



TOWN PLANNING SCHEME NO. 4

*REZONING OF LOTS 601-606 BALANNUP ROAD &
LOTS 200-202 SKEET ROAD, HARRISDALE FROM
'GENERAL RURAL' TO 'URBAN DEVELOPMENT'*

AMENDMENT
No. 121

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. 121

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

- a. **Rezone Lots 603 – 606 Balannup Road, Lots 200 – 201 Skeet Road, portions of Lot 601, 602 Balannup Road and Lot 202 Skeet Road from the ‘General Rural’ zone to the ‘Urban Development’ zone;**
- b. **Rezone portions of Balannup Road, Skeet Road and Reilly Road reserves to ‘Urban Development’ zone;**
- c. **Insert the following text in Schedule 8 Development (Structure Planning) Areas for the land generally bound by Ranford Road, Skeet Road, Reilly Road and Balannup Road:**

| No. | Description of Land | Additional Provisions applicable to subdivision and development |
|-----|------------------------------|---|
| 72. | Skeet-Balannup Precinct East | <p>72.1 Subdivision and development of land is to generally be in accordance with a structure plan prepared and approved pursuant to Part 4 of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (as amended).</p> <p>72.2 In addition to standard requirements, the following plans are to be prepared by the applicant and approved by the City of Armadale as part of the Structure Plan:</p> <ul style="list-style-type: none"> a. Local Water Management Strategy, prepared in accordance with any relevant District Water Management Strategy, in consultation with the Department of Water and Environmental Regulation and shall demonstrate to the satisfaction of the City |

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| | | <p>that surface water drainage within the subject land will be disposed of in a manner that minimizes the impacts on the nearby significant wetlands, including potential surface water contamination;</p> <p>b. An Acoustic assessment shall be prepared to address noise from traffic along Ranford Road, future commercial development and kennel noise;</p> <p>c. An Environmental Management Plan shall be prepared, in consultation with the Department of Biodiversity, Conservation and Attractions to the satisfaction of the City of Armadale. The Environmental Management Plan shall address as a minimum, actions to prevent and manage impacts of urban development on vegetation identified for retention, and be informed by a botanical survey undertaken during optimal flowering period to assess the potential presence of conservation significant flora.</p> <p>72.3 The Structure Plan shall provide design and management responses for implementation through subdivision and development, addressing:</p> <p>a. Acid sulphate soils;</p> <p>b. Site contamination;</p> <p>c. Identification and protection of significant landscape trees and features as per <i>Local Planning Policy PLN 2.4 Landscape Feature and Tree Preservation</i>, where possible;</p> <p>d. Suitable wetland buffer distances that do not impact existing dwelling and outbuilding on Lot 606 Balannup Road, in accordance with the Environmental Management Plan;</p> <p>e. Maximised retention of banksia woodland species within POS areas and within the area identified as excellent condition on Lot 200 Skeet Road in Figure 5 in the</p> |

| No. | Description of Land | Additional Provisions applicable to subdivision and development |
|-----|---------------------|---|
| | | <p>Environmental Management Plan, where possible.</p> <p>f. Visual impact of noise attenuation measures.</p> <p>72.4 At the subdivision stage, applications are to be prepared with, but not limited to the following plans:</p> <p>a. Detailed Wetland and Buffer Management Plan (where applicable), prepared in consultation with the Department of Biodiversity, Conservation and Attractions and the Environmental Protection Authority to the satisfaction of the City of Armadale. The Detailed Wetland and Buffer Management Plan shall address as a minimum:</p> <p>i. Buffers for sites subject of, and/or adjacent to, a Wetland and/or a Threatened Ecological Community; and,</p> <p>ii How potential impacts to the wetlands from adjacent urban development will be managed.</p> <p>b. A Midge and Mosquito Management Plan demonstrating how larvae will be kept to a minimum (non-nuisance levels) during and after development to the satisfaction of the City.</p> <p>c. Prior to undertaking any earthworks or development of the land, the landowners shall demonstrate to the satisfaction of the City and the WAPC that primary production or filling has not occurred on the subject land, or, undertake a Soil Contamination Assessment of the land, at the landowner's cost to determine the presence or absence of soil contamination to the satisfaction of DWER.</p> <p>d. Should any soil contamination be identified in the soil contamination assessment, a Site Remediation and Validation Report for the</p> |

