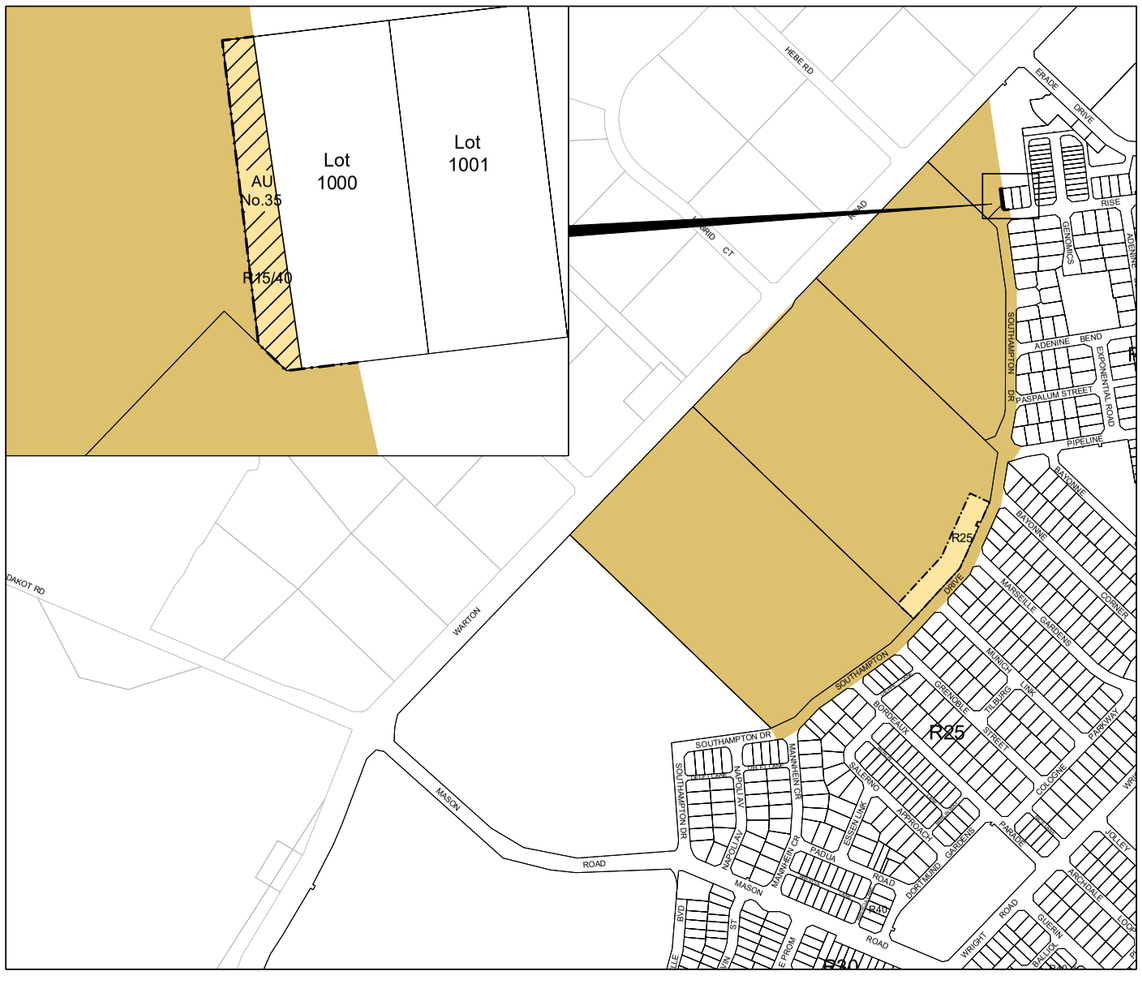
i) Amend the Scheme Maps accordingly.

