



TOWN PLANNING SCHEME NO. 4

NORTH FORRESTDALÉ DEVELOPMENT
CONTRIBUTION PLAN NO. 3
MAJOR REVIEW

AMENDMENT
No. 115

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Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT TO
LOCAL PLANNING SCHEME**

CITY OF ARMADALE TOWN PLANNING SCHEME NO. 4

AMENDMENT NO. 115

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, initiate Amendment No.115 to Town Planning Scheme No.4 as follows:**

Proposal 1

- A. Amending Special Control Map 3 as shown on the attached Proposed Zoning – Special Control Area Map 3 Plan to include the Piara Waters West (Warton Road) Urban Precinct;**

Proposals 2, 3 and 5

- B. Amend Clause 3.6.3 (8) (e) of Schedule 9B by inserting the words “land acquisition” following the words “100% of the total cost to construct sporting and community facilities, including”, and inserting the words “where applicable in the West Piara Urban Precinct identified in MRS Amendment 1369/57, and in Harrisdale within the area generally bounded by Ranford Road, Wright Road, Reilly Road and Skeet Road.” following the words “abutting proposed primary schools”;**

- C. Amend Clause 3.6.3 (8) (f) of Schedule 9B by deleting all of the words that follow “A contribution as defined in Infrastructure Cost Schedule to the total cost to construct a senior multiple purpose sporting oval” and replacing these words with the following:**

“and acquire land where applicable as follows:

- (i) adjoining each of the public primary schools where applicable minus contributions from the Department of Education when they become available for ovals shared with public primary schools;**
- (ii) a senior multiple purpose sporting oval in the West Piara Urban Area identified in MRS Amendment 1369/57;**
- (iii) a senior multiple purpose sporting oval in Harrisdale within the area generally bounded by Ranford Road, Wright Road, Reilly Road and Skeet Road; and**

- (iv) a senior multiple purpose sporting oval on Lot 48 Nicholson Road”.

Proposal 4

- D. Amend Clause 3.6.3 (10) by deleting the words “Conservation Category” from the heading of the clause;
- E. Amend Clause 3.6.3 (10) by adding the following: “(c) Contribution towards the costs of acquisition and/or betterment of the rehabilitated wetland UFI 7176 (as amended) located on various lots within the West Piara Waters Area”;

Proposal 6

- F. Amend Clause 3.6.3 (10) by adding the following: “(b) Contribution towards the costs of acquisition and/or betterment of the rehabilitated wetland UFI 14880 (as amended) located on Lot 200 on DP 415389 Skeet Road, Harrisdale”;

Proposal 7

- G. Amend Clause 3.4.2 of Schedule 9B by adding the word “base” following the words “based on a” and adding the words “and where applicable, an additional Cost Contribution Per Lot” following the words “Cost Contribution Per Lot”
- H. Amend Clause 3.4.2 (a) of Schedule 9B by inserting the word “base” between the words “The” and the words “Cost Contribution Per Lot”, and inserting the words “of Infrastructure which is subject to the base Cost Contribution as specified in the Infrastructure Cost Schedule” following the words “Net Common Infrastructure Costs”;
- I. Amend Clause 3.4.2 (a) (i) of Schedule 9B by inserting the word “base” following the words “A = gross cost of” and inserting the words “as prescribed in the Infrastructure Cost Schedule” following the words “estimated future costs:”;
- J. Amend Clause 3.4.2 (a) (i) of Schedule 9B by adding the words “where the base cost contribution per lot applies” following the words “B = payments made to date by owners of land who subdivide or develop land within the Development Contribution Area”
- K. Amend Clause 3.4.2 (a) (i) (1) of Schedule 9B at the third dot point by deleting all of the words that follow “of 14.6 lots per hectare” and replacing these words with the following words “for the Area equivalent of the land holding of an owner after 28 October 2014 onwards and prior to the gazettal of Amendment No.115; and;”;

- L. Amend Clause 3.4.2 (a) (i) (1) of Schedule 9B by adding a fourth dot point to follow the second dot point which reads as follows “- the lots produced at the density rate prescribed in the Infrastructure Cost Schedule from gazettal of Amendment No.115; or;”;**
- M. Amend Clause 3.4.2 (b) of Schedule 9B by inserting the word “base” following the word “The”, inserting the words “where the base cost contribution per lot rate applies as specified in the Infrastructure Cost Schedule” following the words “Cost Contribution payable by each owner of land in the Development Contribution Area”, and inserting the word “base” following the words “is calculated by multiplying the number of freehold lots produced from the owner’s land by”;**
- N. Amend Clause 3.4.2 by adding the following provisions to follow (b):**

“(c) The additional Cost Contribution Per Lot is determined by first deriving the Net Common Infrastructure Costs of Infrastructure which is subject to the additional Cost Contribution as specified in the Infrastructure Cost Schedule:

(i) $A1 - B1 = C1$

Where:

A1 = gross cost of Common Infrastructure Works being the total of fixed actual and estimated future costs as prescribed in the Infrastructure Cost Schedule, which will be based on costs estimated no more than 12 months in advance. Such estimates may be based on an average for each Common Infrastructure work cost and shall recognise all factors affecting the development of the relevant Development Contribution Area and associated constraints the local government will encounter in the provision of the Common Infrastructure Works. This shall include (but not be limited to) variable market conditions and the nexus between the time frame of development and provision of Common Infrastructure Works.

B1 = payments made to date by owners of land who subdivide or develop land within the Development Contribution Area where the additional cost contribution per lot applies calculated on the basis of whichever is the lesser of:

- (1) the lots produced at the density rate prescribed in the Infrastructure Cost Schedule from gazettal of Amendment 115;
or**
- (2) the actual number of lots produced by the land holding of an owner;**

C1 = Common Infrastructure work costs;

and then dividing the Common Infrastructure work costs by the subdivision potential of the balance of the Area of the Development Contribution Area remaining unsubdivided where the additional cost contribution per lot rate applies, excluding those land uses in Clause 3.3 of Development Contribution Plan No.3 and Clause 5A4.4, and multiplying that area by the density rate prescribed in the Infrastructure Cost Schedule.

