



TOWN PLANNING SCHEME NO. 4

NORMALISATION OF WEST OF RAIL AND RAILWAY STATION PRECINCTS

AMENDMENT
No. 108

CONTENTS

- A. Form 2A (Regulation 35 (1))
- B. Scheme Report
- C. Final adoption and signatures

*Planning and Development Act 2005***RESOLUTION TO PREPARE AMENDMENT TO
LOCAL PLANNING SCHEME**

CITY OF ARMADALE TOWN PLANNING SCHEME NO. 4

AMENDMENT NO. 108

RESOLVED that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

- a. Include the West of Rail and Railway Precincts as designated on the Scheme Amendment Map into the Scheme boundary;
- b. Rezone the West of Rail and Railway Precincts as depicted on the Scheme Amendment Map from unzoned to:
 - i) ‘Mixed Business/Residential’;
 - ii) ‘Strategic Regional Centre’;
 - iii) ‘Railways’ Reservation; and
 - iv) Code ‘Mixed Business/Residential’ and ‘Strategic Regional Centre’ zoned land ‘R-AC0’.
- c. Amend Schedule 2 – Additional Uses to include the following new Additional Use:

No.	Description of Land	Additional Use	Conditions and Requirements (See Note 1)	
46	Strata Lots 1 - 5 (No.20) Forrest Road, Armadale	Permitted (P) Uses: • Bulky Goods Showroom	46.1	In determining any planning application for development approval the local government shall have regard to the compatibility of proposed uses with the existing use of the site and any Additional Uses, which are permissible under the Additional Use provisions.

- d. Amend Schedule 8 – Development (Structure Planning) Areas to include the following new provision relating to Development Area 65:

No.	Description of Land	Additional provisions applicable to subdivision and development
65	West of Rail – Mixed Use area bound by Forrest Road, Fifth Road, Green Avenue and the Perth to Bunbury Railways Reservation.	65.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.

- e. Amend the Scheme Map accordingly.

The Amendment is standard in accordance with Part 5 Clause 34 – standard amendment subsections (b), (c) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Dated this **23rd** day of **September, 2019**



CHIEF EXECUTIVE OFFICER

D55/9/19

CITY OF ARMADALE
TOWN PLANNING SCHEME NO. 4

AMENDMENT NO. 108

SCHEME REPORT

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1. DETAILS OF PROPOSAL

Amendment No.108 proposes to reintroduce the West of Rail and Railway Station Precincts into the TPS No.4 boundary in order for the City to reassume planning control over the Precincts, which are currently under the control of the MRA. It would also re-establish TPS No.4 zonings for the normalised area, which are consistent with both the MRA's planning framework and the Metropolitan Region Scheme (MRS) amendment that shall be run concurrent with Amendment No. 108.

The TPS No.4 text is also proposed to be amended, to reference an amended version of the MRA's Structure Plan and to provide for an Additional Use protecting the use rights on one specific property.

Amendment No.108 is considered a 'standard amendment' under Part 5, Clause 34 - standard amendment, subsections (b), (c) and (d) of the Planning and Development Regulations 2015 (Regulations).

2. SUBJECT LAND

The West of Rail and Railway Station Precincts are located immediately west of the Armadale Strategic Metropolitan Centre.

The West of Rail Precinct is a triangular area of approximately 10.84 hectares that is bound by the Armadale Train Line to the east, Forrest Road and Fifth Road. The Railway Station Precinct is a rectangular area of approximately 9.4 hectares that is bound by Commerce Avenue to the east and Green Avenue to the west. It runs from approximately Forrest Road to the north and Coombe Avenue to the south and incorporates the Armadale Train Station.

3. LANDOWNERS

There are numerous landowners within the Amendment Area, including a number of government agencies who hold land associated with either redevelopment or civic uses surrounding the Armadale Railway Station.

4. APPLICANT

The City of Armadale has proposed this amendment in accordance with a recommended action contained in the City's current Local Planning Strategy.