2. Modify the Special Control Area Map 2 legend to replace 'Public Drinking Water Resource Protection Areas – Priority 3 and 3* Source Protection Area' with 'Public Drinking Water Resource Protection Areas – Priority 3* Source Protection Area'

EXISTING ZONING



PROPOSED ZONING



ZONES

- RESIDENTIAL Including Residential Planning Density Codes
- URBAN DEVELOPMENT ZONE
- RURAL LIVING - 1,2,4,10,20,X
- GENERAL RURAL
- SPECIAL RURAL
- SPECIAL RESIDENTIAL
- MIXED BUSINESS / RESIDENTIAL
- LOCAL CENTRE
- DISTRICT CENTRE
- STRATEGIC REGIONAL CENTRE
- GENERAL INDUSTRY
- INDUSTRIAL BUSINESS
- INDUSTRIAL DEVELOPMENT
- SPECIAL USE No.1
- ADDITIONAL USE No.7
- RESTRICTED USE RU No.4
- DENSITY CODE BOUNDARY
- SCHEME BOUNDARY

RESERVATIONS

- MRS PARKS & RECREATION (Region)
- PARKS & RECREATION (Local)
- RAILWAYS
- STATE FOREST
- WATERWAYS
- WATER CATCHMENTS
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- PUBLIC PURPOSE (Local)
- (MRS) PUBLIC PURPOSE (Region)

PUBLIC PURPOSE
Miscellaneous Sub Categories

CG	Commonwealth Government
TS	Technical School
HS	High School
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

AMENDMENT No. 119 - Minister's Modifications

City of Armadale Town Planning Scheme No. 4

75 0 75 150m

SCALE 1 : 7500

DATE 19 August 2022 - REVISION 2203

p:\autocad\agenda_drawings\2022\9.september\amendment_119_avp\dwg\tps4_amendment_no_119_ministers_modification.dwg

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.

CITY OF Armadale

SCHEDULE OF SUBMISSIONS AMENDMENT 116 – STAGE 2 SOUTH FORRESTDALE INDUSTRIAL AREA			
NO.	**SUPPORT, OBJECT, COMMENT**	**SUMMARY OF SUBMISSION**	**RECOMMENDATION**
1	Support	Strongly supports proposal.	Noted
2	Support	Supports proposal.	Noted
3	Support	Supports proposed Amendment 116. Has concerns that earthworks for Stage 1 (not part of this amendment) will impact his property.	Support for Amendment 116 noted. Subdivision approval for Stage 1 will have conditions relating to drainage and the alignment of pre and post development stormwater flow onto adjoining land outside Stage 1.
4	Object	Objects to the extension of the industrial area all the way up to the Blair Road intersection unless Blair Road is made into a cul-de-sac or no through road. Already too many cars and trucks using Blair Road as a shortcut between Nicholson and Rowley. Road is showing signs of wear and tear from large vehicles. Live on a bend and already have cars and trucks exceeding speed limit. This will only get worse if no measures are put in place to prevent Blair Road being used as a shortcut.	The subject land is already zoned Industrial under the MRS and the amendment will make the local scheme zoning consistent with the MRS. It is not expected that traffic from the industrial area will use local roads such as Blair Road. In general most traffic generated by the industrial area will use Rowley Road, Tonkin Highway and the Freeway.
5	Object	The proposal has recognised the environmental impact of industry on Bush Forever sites but has not considered the environmental impacts on residents on land zoned Rural Living. Consideration has been given to flora and fauna but not to people living in the area. With the development of the industrial area there could be; • noise at all hours of the day and night • odour from industrial processes • dust from industrial processes • chemical spills • light pollution from all night operations • industrial transport using Oxley Rd/Stirling Rd. This is hardly conducive to rural living if there are no buffers in place.	When Development Applications are lodged for the specific industrial land uses that will occur the City will assess the potential impact on adjacent sensitive land uses in accordance with the EPA's *Guidelines for Separation Distances between Industrial and Sensitive Land Uses*. Development Applications will require the submission of Acoustic, traffic, environmental and other studies addressing the specific land use/development proposed that clearly demonstrate the potential impact on adjacent sensitive land uses and any mitigation measures required.