(ii) $C1 \div D1 = E1$

Where:

D1 = the number of lots to be produced to achieve the density rate prescribed in the Infrastructure Cost Schedule for the area equivalent of the unsubdivided balance area of the Development Contribution Area where the additional cost contribution per lot rate applies, excluding those land uses in Clause 3.3 of Development Contribution Plan No.3 and Clause 5A4.4;

E1 = the additional Contribution Cost Per Lot.

- (d) The additional Cost Contribution payable by each owner of land in the Development Contribution Area where an additional rate applies as specified in the Infrastructure Cost Schedule, is calculated by multiplying the number of freehold lots produced from the owner's land by the additional Contribution Cost Per Lot.;"**

- O. Renumber Clause 3.4.2 Clause (c) to Clause (e) accordingly;**

Proposal 8

- P. Amend Clause 3.4.2 (a) (i) (2) of Schedule 9B by inserting the word “where the base cost contribution per lot rate applies” following the words “C = Common Infrastructure work costs; and then dividing the Common Infrastructure work costs by the subdivision potential of the balance of the Area of the Development Contribution Area remaining unsubdivided”, and deleting the word “14.6” following the words “excluding those land uses in Clause 3.3 of Development Contribution Plan No.3 and Clause 5A4.4, and multiplying that area by”, and inserting the following words “the density rate prescribed in the Infrastructure Cost Schedule.”;**
- Q. Amend Clause 3.4.2 (a) (i) (2) of Schedule 9B by deleting the words “14.6 lots per hectare” following the words “D = the number of lots to be produced to achieve”, and replacing this with the following words “the**

density rate prescribed in the Infrastructure Cost Schedule.”, and inserting the words “where the base cost contribution per lot rate applies,” to follow the words “for the area equivalent of the unsubdivided balance area of the Development Contribution Area”

Proposal 9

- R. Amend Clause 5A.3.3 of TPS No.4 by adding the words “and/or development” after the word “subdivision” where this word occurs; and
 - S. Amend Clause 5A.3.4 of TPS No.4 by adding the words “and/or development” after the word “subdivision” where this word occurs.
2. The amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
 - The amendment relates to amending a Development Contribution Plan.
 3. Refer 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*.
 4. Forward the Amendment to the WAPC to obtain consent to advertise the Amendment as proposed.
 5. Should the EPA advise that the amendment does not require assessment and the WAPC grants consent to advertise the Amendment, advertise the amendment for no less than 60 days.
 6. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.
 7. Should the WAPC require any minor modifications prior to advertising, authorise the CEO and Mayor to execute the modified amendment documents.

Dated this 22nd day of March 2021

JOANNE ABBISS
CHIEF EXECUTIVE OFFICER

D11/3/21

**CITY OF ARMADALE
TOWN PLANNING SCHEME NO. 4**

AMENDMENT NO. 115

SCHEME REPORT

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1. BACKGROUND

Development Contribution Plan No.3 – Historical Details

In accordance with TPS No.4, all landowners within Development Contribution Area (DCA) 3 are required to contribute towards the cost of providing common infrastructure works. DCA 3 encompasses the City's growth suburbs of Harrisdale and Piara Waters. It is anticipated that these suburbs will have a combined total population of approximately 38,000 residents by 2041.

Development Contribution Plan (DCP) 3 (North Forrestdale), included under Schedule 9B of TPS No.4, provides the statutory framework for the City to determine the cost of common infrastructure works within DCA 3 and establish the associated contribution cost per lot.

Established in 2007, DCP 3 provides a mechanism to equitably share the cost of providing common infrastructure items across an environmentally constrained area, where the historical nature of land ownership has also been fragmented. The coordinated approach established by DCP 3 has enabled the City to deliver essential infrastructure and facilities for the benefit of the Piara Waters and Harrisdale communities in an appropriate and timely manner.

As of October 2020, the status of the DCP 3 program is approximately 75% complete and the current expiry date for DCP 3 is 2022. The percentage complete will vary with the inclusion of the Piara Waters West area into the DCP.

Amendment No.110 to TPS No.4, which was initiated by Council in January 2020 proposes to extend the operating lifespan of DCP 3 by 5 years beyond its current expiration period to reflect that a significant portion of the DCP 3 area has yet to be subdivided, and the extended operating period will ensure that all DCP infrastructure can be fully implemented. This was a first step of the DCP 3 major review process. At its meeting on 14 December 2020, Council considered submissions that were received during the advertising period and resolved to adopt Amendment No.110 without modification. Amendment No.110 is currently being considered by the WAPC and Minister for Planning and a final decision on the amendment is expected in May 2021.

Development Contribution Plan No.3 – Major Review

Given that DCP 3 has been in operation for over 13 years, and along with the current proposal to extend the operating period of the DCP from 15 to 20 years, the City is moving ahead with additional aspects of the major review of the DCP in order to further examine its performance to date, identify any changes that might be necessary and identify any opportunities for improvements.

There are a number of key factors which have informed the scope of the major review. These factors are summarised as follows:

- 1) The proposed inclusion of the ‘Warton Road Precinct’ (Piara Waters West) in the DCP 3 area, which was the subject of a recently gazetted Metropolitan Region Scheme (MRS) amendment to rezone the precinct from Rural to Urban.
- 2) The provision of common infrastructure to service the new Piara Waters West area that could be funded by the DCP.
- 3) A review of infrastructure requirements for the existing and future parts of the DCA.
- 4) The consideration of close out arrangements upon expiration of the DCP, including a reconciliation of owner contributions collected to date.
- 5) The consideration of any adjustments that could be made to the DCP to manage the collection of owner contributions going forward in light of the incremental expansion of the Development Contribution Area 3 (DCA 3) area as areas are rezoned under the MRS to Urban and the changing rates of residential densities achieved.

2. DETAILS OF PROPOSAL

Given the significant scope and scale of the DCP 3 Major Review, it is considered appropriate to implement the changes arising from the outcomes of the major review in an incremental manner comprising several discrete phases which are described as follows:

- Phase 1 – Amendment No.110, which has been initiated, advertised and adopted by Council.
- Phase 2 (Part 1) – Addition of the Piara Waters West area to the DCA, inclusion of key infrastructure changes to DCP 3 and a review of the current cost contribution methodology to account for operational requirements arising from these changes.
- Phase 2 (Part 2) – Review of the Infrastructure Cost Schedule (ICS) to account for changes implemented as part of previous phases.
- Phase 3 – Alignment of DCP 3 with other City of Armadale DCP programs and planning for end of DCP lifespan.

