

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **TUESDAY, 9 APRIL 2019 AT 5.30PM.**

PRESENT:

Cr D M Shaw (Chair)
Cr C M Wielinga (Deputy Chair)
Cr M Geary
Cr L Sargeson
Cr M Silver
Cr H A Zelones OAM JP
Cr G J Smith (Deputy to Cr Busby)

APOLOGIES:

Cr K Busby

OBSERVERS:

Cr C A Campbell JP
Cr J A Stewart
Cr J H Munn CMC (5.34pm to 6.08pm)
C R Butterfield (5.38pm to 6.08pm)

IN ATTENDANCE:

Mr P Sanders Executive Director Development Services
Mr J Lyons Executive Director Corporate Services
Mr S Famiano Executive Manager Development Services
Mr A Beales Coordinator Building Services - Commercial
Mrs N Cranfield Executive Assistant Development Services

PUBLIC:

2

"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 was read.

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 19 March 2019 be confirmed.

Moved Cr Sargeson

MOTION CARRIED

(7/0)

CONTENTS

DEVELOPMENT SERVICES COMMITTEE

9 APRIL 2019

1.	BUILDING	
1.1	FENCING LOCAL LAW DUE FOR EIGHT YEAR REVIEW	12
2.	PAW CLOSURE/ROW CLOSURE	
2.1	PETITION - PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 123 & 124 RIVERSIDE LANE AND LOTS 84 & 83 CANDISH GROVE, SEVILLE GROVE.....	4
3.	STRATEGIC PLANNING	
3.1	PROPOSED LOCAL PLANNING POLICY PLN 5.4 CASH IN LIEU FOR CAR PARKING	14
4.	SCHEME AMENDMENTS & STRUCTURE PLANS	
4.1	PROPOSED AMENDMENT NO.105 TO TPS NO.4 - NORMALISATION OF CHAMPION DRIVE PRECINCT FROM MRA TO CITY OF ARMADALE.....	24
5.	MISCELLANEOUS	
5.1	INTERNATIONAL URBAN DESIGN CONFERENCE - 13TH TO 15TH NOVEMBER 2019	37
6.	COUNCILLORS' ITEMS.....	40
SUMMARY OF ATTACHMENTS		41



LOCATION PLAN

Lot 155 Candish Grove, Seville Grove

51 0 51 102m
SCALE 1 : 5112

CITY OF  Armadale

DATE 5 January 2018 - REVISION 1801
p:\auto\cad\agenda_a_drawing\2019\4.apr\155_candish\155_candish.dwg

Based on information provided by and with the permission of the
Western Australian Land Information Authority holding or Landgate (WA),
unless otherwise indicated. Photocopies supplied by Landgate. Photocopies by Landgate.

**2.1 - PETITION - PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 123 & 124
RIVERSIDE LANE AND LOTS 84 & 83 CANDISH GROVE, SEVILLE GROVE**

WARD	:	PALOMINO
FILE No.	:	WAY/1/97 M/82/19
DATE	:	2 April 2019
REF	:	GW/SF
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	Petition
LANDOWNER	:	CROWN (State of WA)
SUBJECT LAND	:	Pedestrian Access Way (PAW) between Lots 123 (No.52) and 124 (No.54) Riverside Lane and between Lots 84 (No.35) and 83 (No.37) Candish Grove, Seville Grove
ZONING	:	
MRS / TPS No.4	:	Urban Unzoned

In Brief:

- A petition containing 51 signatures was tabled at Council's Meeting on the 29 January 2019 requesting the closure of the above described PAW due to anti-social behaviour.
- Officers contacted the four landowners of properties on either side of the PAW to ascertain their support for the closure and whether they would be interested in purchasing a portion of the PAW land for amalgamation with their respective properties.
- Two landowners residing at properties abutting the PAW support the closure and are interested in purchasing a portion of the subject PAW, making closure of the PAW possible from a land disposal point of view if services can be resolved.
- Water Corporation and Western Power have services located within the PAW.
- It is recommended Council advertise the proposed closure of the PAW for public comment.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.2.1 Deliver attractive and functional streetscapes, open spaces, city buildings and facilities
- 2.2.2 Protect and enhance the character of the City's spaces and places
- 2.3.4 Develop long term transport network planning

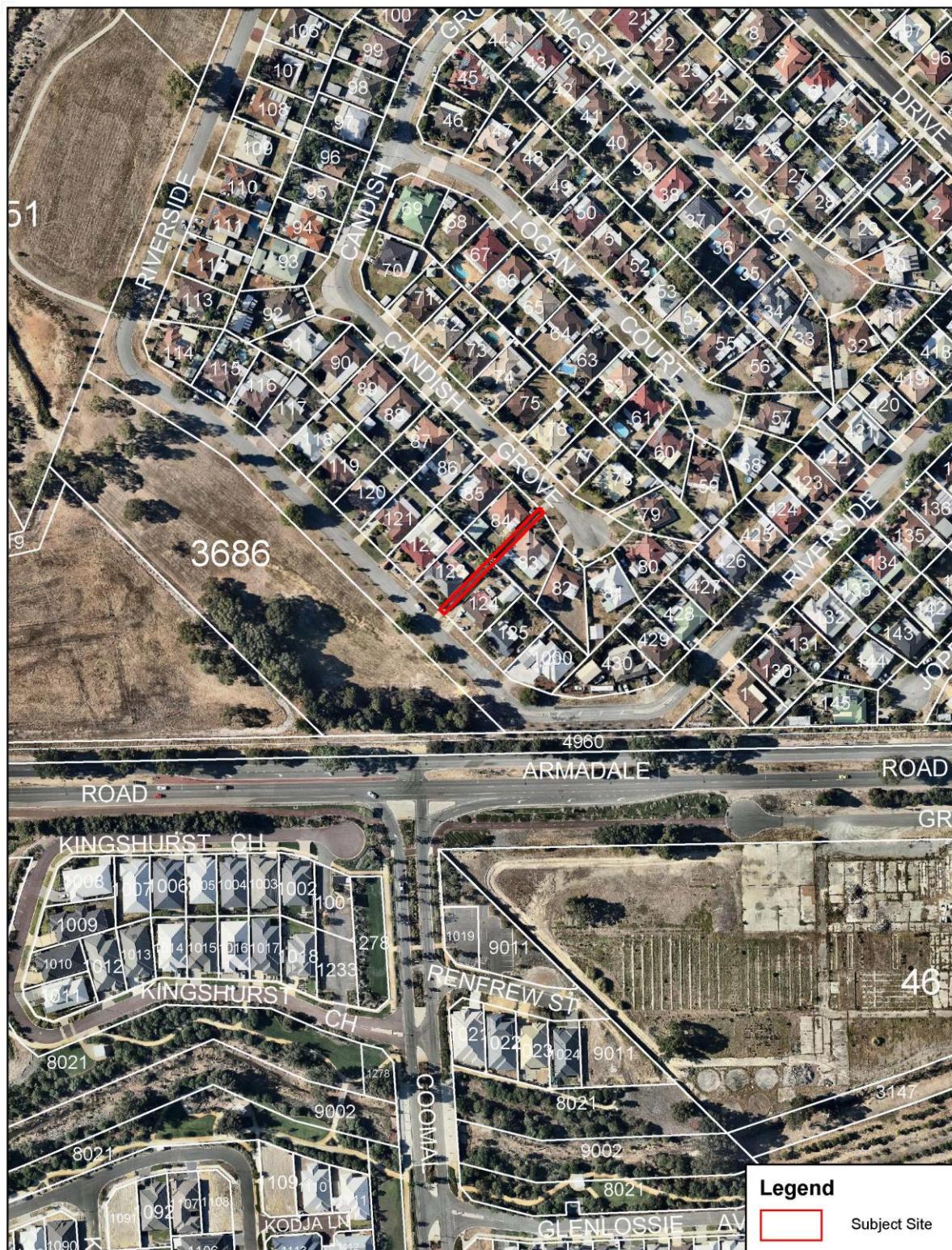
Legislation Implications

Land Administration Act 1997

Land Administration Regulations 1998

Council Policy/Local Law Implications

Policy No. ENG 7 – Public Access Ways - Management.



AERIAL PLAN
Lot 155 Candish Grove, Seville Grove

29 0 29 58m
SCALE 1 : 2907

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. Photography by AerialMap

DATE 5 January 2018 - REVISION 1801
p:\autocad\agenda_drawings\2019\4.april\155_candish\155_candish.dwg

CITY OF Armadale

Budget/Financial Implications

There are a number of financial considerations regarding the closure of the PAW, whether it is permanent or temporary. Similarly, if the PAW was to remain open, there are a number of costs associated with infrastructure improvements and the current maintenance program.

Consultation

- Service Authorities - Water Corporation, Western Power, ATCO Gas Australia and Telstra.
- Technical Services Directorate.
- Adjacent landowners.

BACKGROUND

The City received a request to close the PAW between Riverside Land and Candish Grove, Seville Grove on 7 January 1997 from the then adjacent landowner living at Lot 123 (52) Riverside Lane. Letters were sent to adjacent landowners to determine whether they supported the proposed closure and would be interested in purchasing a portion of the land and to amalgamate it with their own lots. The City received two (2) responses both supporting the closure of the PAW but only one submission was interested in purchasing a portion of the PAW and amalgamating it with their own lot.

No further action was taken by the City at this point, as there was not enough support from the adjacent landowners to close the PAW. Historically portions of the PAW had to be purchased amongst adjoining lots and purchasers to pay for service relocation costs. The City was not able to obtain such agreements.

The City received a petition that was tabled at Council's Ordinary Meeting on 29 January 2019 that was signed by 51 residents. The prayer of which reads as follows:-

We, the undersigned, respectfully request the Council:

We, as a neighbourhood community, would like to propose a petition to close the laneway (PAW), between Riverside Lane and Candish Grove Seville Grove due to Anti-Social behaviour, house/garden break-in, stolen property, numerous vandalism (fence and garden) broken beer bottles thrown over the fence and left in the alleyway along with needles, underwear (of a private nature) and excrement. Motor bikes ridden through the alleyway in an offensive manner and onto Reserves (Seminole Garden, Cam Clay reserve, San Jacinta playground)

Responding to the petition is the subject of the remainder of this report.

DETAILS OF PROPOSAL

The subject PAW is approximately 3 metres wide and about 68 metres long and connects Candish Grove to Riverside Lane, Seville Grove. The fencing along the PAW is Super Six. There are street lights located on the verges in Candish Grove and Riverside Lane that are in line with the PAW entrances on either end. The surface of the PAW is mainly paved with the exception of approximately 30cm unpaved surface along the boundaries of the PAW abutting the adjoining lots.

COMMENT

The proposed closure was advertised to adjacent landowners to gauge their interest and support for the closure. An initial Dial-Before-You-Dig search was conducted to determine what infrastructure was located within the PAW.

Adjacent Landowners

Letters were sent to the four (4) adjacent landowners, one (1) of which was the contact person for the petition.

The following table details the responses received:

Address (Seville Grove)	Support Closure	Would be willing to purchase
Lot 123 (52) Riverside Lane*	Yes	Yes
Lot 124 (54) Riverside Lane		
Lot 84 (35) Candish Grove	Yes	Yes
Lot 83 (37) Candish Grove		

*Organiser of the petition

No response has been received from the landowner of Lot 83 (37) Candish Grove, Seville Grove. The landowner for Lot 124 (54) Riverside Lane, Seville Grove contacted the City for more information about the procedures and costs involved with the closure of a PAW. The organiser of the petition is an adjacent landowner and is willing to purchase a portion of the PAW.

Adequate responses have been received to proceed with advertising the closure of the PAW, with interest existing in amalgamating the PAW land with adjacent lots.

External Service Authorities

A Dial-Before-You-Dig enquiry identified the following Service Authorities have infrastructure in the area that may be affected:

Water Corporation WA has a water pipe located within the PAW. Should the City resolve to progress with the closure of the PAW, additional discussion will need to be held with Water Corporation WA to determine whether the pipe can be ‘cut and capped’ and the costs met by the purchasers. The Water Corporation does not permit water pipes to be located on private land.

Western Power has a cable located within the PAW. Further discussions held with Western Power indicated that any further request for information will incur a cost for design. It is therefore not possible to know whether it is possible to relocate the cable at this stage.

Further investigation has shown that Atco Gas, Telstra and NBN Co have provided the City with plans that show that no infrastructure is affected by the proposed closure.

Internal Departments

The Technical Services Directorate has indicated no objection to the closing of the PAW. In the event that the lot is amalgamated into adjacent lots, an easement will be required to protect the City's drainage infrastructure. The cost of creating such easements would form part of the cost of the land, passed on to the adjacent owners whom purchase the land.

ANALYSIS

Local Connectivity

The PAW provides a shorter link for residents in Candish Grove to reach Riverside Lane. Owing to the major water pipe located along Armadale Road, the bus stop along Armadale Road is not easily accessible and neither is it possible to use the PAW as a shorter route to access the Haynes Shopping Centre via Armadale Road.

The water pipe, which is vested to the Water Corporation, is approximately 1.2m to 1.5m high and runs from Armadale Road bridge to Seminole Reserve that is located about 450m to the east of Riverside Lane. The PAW therefore does not grant easier access to Armadale Road. The Reserve (R41220) located between Riverside Lane and Armadale Road contains trees and informal grassed areas.