SCHEDULE OF SUBMISSIONS AMENDMENT 116 – STAGE 2 SOUTH FORRESTDALE INDUSTRIAL AREA			
NO.	**SUPPORT, OBJECT, COMMENT**	**SUMMARY OF SUBMISSION**	**RECOMMENDATION**
6	Object	Objects to the current plans for Stage 2 of the proposed South Forrestdale industrial area for the following reasons: No rural buffer has been provided to protect the rural properties on the North side of Oxley Road and the unnamed road reserve on the North East corner of the proposed development. Therefore, lots affected will have no noise or light mitigation and will be subjected to constant traffic, noise, smell, dust and light 24/7. This is not compatible with Rural Living. Even Oxley Road is highlighted to become part of the Industrial Zoning change. This is not acceptable and needs to be rectified before the Industrial zoning is approved. The rural land north-east of the stage 2 development bordered by Stirling Road, Oxley Road, Forrest Road and Tonkin Highway, either be included in the Industrial area or be rezoned with an appropriate zoning for land adjoining an urban development. This area already has existing significant rural boundaries along all perimeters from the Armidale Golf Course, Bush Forever sites and Tonkin Highway. If future rezoning of this area is your intention, then please make it clear, or place buffers on the industrial lots to protect all properties abutting the development.	Refer to response to submission 5.
7	Support	Supports proposal.	Noted.
8	Object	Objects to the proposal on the following grounds: • The development will impact their lifestyle and everyday life. • The development will change the outlook from their property from rural to industrial which will impact the ambience of the property. • Traffic volumes in the area will increase which will result in noise, pollution and general safety impacts on the area.	The subject land has already been zoned to industrial under the Metropolitan Region Scheme and has been identified for future industrial development in strategic State Government planning documents (such as the Employment and Economic Lands Study and the Perth and Peel @3.5 million South Framework) since as far back as 2009. Main Roads WA advise that Rowley Road is expected to be reclassified as an Other Regional Road in future and upgraded to a four (4) lane road as the road will provide access for heavy vehicles

SCHEDULE OF SUBMISSIONS AMENDMENT 116 – STAGE 2 SOUTH FORRESTDALE INDUSTRIAL AREA			
NO.	**SUPPORT, OBJECT, COMMENT**	**SUMMARY OF SUBMISSION**	**RECOMMENDATION**
			to the Westport development and because traffic volumes on the road are expected to increase due to other factors such as Development WA's Wungong Masterplan for the suburbs or Hilbert and Haynes, which will ultimately have a residential population of approximately 60,000 people.
9	Support	*A 45m strip of land for future road widening was left in the Rural zone when Stage 2 of the industrial Area was rezoned to Industrial under the Metropolitan Region Scheme. Only 30m of land for future road widening was left in the Rural zone on the Stage 1 lots and detailed design has identified that this is all that is required for road widening in stage 1. The extent of land left in the Rural Living zone under TPS 4 for Stage 2 should be modified accordingly.* *The land required for the widening of Rowley Road will be the subject of compensation or other mechanism that provides for its equitable funding. This is expected to be addressed at the Local Structure Plan stage.* *The agreed Rowley Road access scenario for Stage 2 has been confirmed by Main Roads WA, who provided written endorsement for two intersections on Rowley Road - one being a full-movement intersection at Rowley Road/ Blair Road and the second being a left in-left out intersection west of Blair Road. We note the second, left in-left out intersection was not confirmed in the access discussion of the initiation report and as such are seeking to confirm this agreed access strategy to align with future planning for the amendment area.*	It is recommended that the proposed zoning plan be modified to show a reduced 30m wide strip of land left in the Rural Living zone at the frontage of lots 10 and 12 Rowley Road. This is not part of the rezoning process but is noted for consideration at subsequent planning stages. This matter will be confirmed at the Structure Planning stage of the process subject to Main Roads WA agreement and no changes to the Scheme Amendment are required as a result.

Forrestdale Lake Nature Reserve

Tonkin Highway

Forrest Road

Oxley Road

9

7

5

5066

STAGE 1

STAGE 2

12

10

8

6

200

Nicholson Road

Kargotich Road

Tonkin Highway

Rowley Road

Shire of Serpentine-Jarrahdale

LEGEND

ENVIRONMENTAL FEATURES

- Subject Site
- Conservation Wetlands
- Resource Enhancement Wetlands
- Bush Forever Sites