Amendment No.115 proposes to give effect to Phase 2, Part 1 of the DCP 3 Major Review as follows:

- 1) Amend the TPS No.4 Special Control Area map to include Piara Waters West in the Development Contribution Area 3 (DCA 3) area;
- 2) Amend Section 5A of TPS No.4 to ensure the scheme text governing development contribution areas reflects best practice and learnings from the City’s administration of DCP 3 since 2007 and learnings from other DCPs administered by other Local Governments and DevelopmentWA; and
- 3) Amend Schedule 9B of TPS No.4 to:
 - Include new common infrastructure items that will be required to service Piara Waters West;
 - Modify the description of community infrastructure already identified in the DCP in recognition that the opportunity for shared use of sporting fields with adjacent primary school sites may no longer exist, thereby enabling the development of community infrastructure to occur in areas that are not adjacent to a primary school;

- Include the ability for the DCP to acquire land to facilitate the development of community infrastructure already identified in the DCP as a specified works item, and to acquire land for an environmentally significant wetland within the DCA;
- Transfer provisions relating to the calculation and apportionment of common infrastructure costs and cost contributions from Schedule 9B to the ICS to reflect the WAPC's draft State Planning Policy 3.6 – Infrastructure Contributions and provide more flexibility to be able to respond to changes; and
- Include new scheme provisions to enable common infrastructure costs to be apportioned to discrete areas within the DCA, similar to the approved Anstey Keane Urban Precinct DCP as part of Amendment No.102.

The implementation of Phase 2, Part 1 of the DCP 3 Major Review through the aforementioned amendments to the Special Control Area Map and TPS No.4 scheme text will also require the implementation of modifications to the full ICS to quantify the cost implications of the proposed scheme amendment.

The ICS is a table appurtenant to TPS No.4 which itemises, calculates and apportions common infrastructure costs and the per lot contribution rate applicable to DCP 3. The ICS and Proposed Values are reviewed at least on an annual basis in accordance with the TPS No.4. The current ICS was adopted by Council at its meeting of May 2020 and the City is currently progressing the annual review of the ICS which will be presented to Council in April 2021.

In the interim, costs associated with common infrastructure proposed under Amendment No.115 are described in a draft Infrastructure Cost Estimate which is provided in the attachments and will be advertised as part of the documents to describe the proposals in Amendment No.115. The draft Infrastructure Cost Estimate also includes estimated allocations for existing DCP infrastructure that will be considered at the next ICS review. When Amendment No.115 is finalised, the ICS will need to be reviewed to implement the outcomes of the amendment.

The proposed scope for Phase 3 of the DCP 3 Major Review will be refined and confirmed as implementation of Phase 2 progresses and further reporting to Council will be undertaken at the appropriate time.

3. COMMENT AND ANALYSIS

Draft State Planning Policy 3.6 – Infrastructure Contributions (July 2019) sets out the principles and requirements that apply to infrastructure contributions in new and established urban areas. The 6 main principles which prescribe the manner in which contributions for infrastructure must be levied are summarised as follows:

- 1) Need and the Nexus
- 2) Transparency

- 3) Equity
- 4) Certainty
- 5) Consistency
- 6) Accountable

The infrastructure proposals identified in the preceding table for implementation as part of Phase 2 of the DCP 3 Major Review are described in further detail below, including the scope, need and nexus and costs (where applicable) for each. Costs for some of these items will be subject to change as the planning process advances through the MRS and TPS rezoning amendment process, and structure plans for the area are eventually finalised and approved. Notwithstanding, the estimates are considered to be at a suitable level of accuracy for inclusion in the draft ICS for advertising purposes.

Modifications to DCP 3 – Piara Waters West

Whilst the planning framework to guide the future subdivision and development of the Piara Waters West area is still to be progressed through structure plans, the identification of common infrastructure for inclusion in DCP 3 is considered appropriate and timely based on the following factors:

- Infrastructure provided to service the area represents a logical the extension of existing DCP 3 infrastructure program;
- The location of the future high school site has been confirmed through the recent MRS amendment that was adopted by the WAPC and was gazetted in November 2020;
- The need for a future primary school site to service the catchment has been confirmed based on the projected dwelling yield and population for the area with only the location of the site requiring confirmation through the future structure planning process;
- The key stakeholders associated with the development of the Piara Waters West area that were consulted as part of the DCP 3 Major Review process are generally supportive of modifications to extend the DCP area to encompass the precinct;
- Extending the DCP will provide additional certainty for both the City and landowners with respect to common infrastructure needs and costs; and
- The timeframe for approval of a DCP scheme amendment, which is classified as a ‘complex amendment’ under the *Planning and Development Act (Local Planning Schemes) Regulations 2015* is between 3-6 months longer than ‘standard’ amendment to rezone the area under the City’s TPS No.4 to Urban Development and this scheme amendment on behalf of the stakeholders associated with the Piara Waters West area has recently been lodged for the City’s consideration.

Proposal 1 – Include the Piara Waters West Area in DCP 3

The Special Control Area Map 3 which forms part of TPS No.4 will need to be amended to extend the DCA 3 area to apply to the Piara Waters West area, thus enabling DCP 3 to operate over the area. A copy of the Special Control Area Map 3 Amendment Plan is provided in the Attachments.

Proposal 2 – Funding for sporting and community facilities within the Piara Waters West including land acquisition

Scope / Need and Nexus

The provision of new sporting and community facilities will be required to service the Piara Waters West catchment that is being included in DCA3 as described in *Proposal 1*. There are several factors which will impede the provision of a sufficient land area (4.8 hectares) that will provide the required footprint for the future senior playing field. These factors include:

- The fragmented nature of land ownership within the Piara Waters West expansion area will create difficulties in coordinating the assembly of an appropriately located consolidated land parcel of a sufficient size to provide the required 4.8 hectare public open space footprint;
- No single lot within the Piara Waters West expansion area is capable of yielding a sufficient land area of 4.8 hectares of public open space when the Commission's standard 10% gross subdivisible area for POS requirement is applied;
- There are wetland and vegetation areas that are also likely to need to be protected; and
- Drainage areas are also require and receive POS credits (partial) in accordance with the WAPC's Policies.