A pedshed has been compiled to indicate the impact of the closure for residents in Candish Grove to access the retail facilities located west of Ranford Road that could be accessed via Cam Clay Reserve (R51071). Looking specifically at the lots within Candish Grove, the number of residents that are within 400m of Cam Clay Reserve if the PAW is open is 16 lots while the number of properties within 400m of Cam Clay Reserve is 1 lot if the PAW is closed. Based on this analysis, residents from the affected properties will no longer be able to walk through the PAW along Riverside Lane to access Cam Clay Reserve; instead they will need to walk along Candish Grove and access Riverside Lane via a McGrath Place. No shops or schools are located within 400m of the PAW that will be affected by the closure of the PAW.

Quality of Alternative Routes

The alternative access routes for residents of Candish Grove would be via McGrath Place to Riverside Lane. There is no footpath in McGrath Place or Riverside Lane.

Resume of Support for PAW Closure

The petition states that the PAW is subjected to continual anti-social behaviour and is significantly affecting residents' quality of life including:

- damage to property;
- garden break- ins;
- vandalism;
- litter thrown over the fence into properties; and
- motor cyclists using the PAW as a thoroughfare.

The PAW currently has no bollards or u-rails in place. A site visit conducted by Officers of the City on 14 February 2019 confirmed several of the anti-social behaviors raised by residents.

It is acknowledged that the existence of service infrastructure within the PAW and the potential inability to move them or the likely costs to purchasers may prevent the purchase of the land by adjoining residents. Therefore the PAW could be changed to a ‘Public Utilities Reserve’ if landowners are unable to meet these costs. This option can be considered further after advertising and further consultation with service agencies.

PAW Closure Process

In accordance with the Western Australian Planning Commission (WAPC) Bulletin No.57, the Department for Planning, Lands and Heritage (DPLH) will not usually allow a PAW to be closed without prior consultation and their support being given.

OPTIONS

1. Council could resolve in accordance with WAPC Planning Bulletin No.57 to advertise the proposed closure of the PAW for public comment in order to gauge the level of support for the closure.
2. Council could decline its support to proceed with the closure of the PAW and install suitable measures to attempt to curb the anti-social behaviour such as the installation of u-rails and fencing (i.e. twin side fencing similar to other PAWs).

CONCLUSION

The residents adjoining this PAW have raised concerns of anti-social behavior in the PAW which include damaged fencing, litter and the experience of anti-social behavior including garden break ins, vandalism and motorcyclists using the PAW as a thoroughfare. A site inspection by City officers provided further evidence to substantiate some of the claims that have been made by adjoining landowners.

Landowners have been canvassed and there is interest in purchasing the PAW for amalgamation into adjoining properties. The pedshed examination of a modeled closure of the PAW demonstrates minimal impact on residents in the area to local facilities.

It is therefore recommended that Council should adopt Option 1.

ATTACHMENTS

- 1.↓ Pedshed Plan - Lot 155 Candish Grove, Seville Gove

*Cr Munn attended the meeting at 5.34pm.
Cr Butterfield attended the meeting at 5.38pm.*

Committee Discussion

Committee discussed the level of support for closure of the PAW in the petition, antisocial behaviour that has occurred, options for permanent closure and/or temporary installation of fencing and/or gates, signage and services located within the PAW. Committee requested that advertising commence to gauge the level of support for the permanent PAW closure to continue, whilst recommending the installation of fences/gates to prevent access to address current antisocial behaviour. Accordingly the Recommendation was amended.

RECOMMEND

D23/4/19

That Council:

- 1. Request the installation of fencing at either end of the Pedestrian Access Way to implement a temporary closure.**
- 2. Advertise the proposed permanent closure of the PAW for public comment to gauge the level of support for the permanent PAW closure.**
- 3. Advise the organiser of the petition of Council's decision.**
- 4. Note that a report will be prepared for Council's consideration following the close of the advertising period on the permanent PAW closure.**

Moved Cr Sargeson

MOTION CARRIED

(7/0)

1.1 - FENCING LOCAL LAW DUE FOR EIGHT YEAR REVIEW

WARD : ALL
FILE No. : M/225/19
DATE : 2 April 2019
REF : RM/SH/KD
RESPONSIBLE MANAGER : EDDS

In Brief:

- There is a requirement under the *Local Government Act 1995* to review Local Laws every eight (8) years.
- The eight (8) yearly review of the City's Fencing Local Law is due to be completed by 10 October 2019.
- Recommend that Council give state wide public notice of its intent to review the Fencing Local Law.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- 1.3.2.3 Deliver initiatives that respond to local law enforcement and legislative requirements.
2.5.1.1 Implement the Local Planning Strategy recommendations through amendments to TPS No.4, Structure Plans, Planning Policies and strategies.

Legislation Implications

Section 3.16 *Local Government Act 1995*

Regulation 3 *Local Government (Functions and General) Regulations 1996*

Council Policy/Local Law Implications

City of Armadale Fencing Local Law.

Budget/Financial Implications

Cost of advertising in the local and state newspapers will be accommodated within the Development Services Budget.

Consultation

1. Development Services
2. Governance and Administration

BACKGROUND

The City has had various Fencing Local Laws, which have been enacted and repealed dating back from 1988 through to 2011. The current Fencing Local Law was originally gazetted on 8 December 2011 and amended on 26 August 2016.

This is the first eight (8) yearly review of this local law since it was originally adopted in 2011.

DETAILS OF PROPOSAL

It is proposed that in accordance with section 3.16 of the *Local Government Act 1995* (the Act) Council advertises its intent to undertake an eight (8) yearly review of the City of Armadale Fencing Local Law.

COMMENT

Under Section 3.16 of the *Local Government Act 1995*, a local authority is required to periodically, every eight (8) years, conduct a review of its local laws to determine whether or not they should be repealed or amended.

The first step in this process requires the local government to advertise its intent to undertake a review, allowing a period of not less than six (6) weeks for public submissions. Following the close of the submission period, in-accordance with Section 3.16(3) of the *Local Government Act 1995*, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its Council.

The review will include the opportunity for Council to consider whether the local law remains unchanged, be amended or be repealed.

Should Council determine that local law be repealed or amended then a separate process is required to be undertaken to comply with Section 3.12 of the Act, which details the procedure for making local laws.

OPTIONS

Given the legislative requirement to undertake an eight (8) yearly review there is no option but to commence this review process to ensure that it is completed within the timeframe.

CONCLUSION

As the Fencing Local Law is due to have the eight (8) yearly review completed by the 10 October 2019 it is recommended that in accordance with Section 3.16 of the Act, Council advertise its intent to commence the review process.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

D24/4/19

That Council:

- Pursuant to Section 3.16(2) of the *Local Government Act 1995* – Periodic review of local laws, give state wide public notice of its intent to review the City of Armadale Fencing Local Law.

Moved Cr H A Zelones

MOTION CARRIED

(7/0)

3.1 - PROPOSED LOCAL PLANNING POLICY PLN 5.4 CASH IN LIEU FOR CAR PARKING

WARD : ALL
FILE No. : - M/151/19
DATE : 2 April 2019
REF : SF
RESPONSIBLE MANAGER : EDDS

Tabled Items

Nil.

Officer Interest Declaration

Nil.

In Brief:

- At its February 2019 meeting Council considered the draft *Local Planning Policy PLN 5.4 - Cash in Lieu for Car Parking* and resolved that it be recommitted to Development Services Committee for further consideration.
- The City has since reviewed the draft Local Planning Policy and has made some changes to make it more clear the circumstances in which the policy applies. This report also provides greater clarity on a number of matters raised by Councillors during their deliberation on the draft policy.
- Recommend that Council support the revised draft *Local Planning Policy PLN 5.4 Cash in Lieu for Car Parking*, for the purposes of public consultation and advertise the draft Local Planning Policy for a period of 28 days.

Strategic Implications

2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

Legislation Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No.4

Local Planning Strategy 2016

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

If the Local Planning Policy is adopted, then Parking Cash in Lieu payments will be received.

Consultation

The Cash in Lieu for Car Parking Local Planning Policy PLN 5.4 was prepared in consultation with a number of City Directorates, including:

- Planning Services
- Technical Services
- Corporate Services

The draft *Cash in Lieu for Car Parking Local Planning Policy PLN 5.4* if supported by Council will be advertised in accordance with Schedule 2, Part 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

BACKGROUND

Council at its meeting in February 2019 considered a draft Local Planning Policy PLN 5.4 - Cash in Lieu for Car Parking and resolved that it be recommitted to Development Services Committee for further consideration.

The policy is included in the recommendations associated with the Armadale Strategic Metropolitan City Centre Structure Plan (ASMCCSP) which was prepared in 2017 and 2018 and supported by Council at its meeting in August 2018. The need for a Parking Cash in Lieu Policy was identified as part of the scoping of the tender by City officers. The ASMCCSP is an Activity Centre Plan which aims to guide, promote and motivate future land use/development within the Armadale City Centre, to facilitate further development and strengthen the Centre as the primary Activity Centre within the South East Metropolitan Sub-Region.

Supporting the ASMCCSP is a Car Parking Strategy which is a non-statutory document which evaluates the existing car parking supply and location within the Armadale City Centre and makes recommendations on the provision of future public and private car parking in the Armadale City Centre.

In addition to setting car parking standards for land uses within the City Centre, the strategy recommends the establishment of a Cash-in-Lieu for Car Parking Local Planning Policy for the City Centre that would support existing provisions in the City's Town Planning Scheme No.4 (TPS No.4) which allow the City to consider accepting a shortfall in car parking for a development in exchange for funds based on merit.

The intent of the Local Planning Policy is to work alongside Town Planning Scheme No.4 in providing guidance to developers and the City in considering development applications where a reduced number of car parking spaces are proposed in exchange for other development outcomes which include improved design and amenity. The collection of funds for each shortfall in car parking allows the City to pull together revenue received and fund the establishment of new public car parking within the City Centre which is considered necessary as the Centre matures into its Strategic Metropolitan Centre role.

Whilst the main protagonist for the Local Planning Policy is the ASMCCSP, the City intends for the Policy to be applied more broadly to encompass not only development within the Strategic Regional Centre zone but to also include commercial and industrial development within the following zones:

- Local Centre;
- District Centre;
- Mixed Business / Residential;
- General Industry; and
- Industrial Business.

Town Planning Scheme No.4

The City's TPS No.4 outlines provisions that enable the City to consider accepting funds for a shortfall in car parking for a proposed development subject to its conformity with an adopted Local Planning Policy. Under Part 4C of the Scheme which relates to development within the Strategic Regional Centre, District Centre, Local Centre and Mixed Business/Residential zone there are provisions that enable the City to consider cash in lieu of car parking in these areas of the City. These are captured under Part 4C.7 of the Scheme, specifically clauses 4C.7.1 to 4C.7.8 which are summarised as follows:

- 4C.7.1 – enables the City to accept cash payment or transfer of land or both in lieu of the provision of all required car parking spaces subject to conformity with an adopted Local Planning Policy.
- 4C.7.2 – Cash in lieu for car parking may only be required where the City is satisfied it won't have a detrimental impact on the Centre.
- 4C.7.3 – Outlines cash in lieu to be the estimated cost of the City constructing the car parking space plus the value of the land area.
- 4C.7.4 – Cash in lieu can be reduced by up to 50% where the City is satisfied that there will be a sharing of public parking facilities by uses with significantly different peak demands.
- 4C.7.5 – Payments to be made to a trust that relates to the locality in which the cash in lieu contribution has been received.
- 4C.7.6 – Accepting the transfer of land in lieu of cash shall only be accepted free of cost, in fee simple and in a locality accepted by the City.
- 4C.7.7 – Land accepted via transfer must be large enough to include the value of construction, otherwise additional payment is required to cover the cost of construction.
- 4C.7.8 – The City can seek to rezone land that has been transferred to it provided the car parking which refers to the land in the first place is provided elsewhere.

Clause 4C.6.2 which also applies to development within the Strategic Regional Centre, District Centre, Local Centre and Mixed Business/Residential zones, allows the City to accept the provision of on-street car parking that is specifically adjacent to a particular development site as part of the requirement for overall car parking for the development. This is conditioned upon the car parking being made available for use by the general public and where the provision of such parking will not prejudice an adjacent development.

In respect to development that is within Industrial Business and General Industrial zones, Clause 4D.5 of the scheme outlines the requirement for car parking to be provided on site and through Clause 4.5 of the scheme allows the City to consider variations to development standards, including car parking requirements in schedule 7A of the Scheme. Through Clause 4.5, and in circumstances where a shortfall in car parking is proposed for a development, the City can apply conditions that could make up for the shortfall in car parking and this could include the provision of on-street car parking and/or cash in lieu for car parking.

Local Planning Policy PLN 5.4 – Cash In Lieu for Car Parking

TPS No.4 grants the City powers to consider cash in lieu for car parking arrangements for development in a number of commercial and industrial zones, subject to conformity with an adopted Local Planning Policy on Cash in Lieu for Car Parking. The purpose of the Local Planning Policy is to provide guidance to the City on circumstances to which the Policy and Scheme provisions are to apply, as the Scheme on its own provides little by way of guidance on when the City should apply this discretion. In the scheme, reference is made to protecting amenity and there being no detrimental impact by the application of cash in lieu arrangements, but aside from these points, the scheme largely covers process.