| No. | Description of Land | Additional Provisions applicable to subdivision and development |
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| | | <p>subject land shall be prepared at the landowner's cost by the developer/subdivider and remediation works shall be undertaken at the landowner's cost for all identified contamination and should be validated as being free of contamination above acceptance guidelines to the satisfaction of the DWER, prior to undertaking any earthworks or development of the land.</p> <p>72.5 Subdivision or development may be permitted within the SCA Map 3 Poultry farm buffer subject to the following:</p> <ol style="list-style-type: none"> a. The amalgamation of lots or part lots; b. For the efficient provision of utilities and infrastructure that would not prejudice future residential development outcomes outside of the buffer area; c. In accordance with <i>SPP 2.5 – Rural Planning</i>, the WAPC may support subdivision within the buffer subject to demonstration that land use will not result in unacceptable impacts to sensitive land uses, such as odour, dust, noise and vibrations associated with the Poultry Sheds on Lot 202 Skeet Road, Harrisdale to the satisfaction of the WAPC on advice from the City / DWER. d. The WAPC may defer final endorsement of diagram of surveys until satisfactory arrangements are made that confirms usage of the Poultry Sheds on Lot 202 Skeet Road, Harrisdale has ceased on the advice of the City / DWER. |

- d. Include the land generally bound by Ranford Road, Skeet Road, Reilly Road and Balannup Road within Special Control Area Map 3 with the appropriate 'Development Area (Structure Plan) Schedule 8' and 'No.72' designations;
- e. Amend Scheme Maps accordingly.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- a. The Amendment is consistent with a region planning scheme that has been endorsed by the Commission;
- b. The Amendment has minimal impact on land in the scheme area that is not the subject of the amendment;
- c. The Amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- d. The Amendment does not meet the definition of a complex or a basic amendment.

Dated this 28th day of September, 2021

J ABBISS
CHIEF EXECUTIVE OFFICER

D36/9/21

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

AMENDMENT NO. 121

SCHEME REPORT

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1. DETAILS OF PROPOSAL

The City has received a request to initiate an amendment to Town Planning Scheme No.4 to:

- a) Rezone Lots 601 - 606 Balannup Road & Lots 200 - 202 Skeet road, Harrisdale from ‘General Rural’ to ‘Urban Development’;
- b) Amend TPS No.4 Scheme Map, to reflect the rezoning;
- c) Amend Special Control Area Map 3 – Development Areas, to identify the new Structure Plan (Development) Area; and,
- d) Amend Schedule 8 – Development (Structure Planning) Areas, to insert new provisions for the Development Area to guide further subdivision and development as follows:

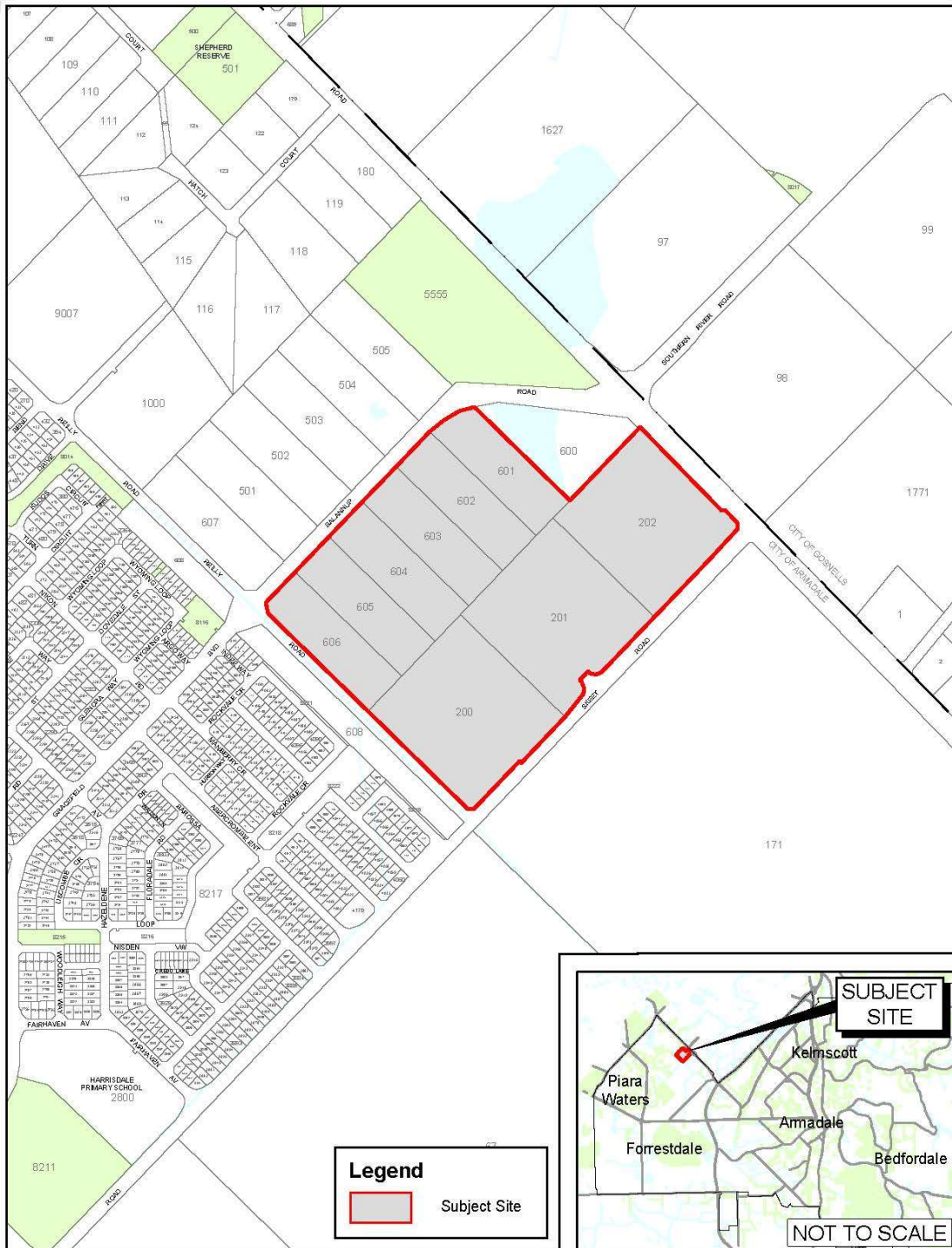
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| | | <p data-bbox="724 360 1351 819">f. An Environmental Management Plan shall be prepared, in consultation with the Department of Biodiversity, Conservation and Attractions to the satisfaction of the City of Armadale. The Environmental Management Plan shall address as a minimum, actions to prevent and manage impacts of urban development on vegetation identified for retention, and be informed by a botanical survey undertaken during optimal flowering period to assess the potential presence of conservation significant flora.</p> <p data-bbox="655 842 1351 976">72.3 The Structure Plan shall provide design and management responses for implementation through subdivision and development, addressing:</p> <ul style="list-style-type: none"> <li data-bbox="724 999 1027 1032">a. Acid sulphate soils; <li data-bbox="724 1050 1027 1084">b. Site contamination; <li data-bbox="724 1102 1351 1236">c. Identification and protection of significant landscape trees and features as per <i>Local Planning Policy PLN 2.4 Landscape Feature and Tree Preservation</i>, where possible; <li data-bbox="724 1254 1351 1433">d. Suitable wetland buffer distances that do not impact existing dwelling and outbuilding on Lot 606 Balannup Road, in accordance with the Environmental Management Plan; <li data-bbox="724 1451 1351 1664">e. Maximised retention of banksia woodland species within POS areas and within the area identified as excellent condition on Lot 200 Skeet Road in Figure 5 in the Environmental Management Plan, where possible. <li data-bbox="724 1682 1351 1749">f. Visual impact of noise attenuation measures. <p data-bbox="655 1771 1351 1872">72.4 At the subdivision stage, applications are to be prepared with, but not limited to the following plans:</p> |