The inclusion of land acquisition costs over and above 10% of the gross subdivisible area within the definition of DCP specified works will ensure that an appropriately sized and located land area for public open space purposes can be secured, and the associated land acquisition costs are apportioned in an equitable manner within the DCA 3 area. Modifying the wording of the relevant DCP specified works provision to encompass land acquisition costs will also ensure that affected landowners ceding over and above their 10% POS requirement are appropriately reimbursed from the DCP. This is a similar approach to the Anstey Keane DCP and other local government DCPs.

Modifications to the existing DCP scheme provisions relating to the development of sporting fields are also proposed to ensure that DCP allocations can be adjusted where applicable to account for the costs of constructing the required playing field, buildings and associated facilities.

Costs

Land acquisition costs associated with this proposed specified works item will be identified as part of the draft ICS that is prepared to accompany the advertising of Amendment No.115. The draft Infrastructure Cost Estimate identifies that land acquisition costs associated with this item will be approximately \$1,875,000, and development costs for the playing field and, buildings and associated facilities will be approximately \$9,500,000 minus contributions from the subdivider towards the costs of the development of public open space in accordance with normal subdivision requirements.

Proposal 3 – A contribution towards the development of sporting facilities for shared community use on the Department of Education high school site

Scope / Need and Nexus

The City holds a primary role for the provision of community buildings and public open space to accommodate organised and social sporting, recreational and leisure activities.

Based on the projected population in the North West Catchment Area, as identified by the City's Community Infrastructure Plan and in accordance with draft Liveable Neighbourhoods 2015, the Piara Waters/Harrisdale community will require an additional 2 playing fields and associated infrastructure. The City is planning to meet the community demand for hard court facilities through a negotiated outcome with the Department of Education.

The future 12.8 hectare high school site to be developed by the Department of Education bounded by Mason Road to the south and Warton Road to the east provides an opportunity for the City to enter into an agreement with the Department for the shared use of hardcourt facilities that the Department is proposing to develop within the school grounds.

With the future high school site in the final planning stages, the City has engaged with the Department to negotiate the provision of associated infrastructure (amenity building and floodlights) to support community use of a shared hardcourt facility proposed on the future Department of Education high school site. The development of an amenity building and floodlights will be required to service the hard court facilities so they are suitable for community use.

Costs

The costs associated with this proposed specified works item will be identified as part of the draft ICS that is prepared to accompany the advertising of Amendment No.115. The draft Infrastructure Cost Estimate identifies costs associated with this infrastructure item to be approximately \$450,000.

Proposal 4 – Contribution towards the costs of acquisition and/or betterment of the rehabilitated wetland UFI 7176 (as amended) located in Piara Waters on various lots within the West Piara Waters Precinct.

Scope/Need and Nexus

As part of consideration of the submission that was provided by the City to the WAPC in response to the advertising of MRS Amendment 1369/57 to rezone the land within the West Piara Urban Precinct from Rural to Urban, at its meeting of 20 July 2020 [D46/7/20], Council resolved to advise the proponent that it seeks to retain and protect the wetland and vegetation that falls within UFI 7176 as part of a TPS Amendment and Structure Plan process.

The WAPC's draft SPP 3.6 provides that wetlands may be suitable for inclusion in a DCP providing that such land provides a community recreation benefit as part of the overall public

open space network for the area. DCP 3 already includes two wetlands situated within Harrisdale.

It is noted that the planning framework within the West Piara area is in its early stages, and as such, structure planning and associated environmental and botanical investigations are still progressing. The ability for wetland UFI 7176 and any associated vegetation deemed worthy of retention to form part of the developer's standard 10% public open space provision has therefore yet to be established, however it has been identified that in light of other demands for the allocation of POS within the area, it is unlikely that the wetland and vegetation will be capable of being fully accommodated within area of POS to be ceded as part of the developer's standard 10% POS requirement.

Under these circumstances, it is considered prudent for the DCP to recognise that a contribution may be required towards the costs of acquisition and/or betterment. Such a measure will assist in ensuring that an area of public open space ceded by developers which exceeds 10% of the gross subdivisible area, where such an overprovision directly relates to the retention of significant vegetation within the wetland as determined by the future planning framework can be acquired through the DCP mechanism, and the associated land acquisition costs apportioned in an equitable manner within the DCA 3 area.

Costs

The costs associated with this proposed specified works item will be identified as part of the draft ICS that is prepared to accompany the advertising of Amendment No.115. These costs are currently being reviewed by officers.

Modifications to DCP 3 – Existing DCA

DCP 3 provides a planning framework which has enabled contributions from developers to be secured by the City to fund the provision of community infrastructure within the area.

Based on the forecast population for the suburbs of Piara Waters and Harrisdale, the need and demand for sporting and community infrastructure and facilities that have been identified and where applicable, developed to date in the area exceeds the scope of infrastructure and facilities identified in the North Forrestdale Structure Plan and DCP 3. To this end, an assessment undertaken as part of the DCP 3 Major Review has identified the following modifications within the existing DCA which are discussed in further details as follows.

Proposal 5 – Acquisition of the land for the development of the 8e Harrisdale North - Site 'A' sporting and community facility

Scope/Need Nexus

The provision of new sporting and community facilities will be required to service the Harrisdale North area that is already included in DCA 3. The proposed construction costs for the development of this facility are already identified in the DCP (Specified Works Item 8e).

The orderly planning for the Harrisdale North area has historically been hindered by several factors which have impeded the provision of a sufficient land area (4.8 hectares) that will provide the required footprint in order to provide the public open space area for the future senior playing field. These factors include:

- Environmental and drainage requirements/constraints;
- The fragmented nature of land ownership within Harrisdale North has created difficulties in coordinating the assembly of an appropriately located consolidated land parcel of a sufficient size to provide the required 4.8 hectare public open space footprint;
- No single parent lot within Harrisdale North is capable of yielding a sufficient land area of 4.8 hectares of public open space when the Commission's standard 10% gross subdivisible area for POS requirement is applied;
- The area had not been subdivided when the Reilly Road Primary School was approved and started construction, and the Department of Education has proceeded to construct its own oval; and
- A larger commercial area is being progressed on the corner of Wright Road and Ranford Road which does not contribute towards the 10% POS requirement.