5. CURRENT ZONING

MRS : Nil.
TPS No.4 : Nil.

6. PROPOSED ZONING

Zoning

Amendment No. 108 proposes to apply TPS No.4 zonings and reserves to the West of Rail and Railway Station Precincts that are consistent with the MRA Structure Plan and Design Guidelines, and previous/proposed MRS zonings, in order to facilitate normalisation of the Precincts from the MRA to the City. The MRA and the City have agreed in principle that it would be appropriate for Amendment No. 108 to apply the following TPS No.4 zonings to the subject area:

- Mixed Business/Residential zone with R-AC0 density coding to the West of Rail Precinct;
- Strategic Regional Centre with R-AC0 density coding to the Railway Station Precinct; and
- Designate a Railways reservation over an area consistent with the draft MRS mapping that was received from the MRA.

The R-AC0 density coding provides for the normalised Design Guidelines to guide future development of the area.

In order for the City to utilise the normalised MRA Structure Plan for West of Rail, the Special Control Area map would need to be amended to reference it, as a new Development Area, and that is also proposed to be done by Amendment No.108.

Scheme Text

As mentioned above there is one commercial property on the corner of Forrest Road and Tudor Road which has been approved, in part, for Showroom under the MRA's planning framework. In order to prevent that becoming a non-conforming use it is proposed to apply an Additional Use for Bulky Goods Showroom to that property.

It is proposed to insert a new Development Area into Schedule 8, corresponding to the Special Control Area map, and the requirement that comprehensive planning for that area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. That will facilitate the City's use of the normalised MRA Structure Plan for West of Rail.

It is not proposed to amend Schedule 8 so that a structure plan is required prior to subdivision or development in the Railway Station Precinct, although that work may nevertheless be done in due course.

7. BACKGROUND

Prior to State Government involvement, the subject area was subject to the MRS and the City's Town Planning Scheme No.2.

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. One of the Authority's first tasks was to address the railway station precinct, in conjunction with rejuvenating the Armadale City Centre. The areas now known as the West of Railway and Railway Station precincts were therefore part of the original redevelopment area covering the entire Armadale City Centre, being known as Precinct 1.3 – City Centre Rail Station Precinct and 1.5 – City Centre West of Railway Precinct within the Armadale Redevelopment Scheme 2004.

The first Armadale Redevelopment Scheme 2004 was approved by the Minister in May 2004 following extensive consultation of the ARA Concept Plan. Following this a Structure Plan and Design Guidelines were enacted over the West of Rail precinct area in 2006 and then reviewed in 2010.

Upon repeal of *Armadale Redevelopment Authority Act* on 1 January 2012, under the *Metropolitan Redevelopment Authority Act 2011* and the *Metropolitan Redevelopment Authority Regulations 2011*, the eastern portion of the City Centre was removed from the redevelopment area, but the areas of the railway station and west of the railway line were retained as redevelopment areas and are now known as West of Rail and Railway Station Precincts.

The City Centre West of Railway Precinct Structure Plan was approved by the MRA on 22 September 2016. This has since guided development along with the Armadale City Centre West of Railway Precinct Design Guidelines (adopted 1 June 2017). Both remained in place and continued to guide development following the gazettal of the new *Armadale Redevelopment Scheme 2* on 11 July 2017.

Landcorp and MRA are to be amalgamated in 2019, and ahead of that merger the MRA Board has formally requested that the West of Rail and Railway Station Precincts be normalised back to the City's planning control, with a target date of 1 July 2020. Council considered that request at its meeting of 17 September 2019 and resolved to support normalisation, subject to several requirements.