The preparation of a Local Planning Policy is designed to supplement the scheme by providing criteria that the City can use to guide its decision making by establishing planning considerations when considering cash in lieu proposals and by establishing a detailed methodology in calculating cash in lieu contributions so that it is clear for the industry to follow.

DETAILS OF PROPOSAL

The following section covers the main provisions that define the proposed Cash in Lieu for Car Parking Local Planning Policy for Council's consideration:

- Policy Objectives
- Planning Considerations
- Calculating Cash in Lieu for Car Parking

Policy Objectives

This section of the Local Planning Policy establishes the Policy objectives which the City shall have due regard to in its consideration of applications seeking to pay cash in lieu of the provision of car parking spaces. The primary objectives of the Policy are:

- To explain the circumstances where City may agree to accept a cash payment in lieu of the provision of car parking; and
- To further explain the manner in which the City will calculate the cash payment in lieu of the provision of car parking making reference to existing provisions in clause 4C.7.3 of the scheme.

The section also outlines where the Local Planning Policy is applicable which includes industrial and commercial developments only within General Industry, Industrial Business, Strategic Regional Centre, District Centre, Local Centre and Mixed Business/Residential zones. Residential development and development within all other zones are excluded from the Policy. The policy has been amended slightly to ensure this is clear.

Planning Considerations

This section of the Local Planning Policy establishes the planning matters that would need to be considered where cash in lieu of car parking is proposed in eligible areas. The criteria includes the following:

- The availability of existing and proposed public car parking within the vicinity of the proposed development;
- Reference to clause 4C.7.2 of the scheme as an important provision for the City to consider when deliberating over cash in lieu payments for car parking for eligible development within the Strategic Regional Centre, District Centre, Local Centre and Mixed Business/Residential zone;
- The contribution of the development towards land use diversity, positive built form design and relationship with the streetscape; and
- The need for such a facility or service in the locality.

The provisions add further to the importance of the proposed development contributing towards the amenity of the area and the possibility to provide public car parking nearby to the proposed development. Limitations are also placed on the maximum amount of cash in lieu for car parking that can be sought for any one development and this is limited to no more than 50% of the overall on-site parking requirements for a development as stipulated by clause 4C.7.4 of the scheme. Consideration of cash in lieu for car parking above this threshold is only given to eligible development (i.e. commercial) that is zoned Strategic Regional Centre and District Centre and that which is located within 800m walking distance of a Train Station.

The establishment of a 50% limit to the number of car parking bays that could be considered for cash in lieu has come via the consideration of other Local Planning Policies adopted by Local Governments within the Metropolitan area which have applied similar thresholds. The variation of this requirement for land zoned Strategic Regional Centre and District Centre is considered on the basis that these zones are located in close proximity to public transport including high service bus ways and train services, accordingly the provision of alternative modes of transport as a viable alternative to private vehicle is considered an option in these areas.

Calculating Cash in Lieu for Car Parking

The final section of the Local Planning Policy provides in more detail than clause 4C.7.3 of the scheme the methodology associated with calculating the appropriate level of funds for car parking that is not provided ordinarily as part of the development. The methodology includes determining the land area, land value and the cost for construction by detailing the items that constitute a constructed car parking space. This includes the area for the car bay itself and manoeuvring area. Typically this amounts to a surface area of 26.88m².

Combined the methodology supports clauses 4C.7.3 of the scheme by assisting the City and the Applicant determine the amount to be paid for each car parking bay that is not provided as part of the development and the figure is multiplied by the number of car parking bays that are not provided to arrive at the total amount payable.

This section also details that the cash in lieu of the car parking shortfall shall be made to the City prior to the commencement of development and / or prior to the commencement of the use.

COMMENT

The Council at its February 2019 raised a number of matters for discussion when it considered the draft Local Planning Policy PLN 5.4 - Cash in Lieu for Car Parking. The remainder of this section responds to the points raised in discussion.

The creation of a Local Planning Policy for Cash in Lieu for Car Parking will work in tandem with existing provisions of TPS No.4 and it is anticipated that the planning considerations identified in the draft Policy such as design and amenity will be supported by State Planning Policy No.7 - 'Design WA' which provides improved design standards for mixed use development. Council at its last meeting also considered as part of a separate report to Council, the possibility of establishing a Design Review Panel to assist the City in achieving improvements in built form design. Council supported the listing of the funding of the Design Review Panel to be considered as part of the 2019 budget process.

It would be possible that the establishment of a Design Review Panel could also provide support to the City in its assessment of applications for cash in lieu by examining the design merits of development proposals in line with 'Design WA' (where applicable) and the City's Cash in Lieu for Car Parking Local Planning Policy for large developments.

It is important to note that the Local Planning Policy helps to support the City's decision making on whether or not it is appropriate to accept cash in lieu for a shortfall in car parking for eligible development. The City's general position is to require car parking to be provided in full onsite and variations to this only being considered where merit exists.

In respect to the collection of funds, the City already has established a cash in lieu trust account, accordingly the establishment of further accounts for cash in lieu will not be required. As cash in lieu is collected a description of each payment is recorded in the Trust so that the City can apply the funds collected to the area where the funds were collected (similar to the processes the City has established for POS Cash in Lieu). To support the application of those funds, the City would establish procedures and through its budget process will guide the expenditure of the funds collected to ensure they are allocated according to the area where the funds are collected.

The application of cash in lieu funds can take the following forms:

- Establishment of embayment parking adjacent to development; and / or
- Collectively through the creation of a public car parking space (at ground level or multi-level car parking).

The most common application of public car parking through funds established is through the creation of embayment car parking adjacent to development or the nearby street network, however in some circumstances the collection of funds for the purchase of land and construction of an at grade or multi-level car park could be warranted. For the City to undertake the latter option a separate business case would be required and approval through the budget process. This is a possible option for the Armadale Strategic Metropolitan City Centre in the medium to long term which contemplates a multi-level car park as part of its long term Car Parking Strategy.

Cash in lieu for car parking is most commonly considered when the City receives an application which proposes a change in use. Typically this occurs in existing commercial areas where an existing use goes from say a permitted (P) use to a discretionary use (D) and between the two uses there is a different ratio required for car parking. Given that the development exists the new use may require an addition car bay under the scheme. Rather than refuse the application or burden the proposal with the requirement to provide the additional bay on site which can involve significant remedial work, the City can seek cash in lieu for the car parking. The City can then use these funds to construct a new car bay in the adjoining or nearby street in the form of embayment parking. The City could request that the applicant undertake these works but in most cases, the applicant which is a small business owner is not equipped to undertake the required works, so cash in lieu for parking with the City carrying out the works is often the most satisfactory approach.

In industrial zones, the circumstances are similar, where sometimes change of use or new developments are unable to provide the total required car parking as required by the scheme. The City in these circumstances either condition the development to have car parking provided in the verge in the form of embayed parking or alternatively could apply a cash in lieu for car parking condition enabling the City to collect those funds to construct car parking embayment's as part of its capital works program. In some circumstances where new development is proposed, the developer is capable of providing the embayment in the verge and therefore the City conditions the development accordingly. In other circumstances such as change of use, the City may be better placed to deliver the verge parking so therefore conditions the development with cash in lieu for car parking shortfall.

The acceptance of an application seeking Cash in Lieu for Car Parking once assessed against the Town Planning Scheme provisions and the Local Planning Policy would be assigned through a suitably worded condition of Development Approval. The creation of a suitably worded condition will be undertaken in tandem with the Local Planning Policy and will be ready for application should the Local Planning Policy be adopted by Council.

ANALYSIS

Schedule 2, Part 2, Clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 allows Council to prepare a Local Planning Policy which:

- a) *May apply generally or in respect of a particular class or classes of matters specified in the policy;*
- b) *May apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy; and*
- c) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*

In this regard, the draft Local Planning Policy – PLN 5.4 has been prepared in accordance with Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

Briefly, as outlined in the Planning and Development (Local Planning Schemes) Regulations 2015, the procedures for making a Local Planning Policy are:

- Once the City resolves to make a planning policy, the City must advertise the proposed policy in a newspaper circulating in the scheme area, with public submission period being not less than 21 days from the day on which the notice of Local Planning Policy is published. The City may carry out such other consultation as considered appropriate.
- Council is then required to review the proposed policy in light of any submissions made during the advertising period, and resolve to proceed (with or without modifications), or not proceed with the Local Planning Policy.
- If the Council resolves to proceed with the policy, the City must publish notice of the policy in a newspaper circulating in the scheme area.

OPTIONS

1. Council could resolve to advertise (with or without modification) the draft Local Planning Policy PLN 5.4 – Cash in Lieu for Car Parking.
2. Council could resolve not to initiate a draft Local Planning Policy PLN 5.4 – Cash in Lieu for Car Parking.

CONCLUSION

The Cash in Lieu for Car Parking Local Planning Policy will work alongside Town Planning Scheme No.4 to provide a legislative framework for private developers to make payments to the City in lieu of providing a portion of Car Parking spaces for development in eligible areas. In addition, the Local Planning Policy will provide guidance to developers and the City to ensure that developers meet specific standards in order to be eligible for cash in lieu of car parking spaces. The policy will include a methodology for calculating the cash in lieu payment.

It is recommended that Council proceed with Option No.1.

ATTACHMENTS

- 1.[.pdf](#) Draft PLN 5.4 Cash In Lieu Policy For Car Parking

Committee Discussion

Committee discussed the Armadale City Centre Structure Plan, existing parking, change of use applications, continued growth of the City's town centres and industrial areas, calculation of parking CIL, other Local Government Policies, development applications for existing buildings, parking issues on development sites and in industrial areas, costs of the City installing additional parking in industrial areas as land uses intensifies, the proposed design criteria, etc.

RECOMMEND

D25/4/19

That Council:

- 1. Advertise the draft Cash in Lieu for Car Parking Local Planning Policy PLN 5.4 for a period not less than 21 days in accordance with Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.**
- 2. Refer the draft Cash in Lieu for Car Parking Local Planning Policy to the Western Australian Planning Commission for comment.**

Moved Cr H A Zelones

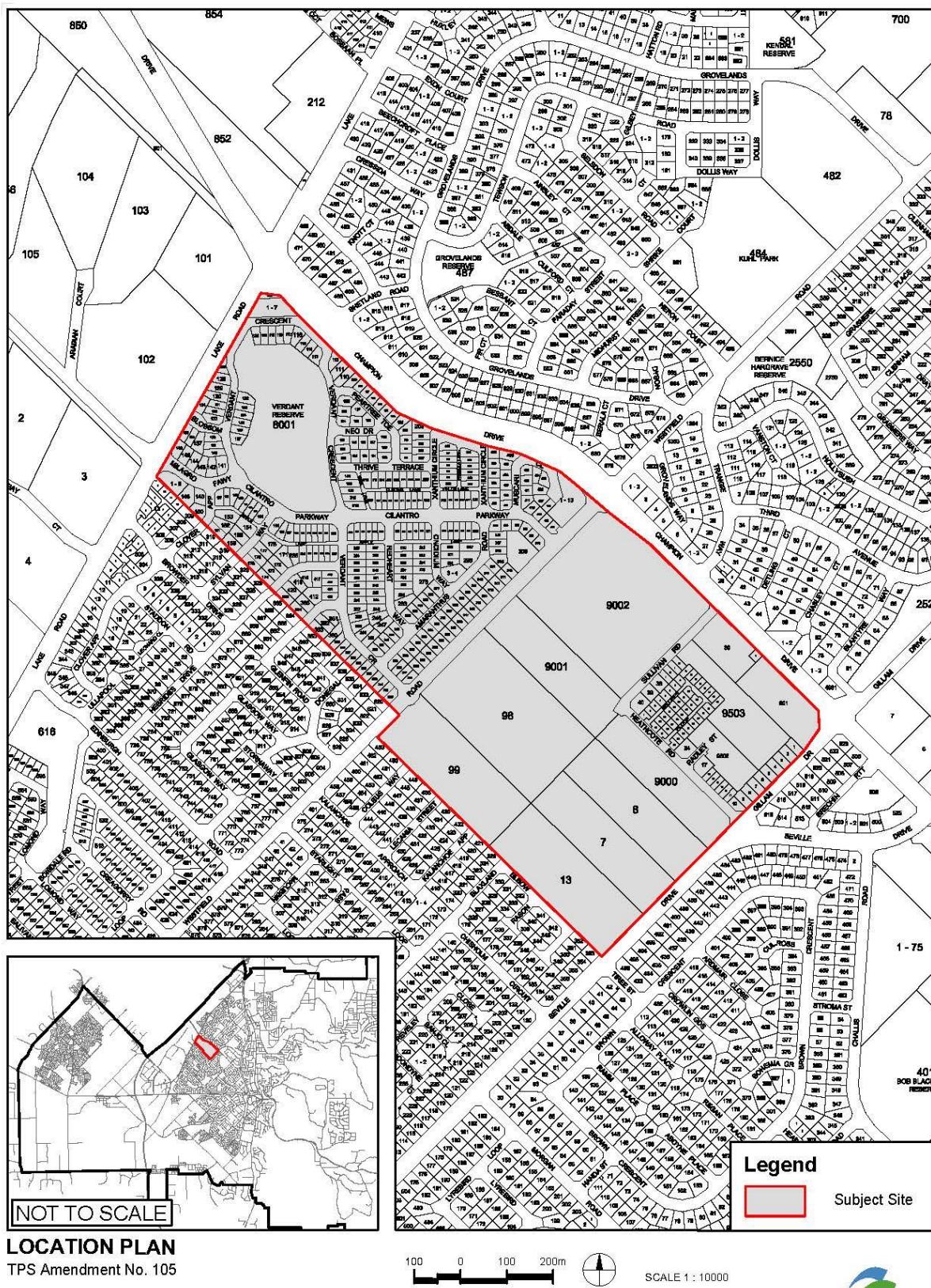
Seconded Cr Silver

Opposed Cr Geary

MOTION CARRIED

(6/1)