The inclusion of land acquisition costs over and above 10% of the gross subdivisible area as part of DCP specified works will ensure that an appropriately sized and located land area for public open space purposes can be secured and the associated land acquisition costs are apportioned in an equitable manner within the DCA 3 area. The inclusion of this proposed specified works item will also ensure that affected landowners ceding over and above their 10% POS requirement in order to contribute to the proposed 4.8 hectare POS site are appropriately compensated.

Several modifications to the existing DCP scheme provisions relating to the development of this sporting field is also proposed in recognition that the opportunity for shared use of this sporting field with an adjacent primary school site may no longer exist.

Costs

Land acquisition costs associated with this proposed specified works item will be identified as part of the ICS 2021 review, and will be presented to Council prior to the draft 2021 ICS being advertised for public comment. The draft Infrastructure Cost Estimate identifies that land acquisition costs associated with this infrastructure item will be approximately \$4,488,000.

Proposal 6 – Contribution towards the costs of acquisition and/or betterment of the rehabilitated Wetland UFI 14880 (as amended) located on Lot 200 on DP 415389 Skeet Road, Harrisdale.

Scope/Need and Nexus

Draft SPP 3.6 provides that wetlands may be suitable for inclusion in a DCP providing that such land provides a community recreation benefit as part of the overall public open space

network for the area. DCP 3 contains existing provisions relating to the acquisition of the core area of the rehabilitated Conservation Category Wetland on Lot 49 Wright Road, Piara Waters.

It is noted that the planning framework within the North Harrisdale area is in its early stages, and as such, structure planning and associated environmental and botanical investigations have not been significantly advanced. The ability for wetland UFI 14880 and any associated vegetation deemed worthy of retention to form part of the developer's standard 10% public open space provision has therefore yet to be established and confirmed. It is also noted that the WAPC has not previously been supportive of the inclusion of wetland areas within DCPs, however the WAPC's draft SPP 3.6 now permits the inclusion of wetland areas where a community recreation benefit can be derived.

Under these circumstances, it is considered prudent for the DCP to recognise that a contribution may be required towards the costs of acquisition and/or betterment. Such a measure will assist in ensuring that an area of public open space ceded by developers which exceeds 10% of the gross subdivisible area, where such an overprovision directly relates to the retention of significant vegetation within the wetland as determined by the future planning framework can be acquired through the DCP mechanism, and the associated land acquisition costs apportioned in an equitable manner within the DCA 3 area.

Costs

The costs associated with this proposed specified works item will be identified as part of the draft ICS that is prepared to accompany the advertising of Amendment No.115. The draft Infrastructure Cost Estimate identifies the costs associated with this infrastructure item to be approximately \$350,000, which is essentially a high level estimate based on the assumed area of wetland that might need to be acquired through the DCP mechanism, the assumed land acquisition rate per square metre for environmentally constrained land, and the assumed costs of contributing towards the betterment of the wetland if required.

Proposal 7 – Modifications to the DCP 3 cost calculation approach to apportion costs over specific areas

Based on the preliminary outcomes of the DCP 3 Major Review, with some of the proposed new common infrastructure items identified for inclusion as part of Amendment No.115, it has been identified that the existing approach to the apportionment of costs in Schedule 9B of TPS No.4 may require some modification to ensure that infrastructure costs are shared more equitably.

The current approach to calculating the contribution amount paid by developers is predicated on the costs of all DCP infrastructure being apportioned on an equal basis throughout the entire DCP area.

Modifications to the scheme text to introduce a Cost Apportionment Schedule (CAS) into the ICS are considered appropriate to enable different contribution rates to be applied to a

designated area to meet the costs of providing specific infrastructure for that area when the circumstances deem that such an approach is warranted rather than these costs being apportioned throughout the entire DCP area.

The proposed scheme provisions will ultimately enable Council to exercise discretion to determine that it is more equitable for developers in a designated area to pay a different rate for the provision of infrastructure to service that area. Such scheme provisions are commonplace in other local government areas, and will also be consistent with SPP 3.6.

As the ICS is reviewed on an annual basis, Council will have the opportunity to consider the need for any potential future adjustments to the CAS on a regular basis in conjunction with the annual ICS review.

Modifications to DCP 3 – Administrative Arrangements

The City has been acting as the administrator of DCP 3 since it first came into operation in 2007. An assessment undertaken as part of the DCP 3 Major Review has identified a number of operational issues that could be resolved to improve the efficient and effective administration of DCP 3. To this end, modifications to the planning framework to improve the administration of the DCP are discussed in further details as follows.

Proposal 8 – Transfer the calculation and apportionment of costs and contribution details from TPS No.4 to the ICS

As part of the scope of the major review, consideration has been given to potential adjustments to the DCP approach in order to more effectively and accurately calculate and manage the collection of owner contributions for the remaining lifespan of the DCP.

Reviewing this aspect of the DCP as part of the major review was considered particularly important in light of the incremental expansion of DCA 3 from beyond what was originally contemplated in 2007 due to additional areas being rezoned to Urban in the MRS and the changing rates of residential densities achieved over this period.

The transfer of the calculation and apportionment of costs and contribution details from TPS No.4 to the ICS will provide the flexibility for adjustments to be advertised and made if and when required, as determined by Council, and ensure the cost contribution rate can be adjusted in an agile manner to account for future residential density trends, and when land is identified with additional constraints.

This method is also preferred rather than undertaking scheme amendments to amend the forecast density rate provisions contained in TPS No.4 which take between 18 - 24 months to be completed. The WAPC's draft State Planning Policy 3.6 supports this approach for cost calculation and other DCP administrative details to be provided in documents that do not form part of the scheme.

Calculation and cost apportionment provisions will be included in the ICS which is far more practical and efficient than inclusion in the DCP scheme provisions. Importantly, as the ICS is reviewed annually, developers will be able to be consulted and Council will have the opportunity to consider the need for any potential future adjustments to the DCP calculation methodology on a more frequent basis which represents a more efficient and effective approach to the administration of the DCP. In addition to this, the ICS review, which is advertised on an annual basis will also provide stakeholders with the opportunity to review and provide comment on changes to inputs into the DCP calculation methodology.

Proposal 9 – Amend Clause 5A.3.3 and 5A.3.4 of TPS No.4

Section 5A of TPS No.4 contains provisions which support the imposition of subdivision conditions that require cost contributions to be made in an area where a DCP is in effect, or in areas where a DCP is required but has yet to take effect. However, these scheme provisions do not support the imposition of development conditions requiring cost contributions to be made given that historically, land within the DCP area has been generally subdivided first and contributions fully paid prior to any development occurring.