MRA Planning Framework

The following is a summary of the current planning framework for the West of Railway Project Area:

- Metropolitan Region Scheme (MRS) – not applicable.
- MRA's Armadale Redevelopment Scheme 2 (ARS2) – covers all of the MRA's Armadale precincts including the West of Railway and Railway Station precincts. In order to promote flexibility the Land use table (which is a variation in approach to the equivalent of a Local Authority's Use Class table) identifies uses as either Preferred or Contemplated. In some situations a proposed use is neither preferred nor contemplated, in which case it may be considered on its merits rather than being an

‘X’ use (use that is not permitted) or following a Use Not Listed process that is common in Local Government Town Planning Schemes.

- Structure Plan –The Structure Plan provides for the future road layout of the area, including the extension of Cornish Street through to Green Avenue as well as a minor road connecting Fifth Road to Cornish Street. The Structure Plan does not allocate Residential Density Codes or zones over the area, but does provide for a plot ratio of 2.0 and references that estimated yields are based on an R80 to R-IC density. R-IC is no longer a density code covered by *State Planning Policy 7.3 – R-Codes Volume 1 and Volume 2*. The Railway Station Precinct is not subject to a Structure Plan at this time.
- Design Guidelines –The MRA has a set of Design Guidelines which were adopted in June 2017 and apply to development proposals within the West of Rail precinct. These Design Guidelines provide guidance on development standards including, but not limited to, land use, building height, setbacks and site coverage. The Railway Station Precinct is not subject to MRA Design Guidelines.
- Policies – The MRA has 12 Development Policies which address the Movement Network, Public Open Space, Green Building, Heritage Places, Sound and Vibration Attenuation, Providing Public Art, Additional Structure, Signage, Home Based Business, Hosting Public Events, Affordable and Diverse Housing, and Adaptable Housing. These are roughly the equivalent of a Local Planning Policy, but have been prepared without a requirement to be consistent with the WAPC’s or Local Government frameworks. The majority of Policies will not be normalised to the City, as they are no longer relevant, covered by existing legislation and/or do not suit the City’s strategic aims.

West of Rail Developer Contribution Plan

The MRA currently manages a Developer Contribution Plan (DCP) over the West of Rail Precinct to ensure all land owners contribute equally to infrastructure costs. These costs include the construction and upgrading of new and existing roads, land acquisition and provision of an open space plaza area. A substantial review of the DCP was undertaken and the DCP was approved by the Minister in January 2011.

The adopted value of the DCP, as it stands, is \$4.7 million, however that is undergoing review in preparation for normalisation. In broad terms, the current proposal is that \$9m worth of sunk costs, land acquisition, public realm design/construction and DCP administration be funded, with 50% of that funding coming from the State Government and the other 50% being funded by private landowners via the (revised) DCP.

Armadale Activity Centre Structure Plan

The Armadale Activity Centre Structure Plan and accompanying Design Guidelines and Car Parking Strategy was prepared by the City and advertised to the public in May and June 2018. The Structure Plan primarily relates to the Strategic Regional Centre area of Armadale, including the two shopping centres, the City offices and residential development east to the South Western Highway. The Structure Plan sets directions with the aim of facilitating new development within the Armadale City Centre, economic development and increasing the level of service and amenity provided to the Armadale and sub-regional

community with land use designations such as City Centre Core, Education – Mixed Use, Mixed Use, Office Core, Civic, Tourism and Residential.

The Structure Plan also includes the West of Rail and Railway Precincts but identifies these as being within the MRA area and subject to the West of Rail Structure Plan. Despite this, the West of Rail and Railway Precincts are recognized as playing an important role in achieving innovative transit orientated development in the Armadale City Centre, and providing additional services, employment opportunities and diverse housing options close by to the Armadale Railway Station. Ultimately, the Structure Plan reflects the approved MRA West of Rail Structure Plan.

At its meeting on 27 August 2018, Council resolved to forward the Armadale Activity Centre Structure Plan to the WAPC for approval. The Structure Plan is yet to be determined by the WAPC.