PAGE INTENTIONALLY LEFT BLANK



LOCATION PLAN

TPS Amendment No. 105

100 0 100 200m
SCALE 1 : 10000



4.1 - PROPOSED AMENDMENT NO.105 TO TPS NO.4 - NORMALISATION OF CHAMPION DRIVE PRECINCT FROM MRA TO CITY OF ARMADALE

WARD	:	Palomino & Heron
FILE No.	:	M/207/19
DATE	:	2 April 2019
REF	:	TvdL
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	City of Armadale
LANDOWNER	:	Multiple landowners in Champion Drive Precinct
SUBJECT LAND	:	Metropolitan Redevelopment Area: Champion Drive Precinct
ZONING MRS /	:	Urban – Pending approval of MRS Amendment No zone (within TPS No.4
TPS No.4	:	Redevelopment Area)

In Brief:

- The MRA is seeking normalisation of the Champion Drive Precinct which has been under the planning control of the State Government (former ARA then MRA) since the early 2000's.
- Normalisation would see the City reassume planning control over the precinct.
- The City has prepared Amendment No.105 to include the Champion Drive Precinct back into the City's Town Planning Scheme No.4 to facilitate normalisation.
- The proposal designates appropriate TPS No.4 zones, reserves and residential densities over the Champion Drive Precinct, as well as a new Development Area over a portion of the Champion Drive Precinct to ensure future subdivision and development is guided by a Structure Plan.
- Recommend that Council initiate Amendment No.105 for public review and submissions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.2.3 Revitalise existing neighbourhoods whilst retaining the character of places.
2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

Legislation Implications

Metropolitan Redevelopment Authority Act 2011
Metropolitan Redevelopment Authority Regulations 2011
Metropolitan Redevelopment Authority's Armadale Redevelopment Scheme 2
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Metropolitan Region Scheme
City of Armadale Town Planning Scheme No.4

Council Policy/Local Law Implications

There may be a requirement to amend/expand the City's Local Planning Policies to apply to the Champion Drive Precinct.



AERIAL PLAN
TPS Amendment No. 105

75 0 75 150m
SCALE 1 : 7500

DATE 21 March 2019 - REVISION 1801
p:\autocad\agenda_drawings\2019\4_april\amendment_105\ips_amendment_105.dwg

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

CITY OF Armadale

Budget/Financial Implications

Nil.

Consultation

Metropolitan Redevelopment Authority.

BACKGROUND

Planning History

The Armadale Redevelopment Authority (ARA) assumed planning control over a number of precincts within the City during the early 2000's, on a staged basis. The former High School and TAFE sites in Seville Grove were one of the first areas transitioned to ARA control, after having been excised from the City's A14 Structure Plan; the sites were included in an "interim" scheme that was gazetted on 29 August 2003. A 13ha area between the High School and TAFE sites was soon added, to round out what then became the Champion Drive Precinct.

An early policy document described the Precinct as, "*...to provide primarily for residential development of mainly single dwellings but with medium density in proximity to open spaces and local facilities and a small business incubation centre at the corner of Champion and Gillam Drives to foster local enterprise.*" The project largely facilitated the redevelopment of surplus State Government landholdings.

The MRA assumed planning control of the majority of ARA projects in 2012, including the Champion Drive Precinct. The area now falls within the MRA's Armadale Redevelopment Scheme 2 and is subject to the Champion Drive Structure Plan (MRA Structure Plan) and Developer Contribution Plan (DCP) established by the ARA and now managed by the MRA.

The MRA has formally requested the area be normalised back to the City's planning control, with a target date of 1 July 2020. At the Council meeting held on 25 March 2019, Council made the decision to support the MRA's request to normalise the Champion Drive Precinct with the following Recommendation:

That Council:

1. *Advise the Metropolitan Redevelopment Authority that it supports normalisation of the Champion Drive precinct, subject to:*
 - a. *Establishment of appropriate engagement processes to facilitate normalisation, the provision of required information to the City and approach to the planning framework to enable normalisation to the WAPC's and the City's Planning Framework.*
 - b. *Indemnification of the City, should it decide to continue operation of the MRA's Developer Contribution Plan for the Champion Drive precinct.*
2. *Request the WAPC to initiate an MRS Amendment to rezone the whole Precinct to the Urban zone (as attached).*

Amendment 105 is a step towards normalisation, and thus supports Council's decision.

Champion Drive Structure Plan (MRA Structure Plan)

The MRA Structure Plan was first approved in 2006 and most recently amended in 2008 (refer to Attachments). The MRA Structure Plan provides for residential development with supporting public amenity and services. While the MRA Structure Plan was not approved under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Regulations state that Structure Plans are valid for 10 years from the date they are approved. After this time, the planning and investigations supporting the Structure Plan are likely to be considered outdated.

The MRA Structure Plan can be logically split into two areas: north of Westfield Road and south of Westfield Road.

The northern portion of the MRA Structure Plan provides for the majority residential development, three areas of Public Open Space (POS), and one Local Shop. The following land use designations apply to the northern portion:

- Predominantly Medium Density;
- Predominantly Single Housing;
- POS;
- Drainage; and
- Local Shop/R40.

The entire northern portion of the MRA Structure Plan has been fully subdivided with approximately 16% of lots still to be developed/built upon. All POS and Drainage has been developed and the area designated Local Shop/R40 has been developed as a residential grouped housing site at an R40 density rather than as a local shop; therefore the Local Shop designation is out of date.

The southern portion of the MRA Structure Plan provides for residential development, a TAFE, a primary school and two areas of POS. The following land use designations apply:

- Predominantly Medium Density;
- Predominantly Single Housing;
- Education/Institutional Use;
- POS; and
- Drainage.

While some residential development has occurred in the south-eastern corner of the southern portion of the MRA Structure Plan, the majority of the southern portion remains unsubdivided and undeveloped.

The MRA Structure Plan shows two areas of POS being required:

- 1.5ha in a well-treed location in the southernmost portion of the precinct, on Lot 13 Seville Drive; and
- 0.5497ha abutting Champion Drive.

Subdivision Approvals

There are three lots within the southern portion that are subject to approved subdivisions:

- Lot 30 Champion Drive;
- Lots 9502 on Deposited Plan 401884 (adjacent to Radley Street); and
- Lot 9503 on Deposited Plan 401884 (adjacent to Sullivan Road).

A subdivision application to create eighteen residential lots was approved over Lot 30 Champion Drive in September 2016 but is yet to be implemented (expires in September 2020). Lots 9502 and 9503 are both balance lots created by a subdivision approved in November 2010. Further subdivision of these two balance lots as permitted by the approved subdivision was never implemented and the subdivision approval has now expired.

Residential Density

The MRA Structure Plan is supported by the MRA's Champion Drive Residential Design Guidelines (MRA Design Guidelines) which specify R-Code densities of R40, R30 and R20 for various lot types throughout the MRA Structure Plan area. The Design Guidelines were prepared to constitute specific variations to the R-Codes including front setbacks, fencing, architectural features, garage doors and surveillance to create a unique residential estate. These variations are more onerous than the standard requirements of the R-Codes. Since the residential designations on the MRA Structure Plan of "Predominantly Medium Density" and "Predominantly Single Housing" are very broad, it is the role of the Design Guidelines to guide the R-Code density within the Champion Drive Precinct.

Where there is an approved Local Development Plan (LDP), the Design Guidelines state that the LDP shall designate the applicable R-Code. All LDPs within the Champion Drive Precinct designate an R-Code of R40 over the subject lots.

Site description

The land north of Westfield Road has been developed into residential lots, as mentioned above, whereas the majority of the southern area is unsubdivided and remains in State Government control. There are three undeveloped 'super lots' left in private ownership. The MRA advises that the Department of Training and Workforce Development (DTWD) has released a portion of that land for sale (possibly to another State Government agency), which the MRA Structure Plan currently shows as a TAFE site (refer to Attachments). The City understands that the WAPC are also transferring their lot to another State Government agency for future subdivision.

The southern portion of the precinct contains 26.1ha of unsubdivided land, including the TAFE site and a 4.2ha undeveloped primary school site designated by the MRA Structure Plan.

Process towards normalisation

Normalisation of the Champion Drive Precinct takes effect when Schedule 1 in the *Metropolitan Redevelopment Authority Regulations 2011* is amended by subtracting Champion Drive (from the plan), using s.31 of the *Metropolitan Redevelopment Authority Act 2011*. To ensure that the City has access to the controls it requires when reassuming planning authority for the area, a number of other amendments to various pieces of legislation need to occur at the same time.

When the MRA assumed planning control of the Champion Drive Precinct, the Metropolitan Region Scheme (MRS) was rescinded from this area. Thus, as part of the normalisation process, an amendment to reintroduce the MRS into the Champion Drive Precinct is necessary. The MRS Amendment proposal is currently with the WAPC to include all of the redevelopment areas within the City of Armadale into the MRS in order to facilitate the future normalisation of those areas.

The MRS Amendment proposes to designate an ‘Urban’ zoning over the Champion Drive Precinct, as well as reserving an area of land in the southern portion as ‘High School’. However, more recent discussions with the MRA have made clear that the delivery of this High School site is not likely and the intention is to remove this from the MRS mapping. The MRA also intends to amend the MRA Structure Plan to remove the TAFE site from the Structure Plan map and replace with a residential land use designation or require a new Structure Plan to ensure consistency between the proposed MRS mapping and the MRA Structure Plan. It is expected that the MRS Amendment is finalised at the time of normalisation.

DETAILS OF PROPOSAL

Amendment No.105 proposes to reintroduce the Champion Drive Precinct into the City’s Town Planning Scheme No.4 (TPS No.4) in order to reassume planning control over the precinct which is currently under the control of the Metropolitan Redevelopment Authority (MRA). The Champion Drive Precinct is currently not zoned or reserved under TPS No.4. For this reason, Amendment No.105 proposes to include the Champion Drive Precinct within the TPS No.4 boundary and designate appropriate zones and reserves over the area generally consistent with the MRA approved Champion Drive Structure Plan (MRA Structure Plan) currently applicable to the precinct, as well as existing development.

Since the MRA uses land use designations that are different to the City’s zones, Amendment No.105 proposes zones that are most compatible and consistent with the land use designations on the MRA Structure Plan, however within the WAPC and City’s Planning Framework. This is further discussed below.

Normalising the Champion Drive Precinct by including this area into the TPS No.4 will enable the City to reassume planning control of this precinct and administer quality development outcomes.

Northern Portion – Scheme Map

Since subdivision and development has substantially commenced and is close to completion in this northern portion, the MRA Structure Plan is no longer needed to guide subdivision and development and it is proposed to revoke the MRA Structure Plan and introduce appropriate zones and reserves into the TPS No.4 map over this portion as follows:

MRA Structure Plan land use designation	Proposed zone/reserve under TPS No.4
Predominantly Medium Density	Residential
Predominantly Single Housing	Residential
POS incl. Conservation Category Wetland and associated buffer	Parks and Recreation (Local)
Drainage	Parks and Recreation (Local)
Local Shop/R40	Residential (as developed as residential)

For those areas proposed to be zoned ‘Residential’, Amendment No.105 proposes to introduce R-Codings over subdivided lots within the Champion Drive Precinct in the following way:

1. Those lots subject to an approved LDP being coded R40 consistent with the approved LDP;
2. Those lots not subject to an approved LDP being allocated various residential densities that are consistent with the minimum and average lot sizes that have been produced (ie. R17.5, R20, R25 and R35).

Under the City’s planning framework, the provisions of the R-Codes will then apply to residential development and variations to the R-Code provisions are at the City’s discretion. The MRA Design Guidelines are more onerous than the requirements of the R-Codes and include provisions that the City does not consider necessary to implement, such as requiring a minimum roof pitch and front fencing to be permeable above 0.6m (covered by the City’s Fencing Local Law). The MRA Design Guidelines were adopted in March 2010 and vary a superseded version of the R-Codes and are thus considered outdated. Thus, the MRA Design Guidelines will no longer be required to designate R-Codes or to vary the provisions of the R-Codes in the Champion Drive Precinct.

The proposed R-Codes are consistent with approved LDPs and subdivided lot sizes and are not likely to impact the subdivision or development potential of any lots within the Champion Drive Precinct.

The above represents the most logical and consistent method of normalising the northern portion of the MRA Structure Plan into TPS No.4, in addition to being the most cost effective for the MRA and the City, while providing landowners the opportunity to comment on the proposal during the advertising period. This proposal is reflected on the Scheme Amendment Map (refer to Attachments).