CITY OF Armadale

SCALE 1 : 15000

150 0 150 300m

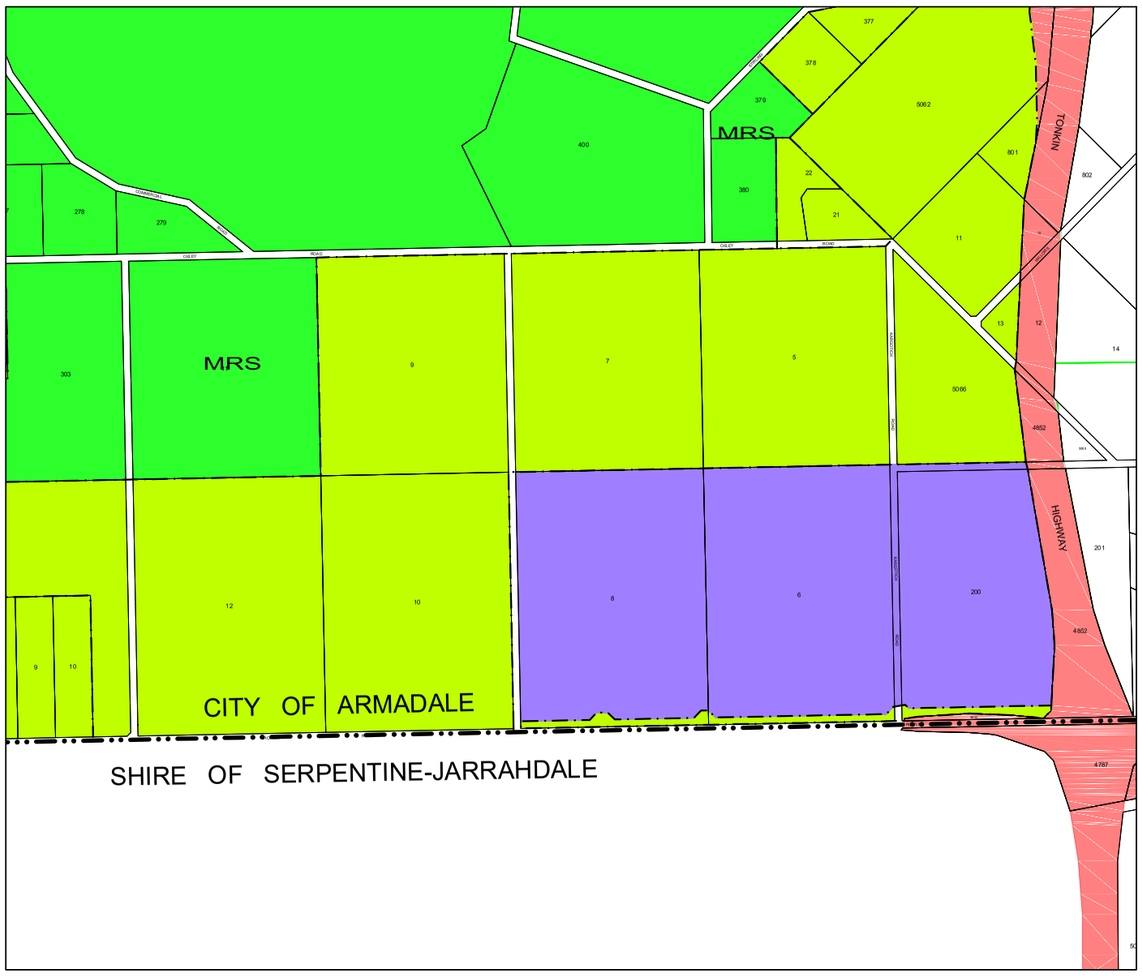
Based on information provided by and with the permission of the Western Australian Land Information Authority (2012). Aerial photogram supplied by Landgate. Photomaps by NearMap.