8. ANALYSIS

Amendment No. 108 Content

The MRA and City have agreed in principle on suitable TPS4 zonings for the subject area, which would be consistent with both the established intent for the MRA Precincts and the outcomes from the Armadale Activity Centre Structure Plan. Those zonings are reflected in Amendment No. 108. In addition to zoning, TPS4 will require several mapping and text amendments in order to support the rest of the planning framework described above, such as the Structure Plan and DCP.

A TPS amendment initiated in the near future could not incorporate text relating to the West of Rail DCP, because the abovementioned DCP review would not have been completed. If the DCP were included in the normalisation amendment that would also have the undesirable effect of changing the proposal from a standard to a complex TPS Amendment under the Regulations, increasing the processing time. Due to this timing issue it is likely that the MRA will have to incorporate its (reviewed) DCP text into the City's TPS4 at normalisation using s.57 of the MRA Act. The City will aim to therefore work with the MRA to ensure that, as far as possible, the (reviewed) DCP text meets the City's requirements and the requirements of State Planning Policy 3.6.

Land Use

Upon finalisation of Scheme Amendment No.108 the permissibility of landuses in the subject area will be determined by cross referencing the zonings it implements with the Zoning Table in the City's TPS No. 4. At that point the flexible land use arrangements contained in the MRA's planning framework will have been superceded by the standard method of dealing with land use in Local Government Town Planning Schemes, which includes the identification of some uses as being 'X' uses, which are not permitted.

It is not the intention that any existing uses in the subject area should become 'non-conforming' as a result of this transition, which is the purpose of proposing an Additional Use to enable Showrooms to continue operating from 20 Forrest Road, Armadale. If any further examples of potentially non-conforming uses came to light during public advertising they would be addressed prior to finalisation of the Scheme Amendment.

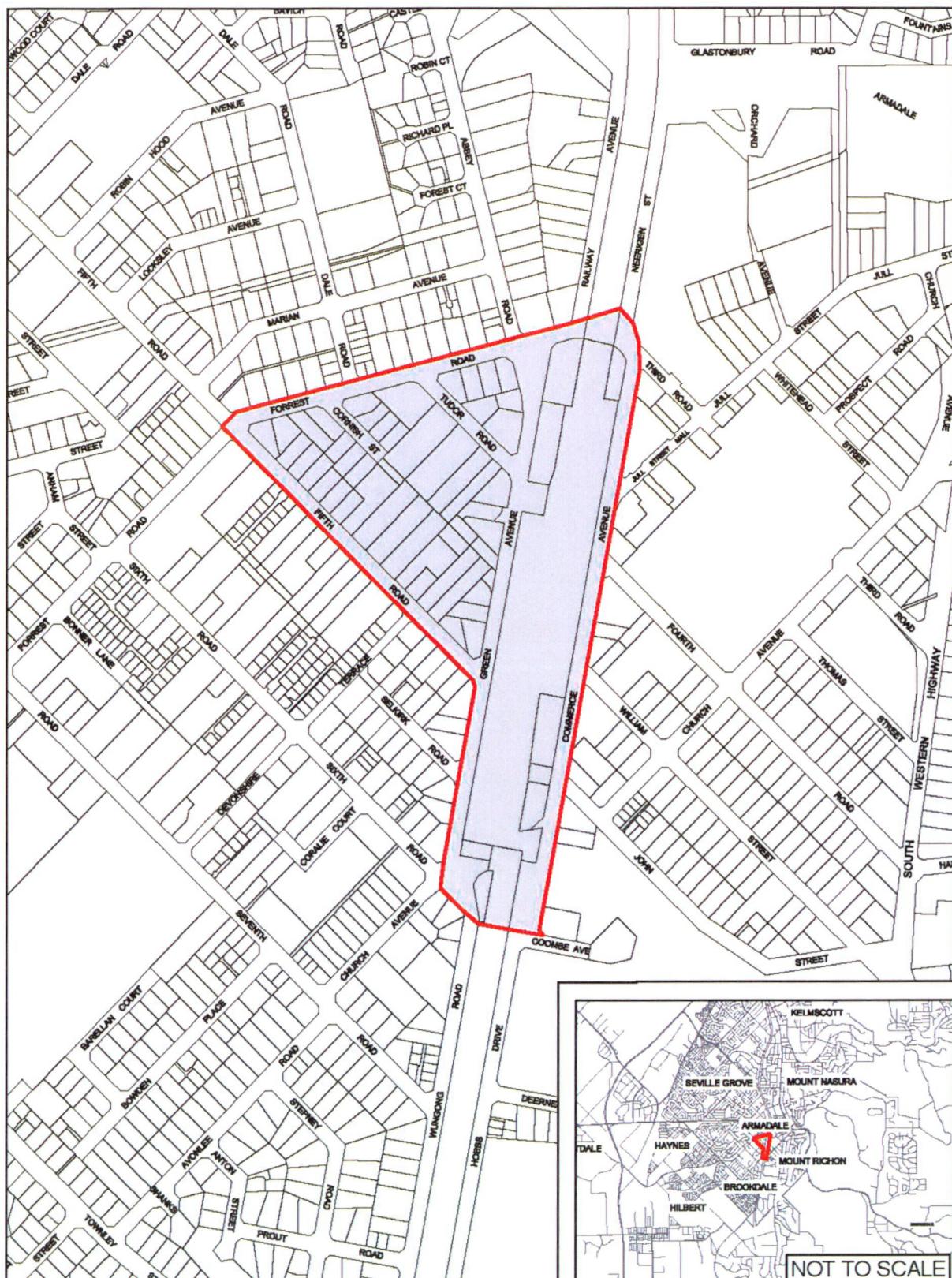
West of Rail and Railway Station Precincts in Context