Southern Portion – Scheme Map

Land that has not yet been subdivided for urban development in the southern portion of the Champion Drive Precinct is proposed to be included within the new Development Area 50 and zoned ‘Urban Development’ under TPS No.4. This will require a new Structure Plan to be prepared to guide subdivision and development over this land and to designate appropriate R-Codings for future residential development. The proposed Development Area will be supported by proposed scheme text provisions included in ‘Schedule 8 – Development (Structure Planning) Areas’.

It is proposed to also include Lot 30 Champion Drive and balance Lots 9502 and 9503 on Deposited Plan 401884 within the ‘Urban Development’ zone and Development Area 50. However, a provision is proposed to be included within Schedule 8 under Development Area 50 to exempt developers from the requirement to prepare a new Structure Plan for these lots should they wish to implement the approved subdivision or seek approval for a new plan of subdivision that is generally consistent with the MRA Structure Plan. A further explanation of this is provided in the Analysis section below.

Land already subdivided in the southern portion is proposed to be zoned ‘Residential’ and designated an appropriate R-Code since the MRA Structure Plan is no longer required to guide subdivision and development there.

Modifications to TPS No.4 text

Amendment No.105 proposes to modify ‘Schedule 8 – Development (Structure Planning) Areas’ of TPS No.4 in order to introduce Development Area 50 into the Schedule and provide appropriate provisions to guide structure planning, subdivision and development.

While the existing MRA Structure Plan is outdated and requires replacing, there are some elements of the Structure Plan that are to be carried over to any new Structure Plan that is prepared. These elements concern POS and the road network.

The MRA Structure Plan includes two areas of POS in the southern portion of the Champion Drive Precinct. One of these areas, in the south-western corner of the Champion Drive Precinct at Lot 13 Seville Drive has been strategically located in order to preserve the majority of a significant area of mature marri woodland vegetation identified as the best quality remnant vegetation within the precinct. For this reason, any new Structure Plan prepared over this land is to locate POS in order to retain this vegetation.

ANALYSIS

Champion Drive Structure Plan (MRA Structure Plan)

As stated previously, the MRA Structure Plan is considerably outdated. There has been a long-standing principle in the WA Planning system that planning documents are reviewed every 5 years. This is to maintain their relevance and update where required. The MRA/ARA generally have planning frameworks/structure plans more than 5 years old. The City aims to apply these principles to its significant planning documents (i.e. Audit on TPS No.4 adopted by WAPC in 2016, Policy reviews, Structure Plan reviews, etc). With DCP’s the City undertakes annual reviews. A Structure Plan is unlikely to be current or reflect the best and most desired development outcomes in any particular area after this time, without an informal review being undertaken.

This is evident when considering the TAFE site depicted on the MRA Structure Plan which is no longer proposed and instead the site will be sold or developed as a residential estate. The MRA have indicated their intention to undertake an amendment to the MRA Structure Plan to remove the TAFE site and replace with a residential land use designation or require a new Structure Plan to address this issue. This MRA Structure Plan amendment will ensure consistency with the proposed MRS Amendment to zone the Champion Drive Precinct ‘Urban’, but does not address other aspects of the MRA Structure Plan that are also outdated. For example, a primary school is also identified, but there is uncertainty as to whether this will be delivered. Therefore, it is proposed that the MRA Structure Plan lapse (ie. not be transferred to the City from the MRA) and a new Structure Plan be required for the unsubdivided southern portion including updated environmental and technical studies. This is appropriate and in the best interests of achieving desirable and sustainable future development in the Champion Drive Precinct.

Local Shop/R40

Regarding the Local Shop/R40 land, since the land has already been developed as five residential dwellings, it is logical to reflect this land use through a ‘Residential’ zoning under TPS No.4 rather than zone the land ‘Local Centre’ consistent with the ‘Local Shop’ land use designation in the MRA Structure Plan. It is acknowledged that the land use permissibility’s under TPS No.4 differ for the ‘Residential’ and ‘Local Centre’ zone, but given the residential dwellings were only constructed in 2015, it is considered unlikely that a Local Centre use would be pursued here in the short, medium or perhaps even long-term future. In addition, the viability of a ‘Local Centre’ here is questioned due to the small size of the lot (1136m²) which has now been subdivided into five smaller lots 201-241m², as well as the proximity to the Champion Drive Shopping Centre and the future commercial area in Champion Lakes.

It should also be noted that under TPS No.4, Home Business, Home Occupation and Home Office are ‘A’, ‘D’ and ‘P’ uses within the Residential zone respectively, and thus residential land owners still have the opportunity, subject to approval from the City, to pursue a small-scale domestic business operating from their home.

Lot 30 Champion Drive and Lots 9502 and 9503 on Deposited Plan 401884, Seville Grove

For Lot 30 Champion Drive and balance Lots 9502 and 9503 on Deposited Plan 401884, a new Structure Plan would not be required if subdivision is pursued in accordance with the MRA Structure Plan (to be revoked). This is due to these lots already being subject to approved subdivisions, though the subdivision over Lots 9502 and 9503 was never implemented before it expired. Requiring the preparation of a new Structure Plan is considered onerous and unnecessary where a subdivision application has already been approved, where currently valid, or where a new subdivision is approved that is consistent with the MRA Structure Plan and only slightly alters the existing or expired subdivision approval.

Allowing this flexibility will not prejudice future development in the area as the area is separated from the rest of the southern portion of the Champion Drive Precinct by local roads, and a new Structure Plan prepared for this area will be required to coordinate with the existing approved street block and road network.

Developer Contribution Plan

The Champion Drive Developer Contribution Plan (DCP) was prepared in 2006 and was written and costed to suit the requirements of the now outdated MRA Structure Plan. The DCP is not consistent with the City's or WAPC's DCP framework. The majority of infrastructure items funded by the DCP have already been delivered with the exception of:

- The Sullivan Road intersection with Champion Drive;
- Construction of a 2m wide dual use path on the southern side of Westfield Road;
- Land acquisition, landscaping and drainage of the two areas of POS in the southern portion of the Champion Drive Precinct;
- The compensating drainage basin previously proposed adjacent to the Primary School.

It is proposed that at normalisation, the DCP is revoked as the requirement for a new Structure Plan in the southern portion of the Champion Drive Precinct will coordinate the provision of any necessary infrastructure. The MRA is to undertake an audit of the DCP and the balance of funds should be allocated to park development or works in the southern portion of the Champion Drive Precinct, after the MRA deducts auditing and DCP closure costs.

Standard Amendment

Amendment No.105 is proposed as a standard amendment as it is consistent with the City's Local Planning Strategy, is consistent with the proposed MRS 'Urban' zoning over the Champion Drive Precinct and is essentially an administrative amendment that is generally consistent with the MRA planning framework and existing development within the Champion Drive Precinct.

The TPS No.4 zones and reservations that are proposed over subdivided land are as consistent as possible with the MRA's land use designations applicable to the Champion Drive Precinct through the MRA Structure Plan for the northern portion. Residential density is to align with approved LDPs and subdivided densities already delivered in the Champion Drive Precinct. The southern portion of the MRA Structure Plan is out of date and shouldn't be used as a basis for zoning, rather the Urban Development zone should be applied. As the MRA planning framework does not use zones or R-Codes, it is considered appropriate to progress Amendment No.105 as a standard amendment requiring advertising, giving landowners the opportunity to comment on the proposed zonings and R-Code designations.

If Amendment No.105 is progressed as a standard amendment, following initiation the Amendment will be required to be forwarded to the Environmental Protection Authority (EPA) for a decision as to whether an environmental assessment is required. Following a decision by the EPA that no assessment is required, the Amendment is to be advertised for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

OPTIONS

1. Council may initiate the Scheme Amendment as proposed.
2. Council may decline the initiation of the Scheme Amendment if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for any other reason.

CONCLUSION

Amendment No.105 will assist with implementation of Council's decision on 25 March 2019 to support the MRA's request to normalise the Champion Drive Precinct using the WAPC and City's Planning Framework. The normalisation of the Champion Drive Precinct will see the City reassume planning control over the precinct and provides the opportunity to update the planning framework governing this precinct which is currently outdated and inconsistent with WAPC requirements and TPS No.4.

Given the above, Option 1 is recommended.

ATTACHMENTS

- 1.↓ Existing & Proposed Zoning - Map 1 - TPS No.4 - Amendment No.105
- 2.↓ Existing & Proposed Zoning - Map 2 - TPS No.4 - Amendment No.105
- 3.↓ Existing & Proposed Zoning - Special Control Area Map 1 - TPS No.4 - Amend No.105
- 4.↓ Existing & Proposed Zoning - Special Control Area Map 2 - TPS No.4 - Amend No.105
- 5.↓ Existing & Proposed Zoning - Special Control Area Map 3 - TPS No.4 - Amend No.105
- 6.↓ MRA - Champion Drive Local Structure Plan

RECOMMEND

D26/4/19

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005*, initiate Amendment No.105 to Town Planning Scheme No.4 to:
 - a. Include the Champion Drive Precinct as designated on the Scheme Amendment Map into the Scheme boundary;
 - b. Rezone the Champion Drive Precinct as depicted on the Scheme Amendment Map from unzoned to:
 - i) 'Urban Development Zone';
 - ii) 'Residential';
 - iii) 'Parks and Recreation' local reserve; and
 - iv) Code subdivided Residential land 'R17.5', 'R20', 'R25', 'R35' and 'R40'.
 - c. Include the following additional Clause under Part 4.5 of the Scheme:

"Local Development Plans approved under a repealed redevelopment scheme are to operate as if they were approved under the Scheme, with any provisions which refer to repealed redevelopment area requirements being applied at the local government's discretion."

- d. Amend Special Control Area Maps 1-3 to remove the Armadale Redevelopment Area Boundary and text stating “See Armadale Redevelopment Scheme” from the Champion Drive Precinct.
- e. Designate Development Area No.50 over the southern portion of the Champion Drive Precinct as depicted on the Special Control Area Map 3;
- f. Amend Schedule 8 – Development (Structure Planning) Areas to include the following additional provisions relating to Development Area 50:

	Description of Land	Additional provisions applicable to subdivision and development
50	Champion Drive Precinct – Residential development area bound by Westfield Road, Kalanchoe Approach, Blaxland Elbow, Seville Drive, Heathcote Road, Sullivan Road and Champion Drive. Also includes Lot 30 Champion Drive, Lot 801 Gillam Drive, and Lots 9502 and 9503 on Deposited Plan 401884.	<p>50.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>50.2 Public Open Space is to be designated in the Structure Plan to protect the marri woodland vegetation on Lot 13 Seville Drive in the south-western corner of the Development Area.</p> <p>50.3 Should an application for subdivision be received for balance Lots 9502 or 9503 on Deposited Plan 401884, or Lot 30 Champion Drive that is generally consistent with the previous Champion Drive Structure Plan dated 27/05/2008, a new Structure Plan is not required to guide subdivision of these three lots.</p> <p>50.4 Radley Street is to be extended at least to the north-eastern boundary of Lot 9503 on Deposited Plan 401884.</p>

- g. Amend the Scheme Map accordingly.
- 2. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.
- 3. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.
- 4. Forward a copy of the amendment to the Western Australian Planning Commission for information.

Moved Cr C M Wielinga
MOTION CARRIED

(7/0)

5.1 - INTERNATIONAL URBAN DESIGN CONFERENCE - 13TH TO 15TH NOVEMBER 2019

WARD	:	ALL
FILE No.	:	M/156/19
DATE	:	2 April 2019
REF	:	SS
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- The International Urban Design Conference will be held at the Hotel Grand Chancellor, Hobart from 13th to 15th November 2019.
- Matters to be covered should be of relevance to Armadale.
- Recommend that consideration be given to nominating a Councillor to attend.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- 4.1 Visionary Civic leadership and sound governance
- 4.1.3 Support the role of the elected body
- 4.1.3.3 Advocate and support Councillor engagement in outside bodies and events to maintain awareness and enhance the City's knowledge base.

Legislation Implications

Nil.

Council Policy/Local Law Implications

Council Policy ADM3 – Conferences and Training

Council Policy EM1 – Reimbursement Councillor's Expenses

Budget/Financial Implications

The International Urban Design Conference is on the Approved Conference List for both Officers and Elected Members. Officer attendance will be funded from the Planning Service's Conference and Meeting budget. Sufficient funds are available in the Councillor/Member Development Budget should a Councillor be nominated to attend. The total cost of the conference attendance is estimated at \$3,000 per delegate.

BACKGROUND

The 2019 International Urban Design Conference will be held at the Hotel Grand Chancellor in Hobart Wednesday, 13th November to Friday, 15th November 2019. The International Urban Design Conference typically hosts a number of topics which are potentially applicable to the City and may provide valuable insight and information regarding a number of areas that impact the City.

DETAILS OF CONFERENCE

The 2019 International Urban Design Conference will present with renowned keynote speakers, industry presenters, workshops, panel discussions and networking opportunities, this is the perfect space to share ideas, collaborate and discover the projects revolutionising the urban design industry. Be inspired by international experts in design and planning, make the right connections to put your projects into action and discover the innovations set to advance global urban design.