The omission of the word ‘development’ from these scheme provisions appears to be an anomaly given that other parts of the scheme clearly recognise that DCP cost contribution liabilities can arise as a result of either subdivision or development. To this end, it is considered appropriate to amend these scheme provisions by inserting the words ‘and/or development’ next to the word ‘subdivision’ which will enable cost contribution requirements to be imposed through conditions of development approvals as well as subdivision approvals.

4. CONCLUSION

Amendment No.115 will assist in facilitating the delivery of beneficial outcomes for the communities of Piara Waters and Harrisdale including:

- Ensuring that the new Piara Waters West urban expansion area is provided with an appropriate level of infrastructure to service the needs of the community, and which is commensurate with the scope and scale of infrastructure that has been delivered, or is in the process of being delivered via DCP 3 for the existing Harrisdale and Piara Waters DCA.
- Appropriately responding to the infrastructure needs of the established DCA through the implementation of appropriate modifications to the DCP.
- Implementing appropriate modifications to the relevant administrative provisions set out in TPS No.4 to facilitate the efficient and effective administration of DCP 3 for its remaining operating lifespan.

Having regard to the benefits outlined in the preceding comments, Option 1 is recommended.

Once initiated, following the closure of the advertising period, the proposed amendment and any submissions received during the advertising period will be forwarded to Council

to consider whether the amendment should be supported and forwarded to the Minister for final adoption.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

CITY OF ARMADALE TOWN PLANNING SCHEME NO. 4

AMENDMENT NO. 115

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, initiate Amendment No.110 to Town Planning Scheme No.4 as follows:**

Proposal 1

- A. Amending Special Control Map 3 as shown on the attached Proposed Zoning – Special Control Area Map 3 Plan to include the Piara Waters West (Warton Road) Urban Precinct;**

Proposals 2, 3 and 5

- B. Amend Clause 3.6.3 (8) (e) of Schedule 9B by inserting the words “land acquisition” following the words “100% of the total cost to construct sporting and community facilities, including”, and inserting the words “where applicable in the West Piara Urban Precinct identified in MRS Amendment 1369/57, and in Harrisdale within the area generally bounded by Ranford Road, Wright Road, Reilly Road and Skeet Road.” following the words “abutting proposed primary schools”;**
- C. Amend Clause 3.6.3 (8) (f) of Schedule 9B by deleting all of the words that follow “A contribution as defined in Infrastructure Cost Schedule to the total cost to construct a senior multiple purpose sporting oval” and replacing these words with the following:**

“and acquire land where applicable as follows:

- (i) adjoining each of the public primary schools where applicable minus contributions from the Department of Education when they become available for ovals shared with public primary schools;**
- (ii) a senior multiple purpose sporting oval in the West Piara Urban Area identified in MRS Amendment 1369/57;**
- (iii) a senior multiple purpose sporting oval in Harrisdale within the area generally bounded by Ranford Road, Wright Road, Reilly Road and Skeet Road; and**
- (iv) a senior multiple purpose sporting oval on Lot 48 Nicholson Road”.**

Proposal 4

- D. Amend Clause 3.6.3 (10) by deleting the words “Conservation Category” from the heading of the clause;**
- E. Amend Clause 3.6.3 (10) by adding the following: “(c) Contribution towards the costs of acquisition and/or betterment of the rehabilitated wetland UFI 7176 (as amended) located on various lots within the West Piara Waters Area”;**

Proposal 6

- F. Amend Clause 3.6.3 (10) by adding the following: “(b) Contribution towards the costs of acquisition and/or betterment of the rehabilitated wetland UFI 14880 (as amended) located on Lot 200 on DP 415389 Skeet Road, Harrisdale”;**

Proposal 7

- G. Amend Clause 3.4.2 of Schedule 9B by adding the word “base” following the words “based on a” and adding the words “and where applicable, an additional Cost Contribution Per Lot” following the words “Cost Contribution Per Lot”**
- H. Amend Clause 3.4.2 (a) of Schedule 9B by inserting the word “base” between the words “The” and the words “Cost Contribution Per Lot”, and inserting the words “of Infrastructure which is subject to the base Cost Contribution as specified in the Infrastructure Cost Schedule” following the words “Net Common Infrastructure Costs”;**
- I. Amend Clause 3.4.2 (a) (i) of Schedule 9B by inserting the word “base” following the words “A = gross cost of” and inserting the words “as prescribed in the Infrastructure Cost Schedule” following the words “estimated future costs.”;**
- J. Amend Clause 3.4.2 (a) (i) of Schedule 9B by adding the words “where the base cost contribution per lot applies” following the words “B = payments made to date by owners of land who subdivide or develop land within the Development Contribution Area”**
- K. Amend Clause 3.4.2 (a) (i) (1) of Schedule 9B at the third dot point by deleting all of the words that follow “of 14.6 lots per hectare” and replacing these words with the following words “for the Area equivalent of the land holding of an owner after 28 October 2014 onwards and prior to the gazettal of Amendment No.115; and;”;**
- L. Amend Clause 3.4.2 (a) (i) (1) of Schedule 9B by adding a fourth dot point to follow the second dot point which reads as follows “- the lots produced at the density rate prescribed in the Infrastructure Cost Schedule from gazettal of Amendment No.115; or;”;**

M. Amend Clause 3.4.2 (b) of Schedule 9B by inserting the word “base” following the word “The”, inserting the words “where the base cost contribution per lot rate applies as specified in the Infrastructure Cost Schedule” following the words “Cost Contribution payable by each owner of land in the Development Contribution Area”, and inserting the word “base” following the words “is calculated by multiplying the number of freehold lots produced from the owner’s land by”;

N. Amend Clause 3.4.2 by adding the following provisions to follow (b):

“(c) The additional Cost Contribution Per Lot is determined by first deriving the Net Common Infrastructure Costs of Infrastructure which is subject to the additional Cost Contribution as specified in the Infrastructure Cost Schedule:

(i) $A1 - B1 = C1$

Where:

A1 = gross cost of Common Infrastructure Works being the total of fixed actual and estimated future costs as prescribed in the Infrastructure Cost Schedule, which will be based on costs estimated no more than 12 months in advance. Such estimates may be based on an average for each Common Infrastructure work cost and shall recognise all factors affecting the development of the relevant Development Contribution Area and associated constraints the local government will encounter in the provision of the Common Infrastructure Works. This shall include (but not be limited to) variable market conditions and the nexus between the time frame of development and provision of Common Infrastructure Works.