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|-----|---------------------|--|
| | | <p>a. Detailed Wetland and Buffer Management Plan (where applicable), prepared in consultation with the Department of Biodiversity, Conservation and Attractions and the Environmental Protection Authority to the satisfaction of the City of Armadale. The Detailed Wetland and Buffer Management Plan shall address as a minimum:</p> <ul style="list-style-type: none"> i. Buffers for sites subject of, and/or adjacent to, a Wetland and/or a Threatened Ecological Community; and, ii How potential impacts to the wetlands from adjacent urban development will be managed. <p>b. A Midge and Mosquito Management Plan demonstrating how larvae will be kept to a minimum (non-nuisance levels) during and after development to the satisfaction of the City.</p> <p>c. Prior to undertaking any earthworks or development of the land, the landowners shall demonstrate to the satisfaction of the City and the WAPC that primary production or filling has not occurred on the subject land, or, undertake a Soil Contamination Assessment of the land, at the landowner's cost to determine the presence or absence of soil contamination to the satisfaction of DWER.</p> <p>d. Should any soil contamination be identified in the soil contamination assessment, a Site Remediation and Validation Report for the subject land shall be prepared at the landowner's cost by the developer/subdivider and remediation works shall be undertaken at the landowner's cost for all identified contamination and should be validated as being free of contamination above acceptance guidelines to the satisfaction of</p> |

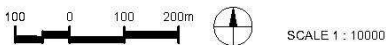
| No. | Description of Land | Additional Provisions applicable to subdivision and development |
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| | | <p>the DWER, prior to undertaking any earthworks or development of the land.</p> <p>72.5 Subdivision or development may be permitted within the SCA Map 3 Poultry farm buffer subject to the following:</p> <ol style="list-style-type: none"> a. The amalgamation of lots or part lots; b. For the efficient provision of utilities and infrastructure that would not prejudice future residential development outcomes outside of the buffer area; c. In accordance with <i>SPP 2.5 – Rural Planning</i>, the WAPC may support subdivision within the buffer subject to demonstration that land use will not result in unacceptable impacts to sensitive land uses, such as odour, dust, noise and vibrations associated with the Poultry Sheds on Lot 202 Skeet Road, Harrisdale to the satisfaction of the WAPC on advice from the City / DWER. d. The WAPC may defer final endorsement of diagram of surveys until satisfactory arrangements are made that confirms usage of the Poultry Sheds on Lot 202 Skeet Road, Harrisdale has ceased on the advice of the City / DWER. |

2. SUBJECT LAND



LOCATION PLAN
 TPS No.4 Amendment 121
 Lots 601-606 Balannup Road and Lots 200-202 Skeet Road,
 Harrisdale

DATE 18 August 2021 - REVISION 21/01
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Based on information provided by and with the permission of the Western Australian Land Information Authority (Lantipac Data). Additional rights apply to landfile, photo and/or aerial imagery.



3. LANDOWNERS

B & D Chester
L & J Decampo
Aboriginal Christian Church Teaching Centre of W.A. Inc.
A & T Pashby
Thomas Kavanagh
Liza Fowler
Richard Henderson
Bernard Blake
K & A McKay

4. APPLICANT

Hex Design and Planning

5. CURRENT ZONING

MRS :Urban
TPS No.4 :General Rural

6. PROPOSED ZONING

Urban Development.

In line with the recent Urban zoning under the MRS, the Scheme Amendment proposes to rezone Lots 601 - 606 Balannup Road & Lots 200 - 202 Skeet road, Harrisdale from 'General Rural' to 'Urban Development' with the following modifications to TPS No.4:

1. TPS No.4 Scheme Map, to reflect the amended zoning;
2. Special Control Area Map 3 – Development Areas, to identify the new Structure Plan (Development) Area; and
3. Schedule 8 – Development (Structure Planning) Areas, to insert new provisions for the Development Area to guide further subdivision and development.

The applicant has proposed Schedule 8 provisions which look at addressing:

- Technical reports required as part of the Structure Plan.
- Wetland buffer distances to be addressed at Structure Plan stage.
- Wetland and buffer management plans to be addressed at subdivision stage.
- Restrictions on development occurring within the poultry farm buffer.
- Soil contamination studies to be carried out at subdivision stage.

The applicant advises that the associated provisions outlined in TPS No.4 Schedule 8 will ensure that key site considerations are addressed through structure plan, subdivision and development stages, while responding to City of Armadale and State agency (including Environmental Protection Authority) advice.