ENVIRONMENTAL FEATURES

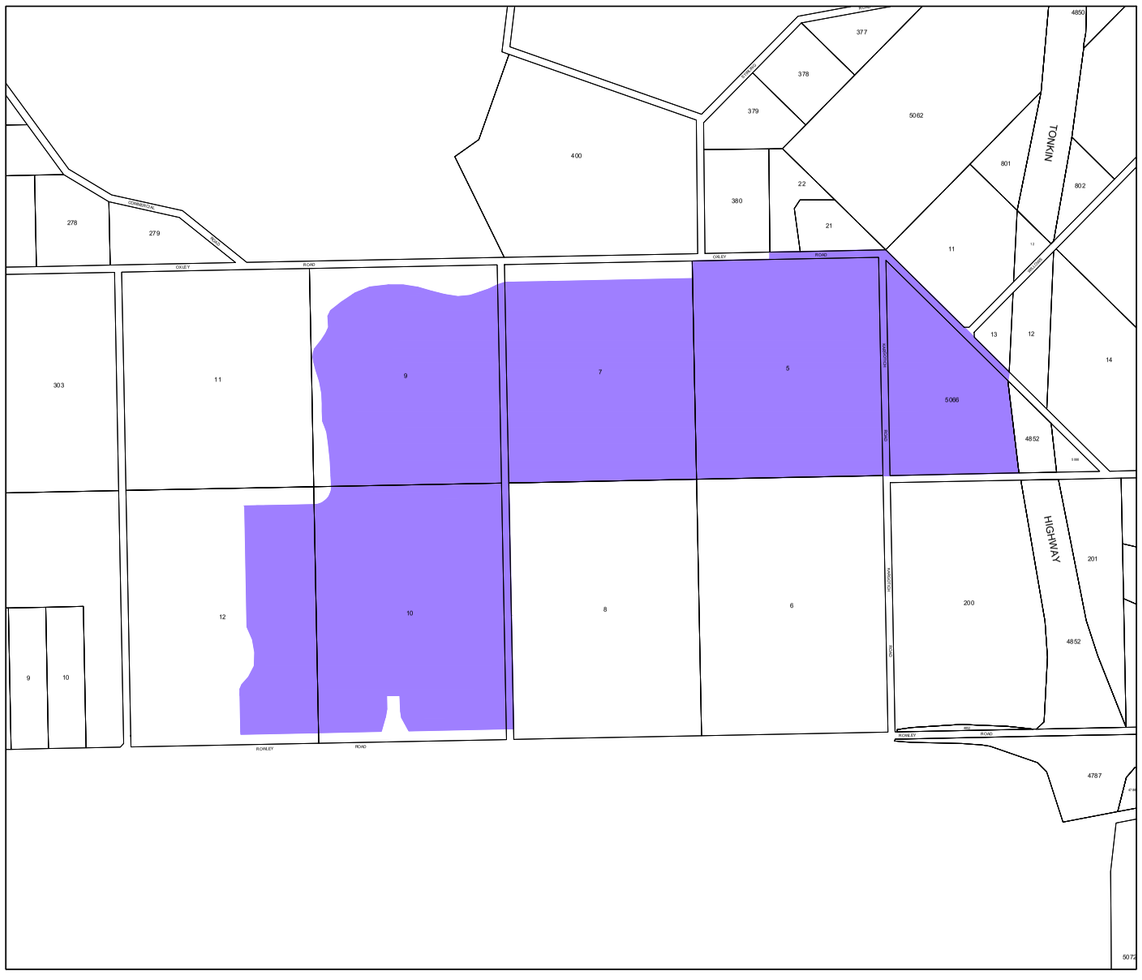
TPS Amendment 116

DATE31 August 2022 REVISION 2202
p:\autocad\figures\a_drawings\202203\september\amendment_116_mb\dwg\amendment_116.dwg

EXISTING ZONING



PROPOSED ZONING



ZONES

- RESIDENTIAL Including Residential Planning Density Codes
- URBAN DEVELOPMENT ZONE
- RURAL LIVING - 1,2,4,10,20,X
- GENERAL RURAL
- SPECIAL RURAL
- SPECIAL RESIDENTIAL
- MIXED BUSINESS / RESIDENTIAL
- LOCAL CENTRE
- DISTRICT CENTRE
- STRATEGIC REGIONAL CENTRE
- GENERAL INDUSTRY
- INDUSTRIAL BUSINESS
- INDUSTRIAL DEVELOPMENT
- SPECIAL USE No.1
- ADDITIONAL USE No.7
- RESTRICTED USE RU No.4
- DENSITY CODE BOUNDARY
- SCHEME BOUNDARY

RESERVATIONS

- MRS PARKS & RECREATION (Region)
- PARKS & RECREATION (Local)
- RAILWAYS
- STATE FOREST
- WATERWAYS
- WATER CATCHMENTS
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- PUBLIC PURPOSE (Local)
- (MRS) PUBLIC PURPOSE (Region)

PUBLIC PURPOSE
Miscellaneous Sub Categories

CG	Commonwealth Government
TS	Technical School
HS	High School
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

PROPOSED ZONING - MODIFIED

City of Armadale Town Planning Scheme No. 4

150 0 150 300m

SCALE 1 : 15000

DATE 25 August 2022 - REVISION 2201

p:\autocad\town_planning_schemes\town_planning_scheme_no4\scheme_amendments\tps4_amendment\tps4_amendment_no_116\tps4_amendment_no_116.dwg

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.