B1 = payments made to date by owners of land who subdivide or develop land within the Development Contribution Area where the additional cost contribution per lot applies calculated on the basis of whichever is the lesser of:

**(1) the lots produced at the density rate prescribed in the Infrastructure Cost Schedule from gazettal of Amendment 115;
or**

(2) the actual number of lots produced by the land holding of an owner;

C1 = Common Infrastructure work costs;

and then dividing the Common Infrastructure work costs by the subdivision potential of the balance of the Area of the Development Contribution Area remaining unsubdivided

where the additional cost contribution per lot rate applies, excluding those land uses in Clause 3.3 of Development Contribution Plan No.3 and Clause 5A4.4, and multiplying that area by the density rate prescribed in the Infrastructure Cost Schedule.

(ii) $C1 \div D1 = E1$

Where:

D1 = the number of lots to be produced to achieve the density rate prescribed in the Infrastructure Cost Schedule for the area equivalent of the unsubdivided balance area of the Development Contribution Area where the additional cost contribution per lot rate applies, excluding those land uses in Clause 3.3 of Development Contribution Plan No.3 and Clause 5A4.4;

E1 = the additional Contribution Cost Per Lot.

- (d) **The additional Cost Contribution payable by each owner of land in the Development Contribution Area where an additional rate applies as specified in the Infrastructure Cost Schedule, is calculated by multiplying the number of freehold lots produced from the owner's land by the additional Contribution Cost Per Lot.;**

O. Renumber Clause 3.4.2 Clause (c) to Clause (e) accordingly;

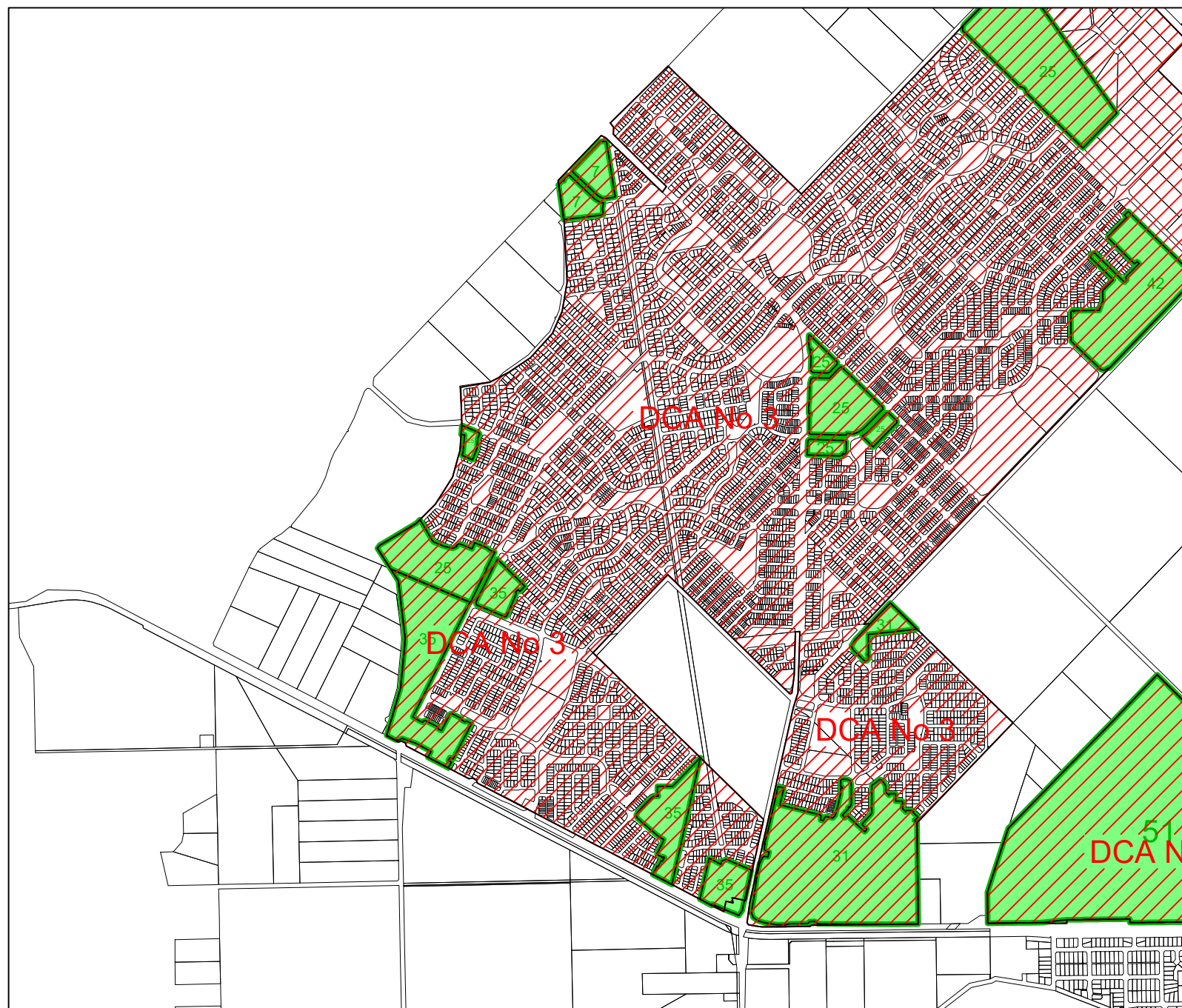
Proposal 8

- P. Amend Clause 3.4.2 (a) (i) (2) of Schedule 9B by inserting the word “where the base cost contribution per lot rate applies” following the words “C = Common Infrastructure work costs; and then dividing the Common Infrastructure work costs by the subdivision potential of the balance of the Area of the Development Contribution Area remaining unsubdivided”, and deleting the word “14.6” following the words “excluding those land uses in Clause 3.3 of Development Contribution Plan No.3 and Clause 5A4.4, and multiplying that area by”, and inserting the following words “the density rate prescribed in the Infrastructure Cost Schedule.”;**
- Q. Amend Clause 3.4.2 (a) (i) (2) of Schedule 9B by deleting the words “14.6 lots per hectare” following the words “D = the number of lots to be produced to achieve”, and replacing this with the following words “the density rate prescribed in the Infrastructure Cost Schedule.”, and inserting the words “where the base cost contribution per lot rate applies,” to follow the words “for the area equivalent of the unsubdivided balance area of the Development Contribution Area”**