Concurrent sessions will run throughout the congress and invited keynote speakers are:

- Mr Roderick Simpson (NSW) - Adjunct Professor Faculty of Design, Architecture and Building, University of Technology Sydney
- Mr Peter Poulet, NSW Government Architect, NSW Government
- Dr Verity Cleland (TAS) - Menzies Institute for Medical Research, University of Tasmania.
- Mr Leigh Carmichael (TAS) - Mona's DarkLab Creative Director
- Ms Tanya Vincent (NSW) - Principal Manager Urban Design, Transport for NSW
- Mr Michael Nolan (VIC) - Director, UN Global Compact – Cities Programme

There are no Ordinary Council Meetings scheduled during this conference. It is potentially beneficial for an Elected Member to attend the International Urban Design Conference, given a number of topics may be applicable to the City and offer insight into matters that are impacting the City. An Officer may be attending the International Urban Design Conference.

Committee is reminded of Policy and Management Plan *ADM 3 Conferences, Seminars and Training* in Clause 2(d) of the Management Practice states that:-

“2(d) - Where a member of Council at the date of the conference, seminar or training course has an electoral term of less than 6 months to complete, such member shall be ineligible to attend unless such is specifically authorised by Council.”

CONCLUSION

An Officer may be attending the International Urban Design Conference. The matter is brought to the attention of Council to determine if it wishes to nominate a Councillor to attend.

No nominations were received at the Development Services Committee meeting.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

D27/4/19

That Council:

1. Nominates Cr _____ to attend the International Urban Design Conference to be held at Hotel Grand Chancellor, Hobart from 13th to 15th November 2019.

or

2. If there is no nomination at the Development Services Committee or the Ordinary Meeting of Council on 15th April 2019, then the recommendation be as follows:

That no nomination be made for an Elected Member to attend the International Urban Design Conference to be held at Hotel Grand Chancellor, Hobart from 13th to 15th November 2019.

Moved Cr D M Shaw
MOTION CARRIED

(7/0)

COUNCILLORS' ITEMS

Nil

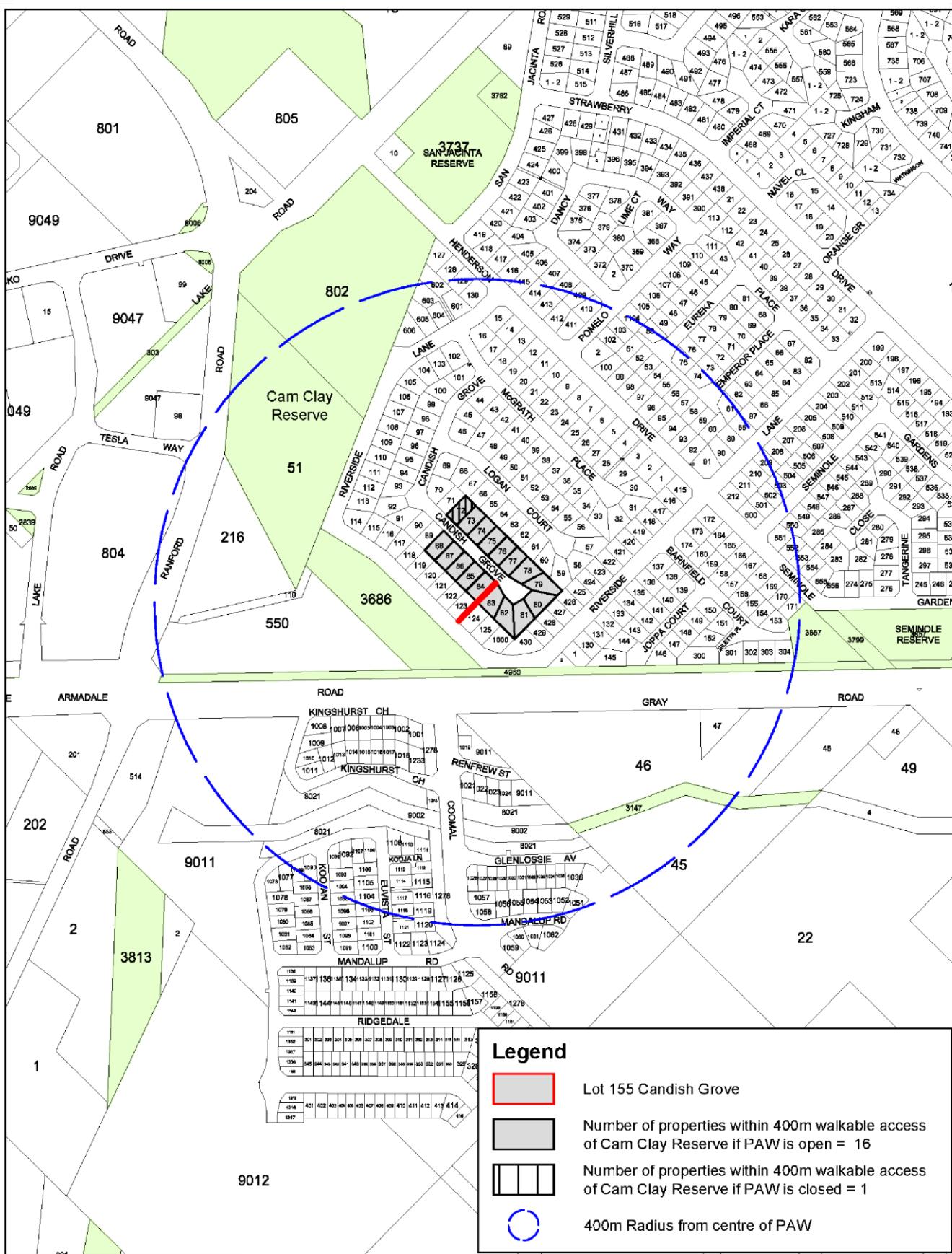
EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT 6.08 PM

DEVELOPMENT SERVICES COMMITTEE
SUMMARY OF ATTACHMENTS
9 APRIL 2019

ATT NO.	SUBJECT	PAGE
2.1 PETITION - PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 123 & 124 RIVERSIDE LANE AND LOTS 84 & 83 CANDISH GROVE, SEVILLE GROVE		
2.1.1	Pedshed Plan - Lot 155 Candish Grove, Seville Gove	42
3.1 PROPOSED LOCAL PLANNING POLICY PLN 5.4 CASH IN LIEU FOR CAR PARKING		
3.1.1	Draft PLN 5.4 Cash In Lieu Policy For Car Parking	43
4.1 PROPOSED AMENDMENT NO.105 TO TPS NO.4 - NORMALISATION OF CHAMPION DRIVE PRECINCT FROM MRA TO CITY OF ARMADALE		
4.1.1	Existing & Proposed Zoning - Map 1 - TPS No.4 - Amendment No.105	46
4.1.2	Existing & Proposed Zoning - Map 2 - TPS No.4 - Amendment No.105	47
4.1.3	Existing & Proposed Zoning - Special Control Area Map 1 - TPS No.4 - Amend No.105	48
4.1.4	Existing & Proposed Zoning - Special Control Area Map 2 - TPS No.4 - Amend No.105	49
4.1.5	Existing & Proposed Zoning - Special Control Area Map 3 - TPS No.4 - Amend No.105	50
4.1.6	MRA - Champion Drive Local Structure Plan	51



PEDSHED

Lot 155 Candish Grove, Seville Grove

75 0 75 150m



SCALE 1 : 7500

DRAFT PLN 5.4 CASH IN LIEU FOR CAR PARKING

1. INTRODUCTION

The notion of cash in lieu contributions for car parking spaces is based on the premise that where industrial and commercial type developments have a shortfall in their Town Planning Scheme car parking space requirements, the City may apply a condition of development approval or recommend to a Development Assessment Panel that would require the proponent to pay funds to the City for the shortfall. This will allow over time, for the City to then provide additional car parking bays in an adjacent or nearby streets or existing or proposed public 'car park's' if possible. In reference to the City's Activity Centres, this can also assist rationalising the distribution of car parking spaces to edges to promote walkable town centres.

It is recognised that in existing and proposed Activity Centres and Industrial areas in particular, due to objectives to encourage diversity and scale in land use, and possible limitations imposed by the size and shape of development sites and changes in land use in existing buildings, it is not always possible for developments to accommodate the full complement of car parking spaces on the development site itself. In this context, it is recognised that rather than applying the rigid application of car parking spaces for any given development site, it may be more advantageous for some parking to be set aside in a given location as shared 'public' parking or for parking to be provided as 'street parking' to support the broader operation and function of Industrial and Activity centres.

In these circumstances, broader objectives to do with land use diversity and scale can be achieved whilst at the same time accommodating the required number of car parking spaces, be it public and private, that will assist the City's Industrial areas and Activity Centres to function in an orderly and proper manner.

The purpose of this Local Planning Policy is to set out the objectives and policy provisions which the City shall have due regard to if it is to consider applications that involve a shortfall in car parking requirements and allow for cash in lieu for the provision of car parking as opposed to supplying the full required number of spaces on the development site itself.

2. APPLICATION OF POLICY

An application for Development Approval for land zoned Strategic Regional Centre, District Centre, Local Centre, Mixed Business/Residential, Industrial Business and General Industrial zone shall make provision for on-site car parking in accordance with Standards and Requirements set out in Clauses 4C.6, 4C.7 and 4D.5, Schedule 7A of Town Planning Scheme No.4 (TPS No.4) and supporting Activity Centre Structure Plans and Design Guidelines (Local Planning Policy) where applicable.

In accordance with clause 4C.7 of TPS No.4, the City may agree to accept a cash payment in lieu of the provision of car parking in areas zoned Strategic Regional Centre, District Centre, Local Centre and Mixed Business/Residential Zone, subject to the provisions set out in clause 4C.6 and 4C.7. In accordance with Clause 4.5 of the scheme, the City may agree to accept a cash payment in lieu of the provision of car parking in areas zoned Industry Business and General Industry. All circumstances will be subject also to the objectives and provisions outlined in this policy.

3. POLICY OBJECTIVES

The objectives of this Policy are as follows:

- (a) To expand on the circumstances where the City may agree to accept a cash payment in lieu of the provision of car parking; and
- (b) To further expand on the manner as detailed in clause 4C.7.3 of TPS No.4 in which the City will calculate the cash payment in lieu of the provision of car parking.

This Planning Policy only applies to development within the General Industry and Industrial Business zone, and commercial developments within the Strategic Regional Centre, District Centre, Local Centre and Mixed Business/Residential zones.

Residential development in these zones and developments within all other zones are excluded from this Policy and therefore are ineligible to apply for cash in lieu for car parking.

This Policy is adopted by the City under Clause 4 (4) of the Planning Development (Local Planning Schemes) Regulations 2015. The City is to have due regard to the provisions of this Policy and the objectives which the Policy is designed to achieve before making its determination.

4. POLICY STATEMENT

4.1 Planning Considerations

In considering the acceptability of a cash in lieu contribution for car parking, the City will have due regard to the following:

- (a) The availability of existing and proposed public car parking within the vicinity of the proposed development;
- (b) In accordance with Clause 4C.7.2 of TPS No.4, for eligible development zoned Strategic Regional Centre, District Centre, Local Centre and Mixed Business / Residential the City may only require cash in lieu of parking where it is satisfied that the provision of parking on-site and / or associated vehicle access, would be detrimental to the overall development and integrity of the centre of which the development forms part of.
- (c) The development's contribution to land use diversity, positive built form design and relationship with the streetscape; and
- (d) The need for and merits of the proposed development, facility or service in the locality.

The acceptance of cash in lieu payment is purely discretionary and the City may decide or recommend to a Development Assessment Panel a condition requiring the full provision of car parking spaces in accordance with TPS No.4 standards, if in its opinion the amenity of the area may in any way be adversely affected.

Cash in lieu contributions shall generally only be permitted for up to a maximum of 50% of the overall on-site parking requirements for a development subject to clause 4C.7.4 of the scheme. In the case of commercial development proposals within the Strategic Regional Centre and District Centre zones that are within 800m walking distance of a Train Station, the City may apply its discretion when considering the extent of cash in lieu for car parking using criteria (a) to (d) in this policy as a guide.

Calculating Cash in Lieu Car Parking

This section should be read in conjunction with clause 4C.7.3 of TPS No.4.