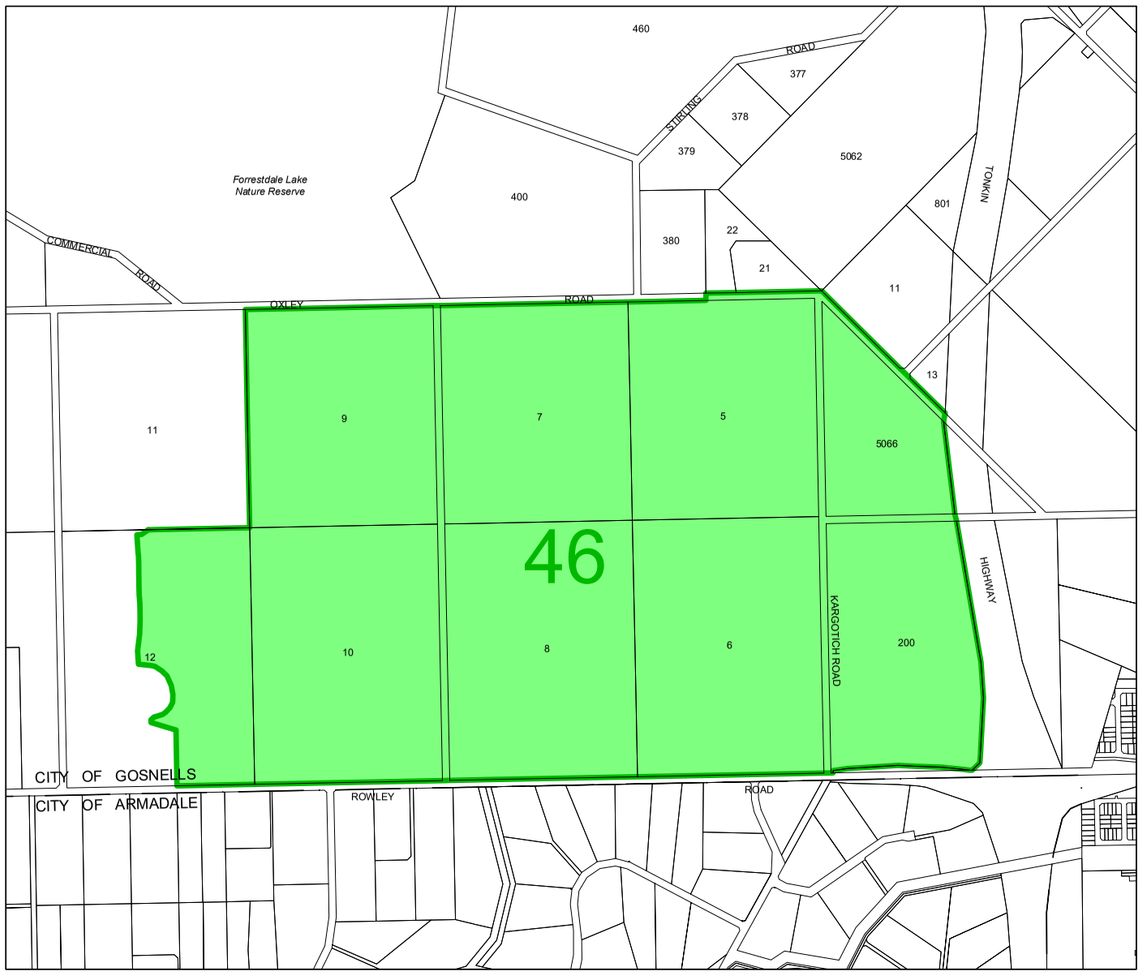
CITY OF Armadale

EXISTING ZONING - SPECIAL CONTROL AREA MAP 3

LEGEND

- 7 — Development Area (Structure Plan) (Schedule 8)
- DCA No.1 — Development Contribution Area (Schedule 9A & 9B)
- EC — Environmental Conditions (Schedule 8)
- Armadale Redevelopment Area Boundary