The West of Rail and Railway Station Precincts will make a significant contribution as part of the future Armadale City Centre, planned for in the City's *Armadale Activity Centre Plan*. The West of Rail and Railway Station precincts are a key part of the City's overall strategic vision, providing high quality places to live and work within the City Centre and in close proximity to the Armadale Railway Station.

The City supports Metronet's planned Armadale to Byford Rail extension and is advocating for undergrounding of the Armadale Train Station. The undergrounding of the train station will provide an opportunity for the West of Rail and Railway Station areas to become seamlessly integrated with the rest of the City Centre, creating a hub of residential development and associated employment and service opportunities. In order for the envisioned City Centre to be developed, the City will need to ensure that the planning framework that is in place following normalisation can provide for this in a cohesive and coordinated way. Amendment No. 108 will contribute to the creation of that framework.

9. CONCLUSION

The normalisation of the West of Rail and Railway Precincts will see the City reassume planning control over the precincts, and requires that the MRA planning framework be made consistent with WAPC requirements and TPS No.4, while retaining its intent. Amendment No. 108 makes provision for that transition to occur.



LOCATION PLAN

Amendment no.108



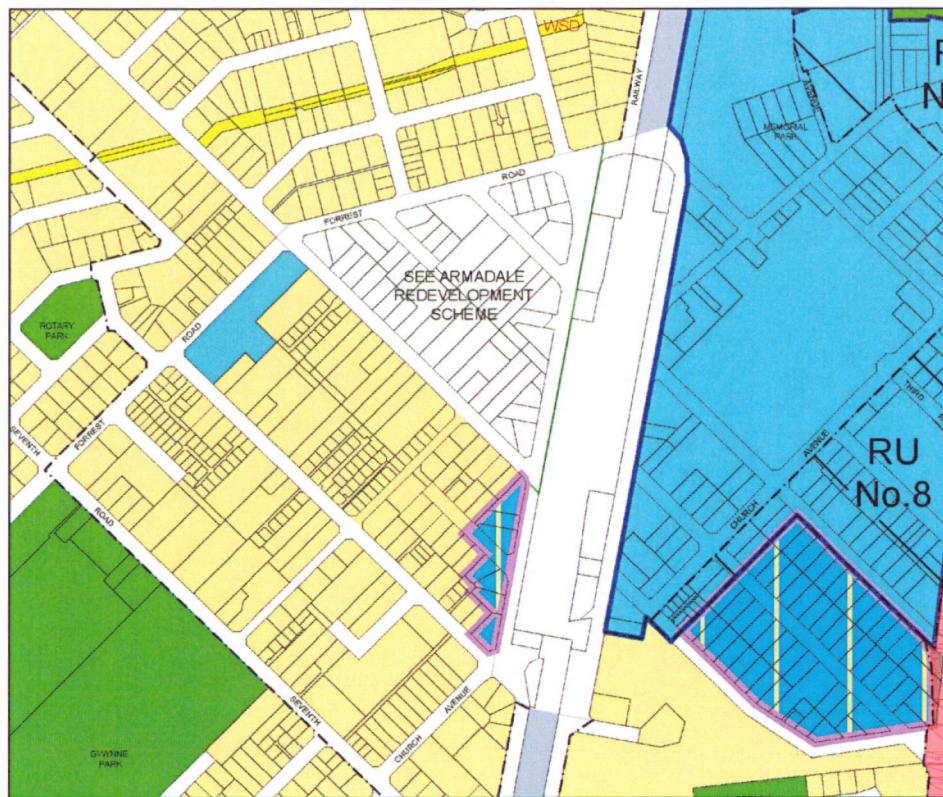
SCALE 1 : 8000

Based on information supplied by and with the permission of the
Victoria Australian Land Information Authority acting as Lantipac (2002).
Aerial photograph supplied by Lantipac. Photography by MapInfo.

CITY OF  Armadale

DATE 30 April 2019 - REVISION 1901
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EXISTING ZONING



PROPOSED ZONING



AMENDMENT No. 108

City of Armadale Town Planning Scheme No. 4

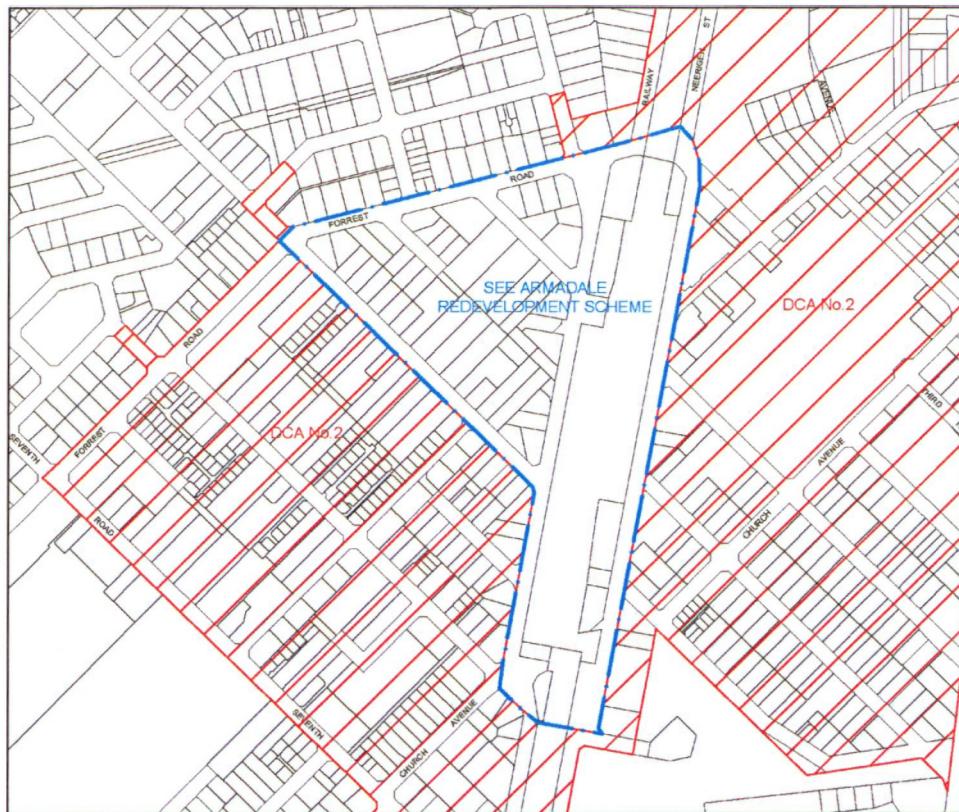
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Based on Information provided by available to the preparation of the
Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from the Department of Planning.