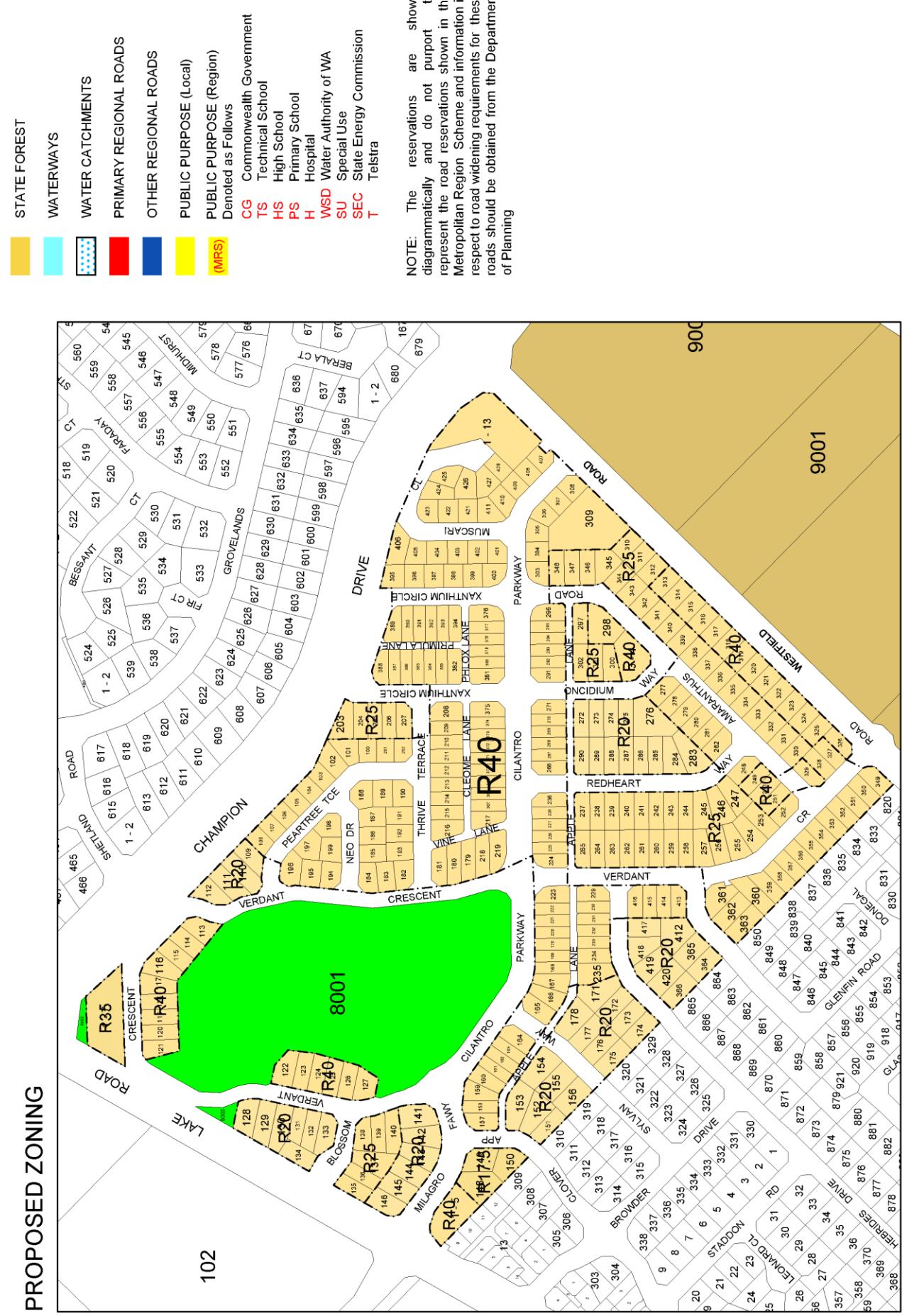
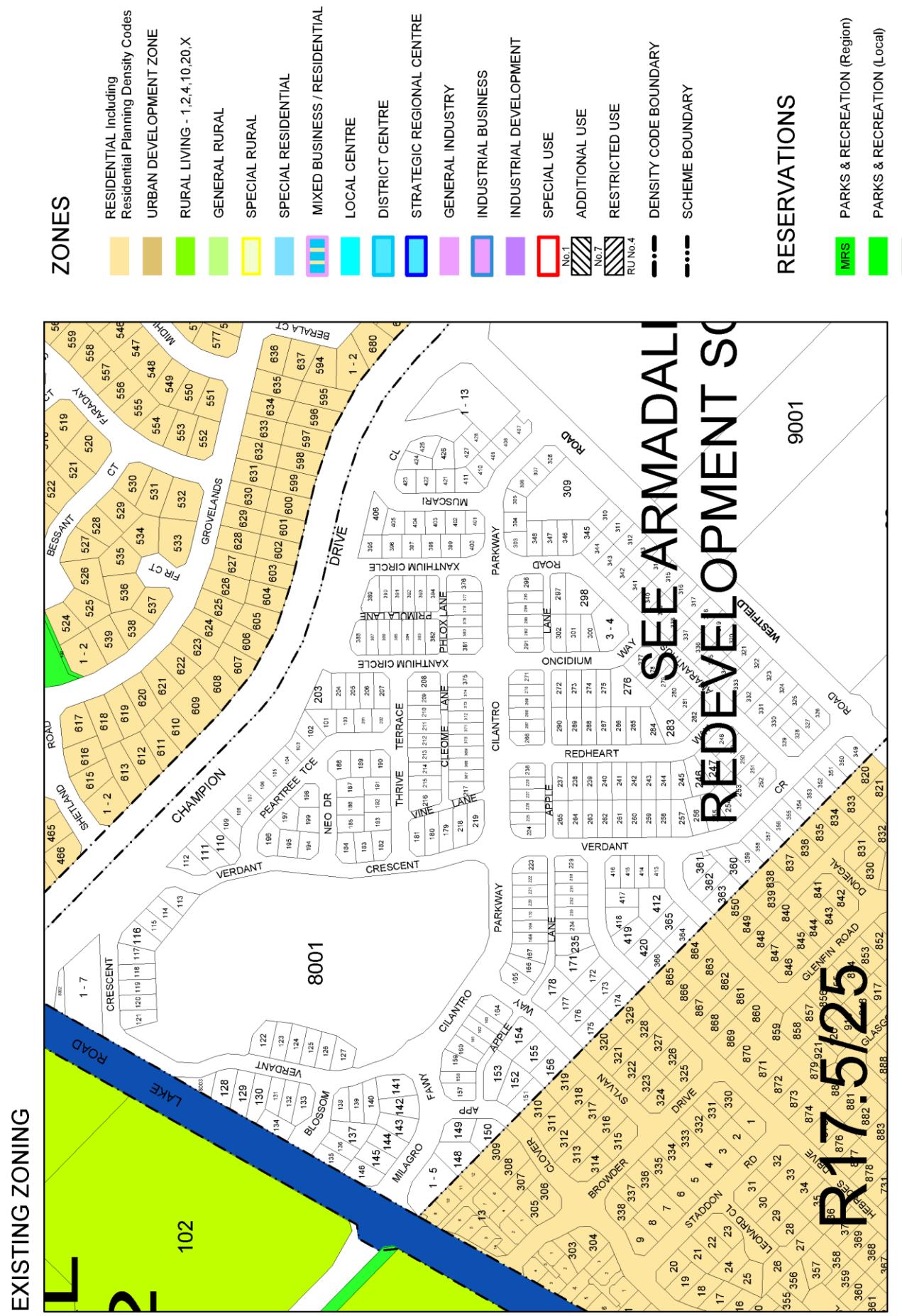
- (a) Land Area Component – The amount of land subject to the assessment for the land value component and construction component is to be determined by multiplying the number of parking bays in shortfall by the area of one typical parking bay and associated vehicle manoeuvring and circulation areas. This is typically 26.88m² (As per AS 2890.1).

For example, if a development proposes a shortfall in car parking of 10 parking bays, then the land valuation would relate to 268.8m² (i.e. 10 x 26.88m²) of land and the construction cost would refer to the construction of a 268.8m² car park.

- (b) Land Value Component – A land value component (the value of that area of the land which would have been occupied by the parking spaces and manoeuvring area), assessed at the time of development, will be charged if required. The value of the land is to be determined from a valuation conducted by a Licensed Valuer as approved by the City, and all costs incurred in obtaining the valuation will be borne by the developer proposing a cash-in-lieu contribution for car parking.
- (c) Construction Component – A construction component cost, assessed at the time of development, will be charged. The construction costs are to include sealing, kerbing, drainage, marking and lighting of the car parking area as if it was to be constructed on the subject site. The applicant will be responsible for submitting to the City for assessment, an itemised quotation for these works, prepared with reference to the Rawlinsons Australian Construction Handbook by a qualified Surveyor, acceptable to the City.

The total cost of the cash payment in lieu of the car parking shortfall will be the land value costs combined with the construction costs.

The payment of cash in lieu of the car parking shortfall shall be made to the City prior to the commencement of construction for the development and/or commencement of the use.



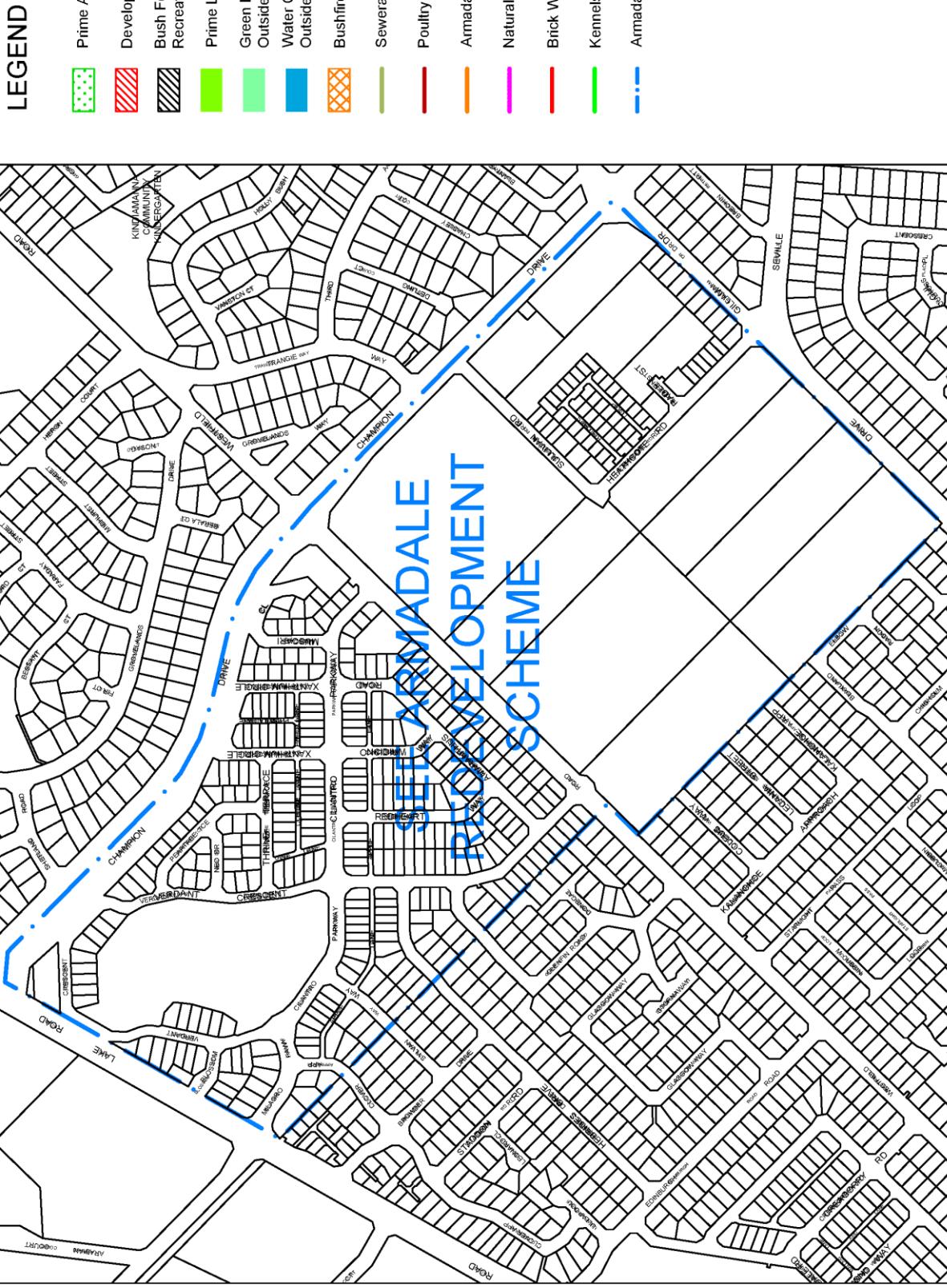
NOTES: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning

Based on information provided by and with the permission of the
Metropolitan Region Scheme and information in
respect to road widening requirements for these
roads should be obtained from the Department
of Planning

CITY OF ARMADALE

SCALE 1 : 4000

EXISTING ZONING - SPECIAL CONTROL AREA MAP 1



PROPOSED ZONING - SPECIAL CONTROL AREA MAP 1



AMENDMENT No. 105

City of Armadale Town Planning Scheme No. 4
Special Control Area Map 1
DATE 19 March 2019 - REVISION 1901
P:\Armadale\Town_Planning_Schemes\Town_Planning_Scheme_amendment\SCA_map_1_amendment\SCA_map_1_amendment_105.dwg

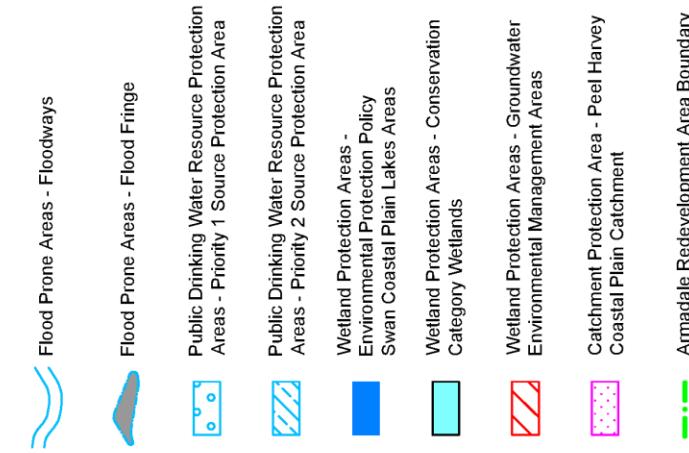
SCALE 1 : 6500

Based on information provided by and with the permission of the
Natural Gas Pipeline System Operator (NGSO).
Armadale photograph supplied by Landgate. Prepared by NaturaGas.