Proposal 9

- R. Amend Clause 5A.3.3 of TPS No.4 by adding the words “and/or development” after the word “subdivision” where this word occurs; and**
 - S. Amend Clause 5A.3.4 of TPS No.4 by adding the words “and/or development” after the word “subdivision” where this word occurs.**
- 2. The amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):**
 - The amendment relates to amending a Development Contribution Plan.**
 - 3. Refer 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*.**
 - 4. Forward the Amendment to the WAPC to obtain consent to advertise the Amendment as proposed.**
 - 5. Should the EPA advise that the amendment does not require assessment and the WAPC grants consent to advertise the Amendment, advertise the amendment for no less than 60 days.**
 - 6. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.**
 - 7. Should the WAPC require any minor modifications prior to advertising, authorise the CEO and Mayor to execute the modified amendment documents.**

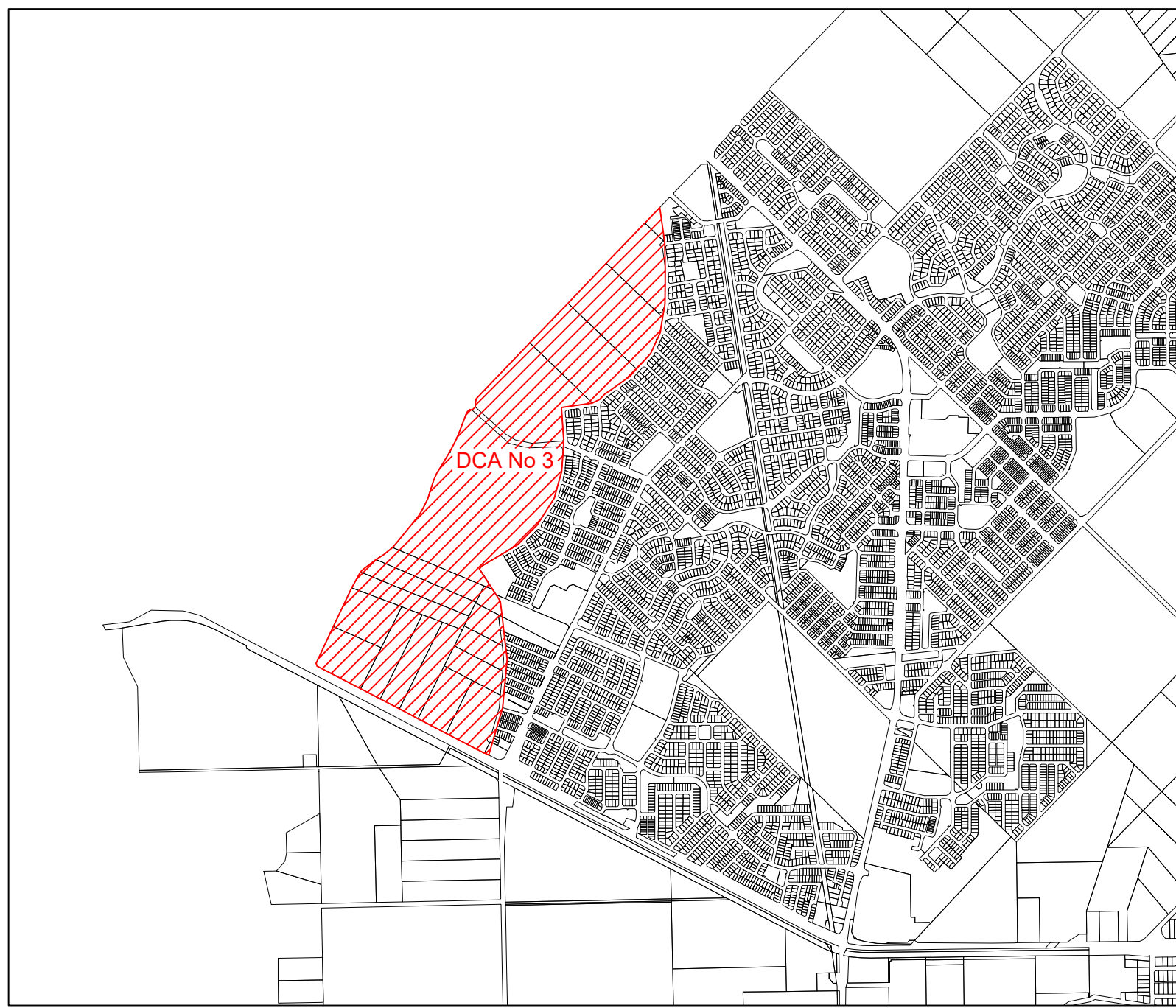
EXISTING ZONING - SPECIAL CONTROL AREA MAP 3



LEGEND

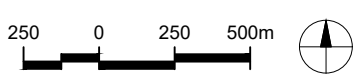
-  Development Area (Structure Plan) (Schedule 8)
-  Development Contribution Area (Schedule 9A & 9B)
-  Environmental Conditions (Schedule 8)
-  Armadale Redevelopment Area Boundary

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. 115
 City of Armadale Town Planning Scheme No. 4
 Special Control Area Map 3



SCALE 1 : 25000

COUNCIL ADOPTION

This Complex Amendment was adopted by Resolution D of the Council of the City of Armadale at the Ordinary Meeting of the Council held on the xx day of xx 2021.

MAYOR

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By Resolution D11/3/21 of the Council of the City of Armadale at the Ordinary Meeting of the Council held on the 22nd day of March 2021 proceed to advertise this Amendment.

MAYOR

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended by for support by Resolution D of the City of Armadale at the Ordinary Meeting of the Council held on the xx day of xx 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:

MAYOR

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

DELEGATED UNDER S.16 OF
THE PD ACT 2005

Date:- _____

APPROVAL GRANTED

MINISTER FOR PLANNING

Date:- _____