EXISTING ZONING - SPECIAL CONTROL AREA MAP 3



LEGEND

- Development Area (Structure Plan)
(Schedule 8)
- Development Contribution Area
(Schedule 9A & 9B)
- 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. 108

City of Armadale Town Planning Scheme No. 4
Special Control Area Map 3

DATE 19 July 2019 - REVISION 1901
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Based on information provided by and with the permission of the
Western Australian Land Information Authority (Trading as Landgate) (2010)

SCALE 1 : 6000



CITY OF Armadale

CITY OF ARMADALE TOWN PLANNING SCHEME NO. 4

AMENDMENT NO. 108

The Armadale City Council under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme by:

- a. **Include the West of Rail and Railway Precincts as designated on the Scheme Amendment Map into the Scheme boundary;**
- b. **Rezone the West of Rail and Railway Precincts as depicted on the Scheme Amendment Map from unzoned to:**
 - i) 'Mixed Business/Residential';
 - ii) 'Strategic Regional Centre';
 - iii) 'Railways' Reservation; and
 - iv) Code 'Mixed Business/Residential' and 'Strategic Regional Centre' zoned land 'R-AC0'.
- c. **Amend Schedule 2 – Additional Uses to include the following new Additional Use:**

No.	Description of Land	Additional Use	Conditions and Requirements (See Note 1)
46	Strata Lots 1 - 5 (No.20) Forrest Road, Armadale	Permitted (P) Uses: • Bulky Goods Showroom	46.1 In determining any planning application for development approval the local government shall have regard to the compatibility of proposed uses with the existing use of the site and any Additional Uses, which are permissible under the Additional Use provisions.

- d. **Amend Schedule 8 – Development (Structure Planning) Areas to include the following new provision relating to Development Area 65:**

No.	Description of Land	Additional provisions applicable to subdivision and development
65	West of Rail – Mixed Use area bound by Forrest Road, Fifth Road, Green Avenue and the Perth to Bunbury Railways Reservation.	65.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.

COUNCIL ADOPTION

This Standard Amendment was adopted by Resolution D55/9/19 of the Council of the City of Armadale at the Ordinary Meeting of the Council held on the 23rd day of September 2019.

R. Butcher
MAYOR

M. Morris

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by Resolution D10/1/20 of the City of Armadale at the Ordinary Meeting of the Council held on the 28th day of January 2020 and the Common Seal of the City of Armadale was hereunto affixed by the authority of a resolution of the Council in the presence of:

(seal)



R. Butcher
MAYOR

M. Morris

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

[Signature]

DELEGATED UNDER S.16 OF
THE PD ACT 2005

Date:- 2 June 2020

APPROVAL GRANTED

MINISTER FOR PLANNING

Date:- _____

It is hereby certified that this is a true copy of the
~~Scheme~~/Amendment, final approval to which was
endorsed by the Minister for Planning on 21/6/2020

Certified by *t. Brooks*

Officer of the Commission Duty authorised pursuant
to Section 24 of the Planning and Development Act
2005 and Regulation 32(3) Scheme and Regulation
63(3) (Amendment) of the Planning and Development
(Local Planning Scheme) Regulations 2015.