CITY OF Armadale

EXISTING ZONING - SPECIAL CONTROL AREA MAP 2

LEGEND



PROPOSED ZONING - SPECIAL CONTROL AREA MAP 2



AMENDMENT No. 105

City of Armadale Town Planning Scheme No. 4
Special Control Area Map 2
DATE 19 March 2019 - REVISION 1901
P:\u002fshare\counciltown_planning_Schemes\town_planning_scheme_amendment\scsa_map_2_amendment\scsa_map_2_amendment_105.dwg

SCALE 1 : 6500

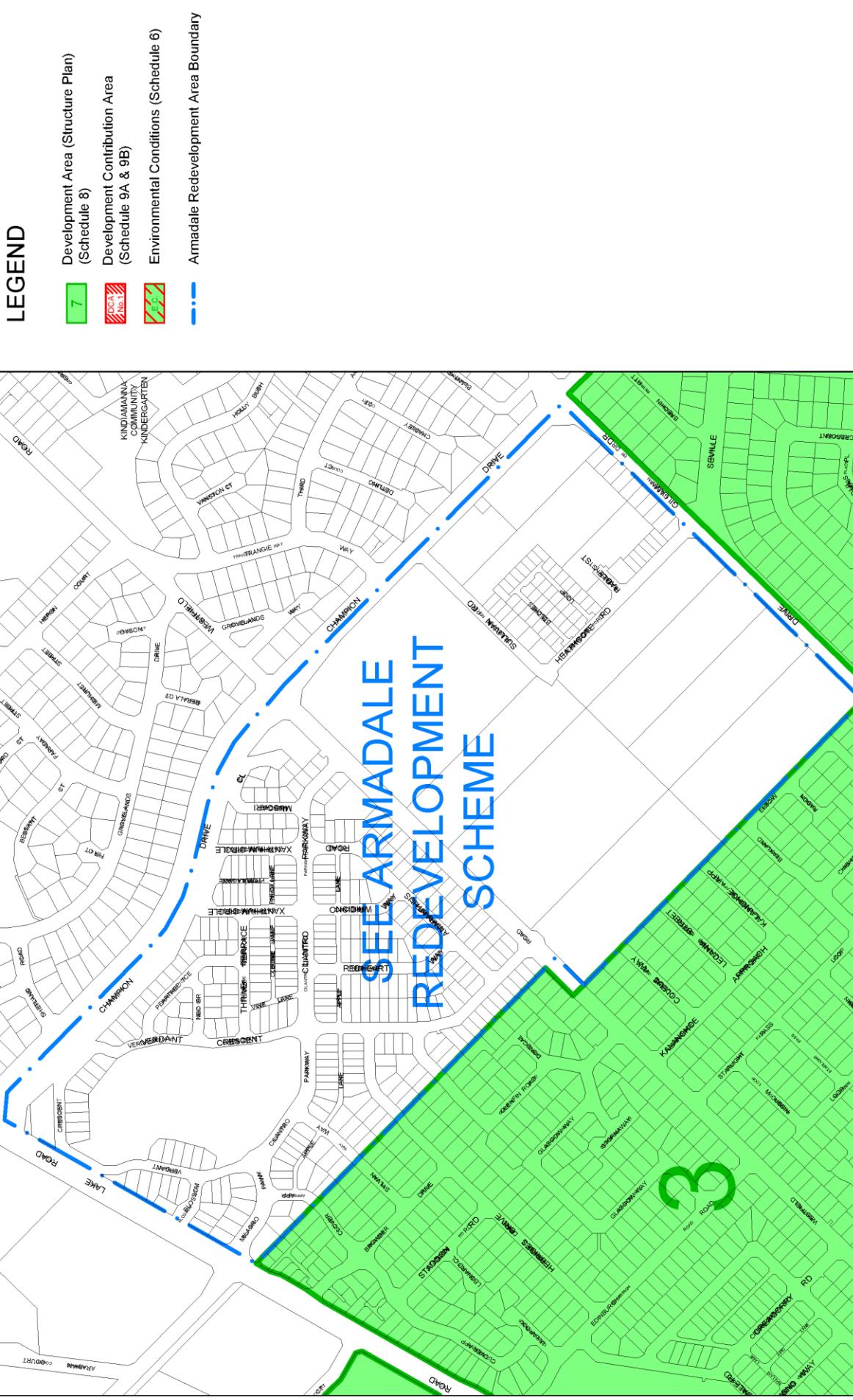
Based on information provided by and with the permission of the
Western Australian Government.
Aerial photograph supplied by Landgate. Prepared by Natura Pty Ltd.

0 65 130m

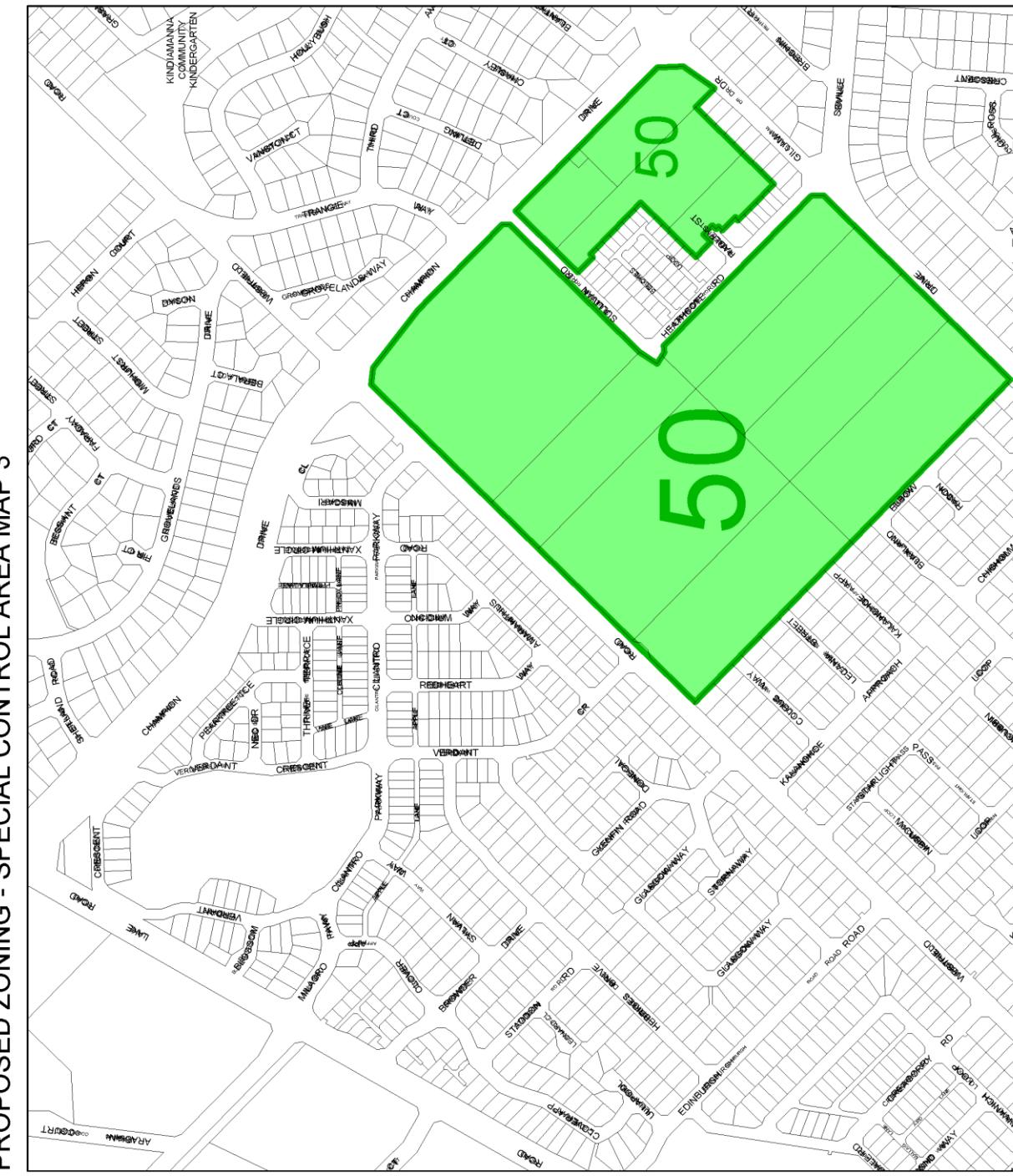


CITY OF Armadale

EXISTING ZONING - SPECIAL CONTROL AREA MAP 3



PROPOSED ZONING - SPECIAL CONTROL AREA MAP 3



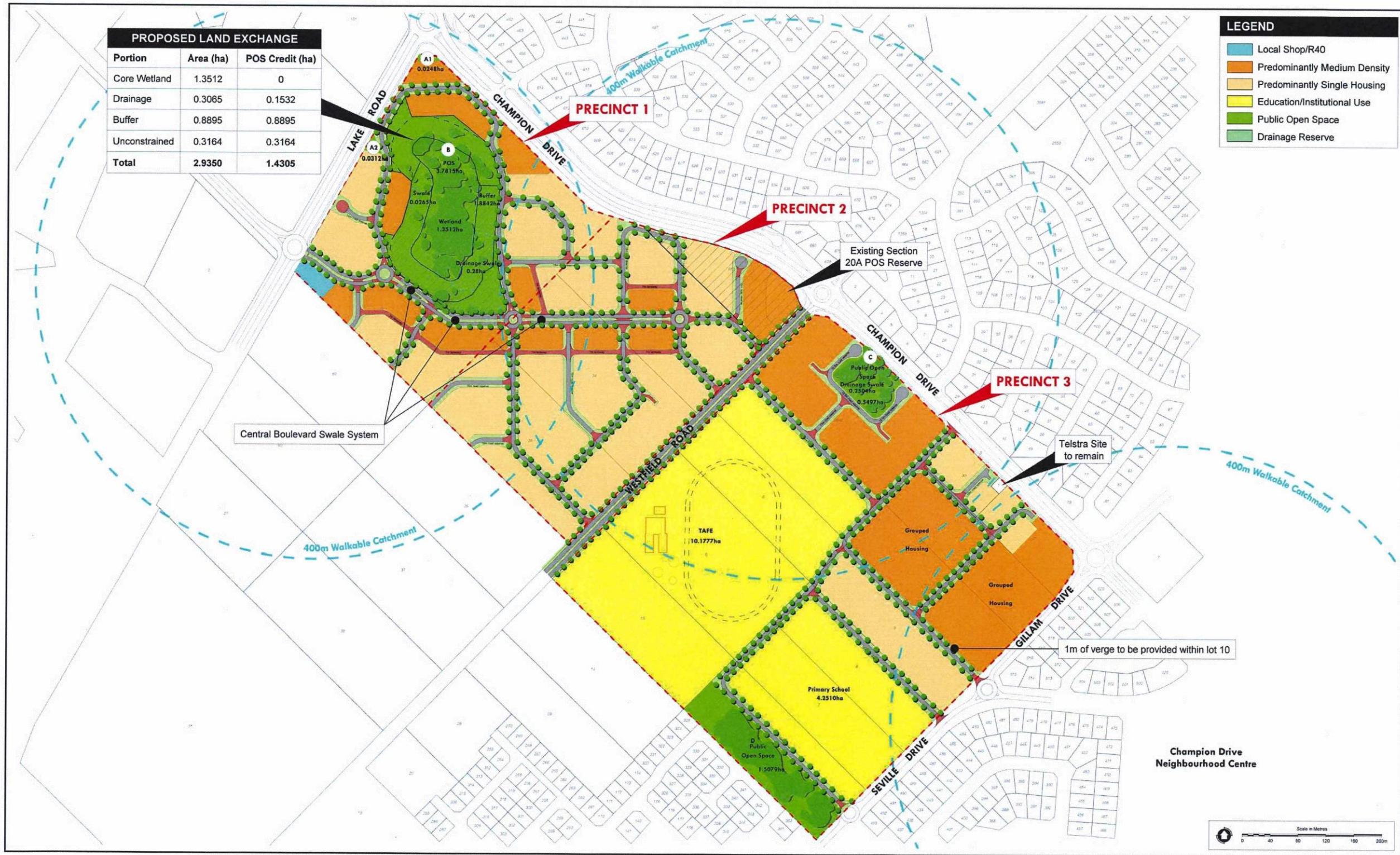
AMENDMENT No. 105

City of Armadale Town Planning Scheme No. 4
Special Control Area Map 3
DATE 31 January 2019 - REVISION 1901
P:\Armadale\Town_Planning_Schemes\Town_Planning_Scheme_amendment\SCA_map_3_amendment\SCA_map_3_amendment_no_105.dwg

SCALE 1 : 6500

Based on information provided by and with the permission of the
Western Australian Government.
Armadale photograph supplied by Landgate. Prepared by NRS/MS.





CHAMPION DRIVE LOCAL STRUCTURE PLAN ARMADALE REDEVELOPMENT AUTHORITY