PROPOSED ZONING - SPECIAL CONTROL AREA MAP 3



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

AMENDMENT No. 116

City of Armadale Town Planning Scheme No. 4

Special Control Area Map 3

DATE 23 August 2021 - REVISION 2101

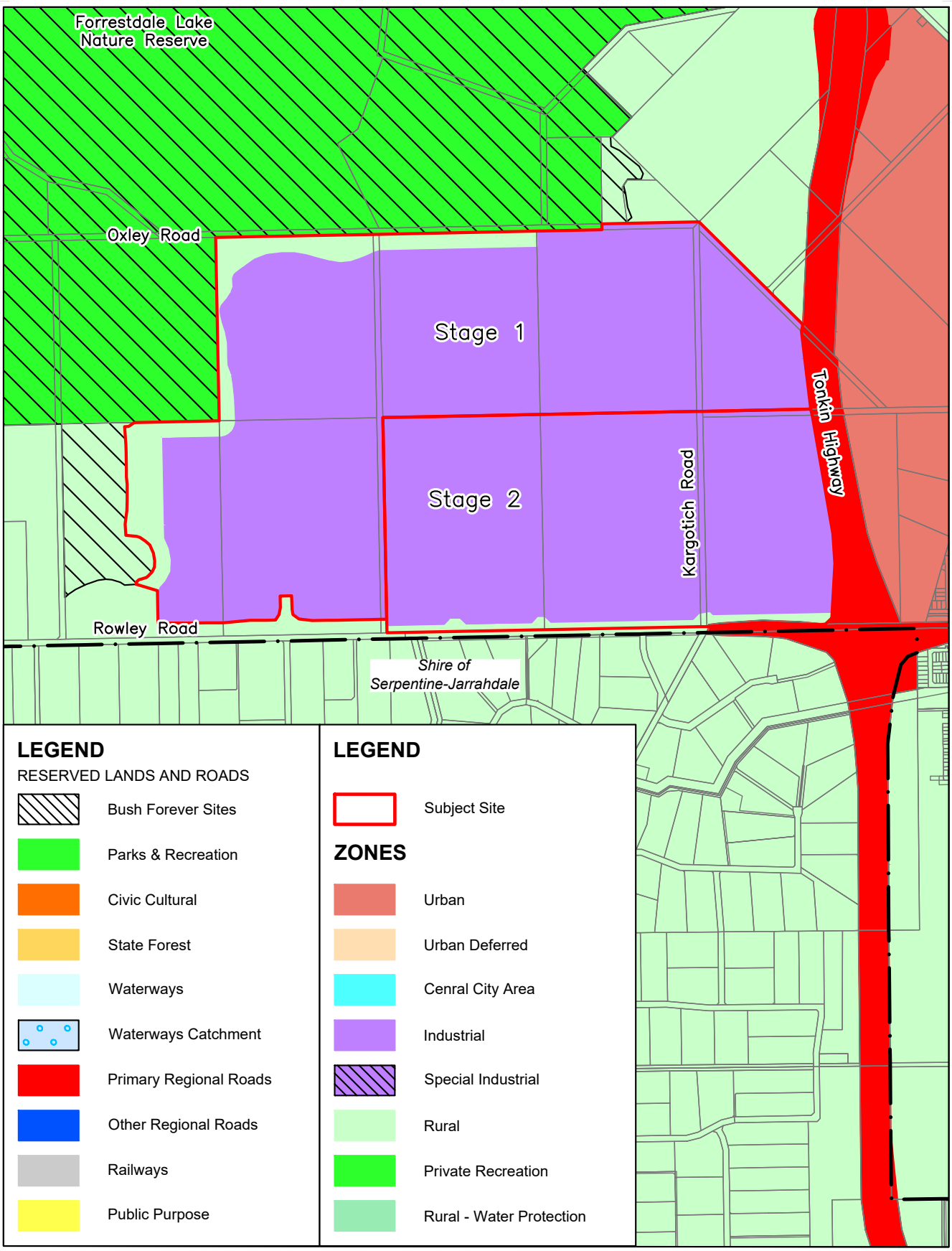
p:\autocad\agenda_drawings\2021\9.september\tps_amendment_116_meredith_kenny\sca3_amendment_no_116.dwg

150 0 150 300m

SCALE 1 : 15000

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.

CITY OF Armadale



METROPOLITAN REGION SCHEME

200 0 200 400m

SCALE 1 : 20000

CITY OF Armadale

DATE 31 August 2022 - REVISION 2203
p:\autocad\agenda_drawings\2022\9.september\amendment_116_mk\dwg\amendment_116.dwg

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.