7. BACKGROUND

The Balannup, Ranford, Reilly and Skeet Roads Precinct is one of the last remaining land parcels within the Harrisdale urbanisation area that remains undeveloped for Urban uses. It immediately abuts the development front extending from Keane Road to Reilly Road and Skeet Roads

TPS Amendment 115

The site is located within Development Contribution Area No.3 under the City's TPS No.4. The North Forrestdale Development Contribution Plan provides a cost sharing framework for the equitable collection of contributions and the funding of common infrastructure works of benefit to the future community in a development area. In March 2021, Council initiated TPS No.4 Amendment No.115 which, among other proposals, aims to amend the Development Contribution Area No.3 Infrastructure Cost Schedule currently operating in the area, which includes:

- ◆ Acquisition of land for the development of the Harrisdale North - Site 'A' sporting and community facility. The City notes that the proposed construction costs for the development of this facility are already identified in the DCP;
- ◆ Land acquisition for a senior playing field associated to the Harrisdale North sporting and community facility; and,
- ◆ Acquisition of a wetland and rehabilitation of the wetland area located within Lot 200 Skeet Road, Harrisdale.

TPS Amendment 115 is subject to further assessment, advertising for public comment, and decisions by Council, the WAPC and the Minister for Planning. This amendment will progress through a complex amendment assessment pathway under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertisement of Amendment 115 concluded on 24 September 2021.

Perth and Peel @ 3.5 million (2018)

The subject land is identified as 'Urban Deferred' in the South Metropolitan Perth and Peel @ 3.5 million Region Planning Framework and is identified for short-term development, between 2015 and 2021, noting that environmental constraints (i.e. kennels and poultry farm) restricting urban development need to be addressed.

Previously, the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP) (2001) identified the majority of the site for future urban development, with a western and northern portion of the site identified for Rural living, primarily due to the existing poultry farm on the corner of Ranford and Skeet Roads and a buffer to Balannup Lake. Lot 601 Balannup Road and Lots 200 - 202 Skeet Road were not identified in the DSP as future 'Urban' due to the poultry (broiler) farm buffer at Lot 202 Skeet Road preventing development of the land for "Urban" uses (further discussed below), and the

lots along Balannup Road also provided a rural buffer around Balannup Lake "Bush Forever" area and adjacent wetlands at the corner of Balannup Road and Ranford Road.

Local Planning Strategy (2016)

The City's Local Planning Strategy identifies the site as an 'Urban Development Area' with a small portion of land along the north western boundary as 'Rural' in order to provide a buffer around Balannup Lake and the adjacent wetlands and Bush Forever area at the corner of Balannup Road and Ranford Road.

The Strategy outlines the following actions for 'Urban Development Areas':

1. *Encourage landowners to prepare amendments to the MRS or MRA Redevelopment Scheme requirements in identified Urban Development Precincts and to conduct the environmental and servicing studies required to implement statutory land use zoning changes.*
2. *Initiate Scheme Amendments to TPS No.4 for the areas where adequate environmental baseline and servicing information has been provided and an Urban zoning has been advanced under the MRS.*
3. *Coordinate the assessment and processing of Structure Plans prepared by landowners where statutory land use change has been advanced through suitable Scheme Amendments.*

The Strategy states that the City will encourage land use zoning changes, where supported by appropriate environmental and servicing studies, to supply well-located land suitable for Urban residential development purposes.

MRS Urban zoning - Lifting of Urban Deferment (2021)

In response to a request by Hex Design and Planning on behalf of York Property Group, the Western Australian Planning Commission gazetted the transfer of the subject site from the Urban Deferred zone to the Urban zone on 6 August 2021 pursuant to Clause 27 of the MRS (MRS 1383/27).

The following relevant supporting documentation were submitted with the request:

| | |
|-----------------------|---|
| Deed of agreement- | Copy of contractual agreement for the closure of the poultry farm between York Property Group and Poultry farm owners. |
| Environmental Report- | Identified potential flora and fauna species in the area and maps of wetlands and buffer requirements. Report confirmed that the area is suitable to be rezoned for Urban purposes whilst identifying how the sensitive environmental areas would be protected through the location of POS as part of the concept structure plan. |

| | |
|-------------------------------|--|
| Concept Local Structure Plan- | Identifies potential road networks, land uses and POS locations based on the Environmental reporting |
| Concept Context Plan- | Identifies potential road networks connecting to the wider area to the west, being; Reilly Road and Shepherd Court Structure Plan areas, Hatch Court and remaining lots west of Balannup Road. |
| Bushfire Management Plan- | Identified that the area is within a bushfire prone area and provided BAL ratings based on the environmental report findings and concept Structure Plan. |

The WAPC was satisfied with the proposal and resolved to transfer the land to the MRS Urban zone on 30 June 2021. Transferring the land from the 'Urban Deferred' zone to the 'Urban' zone does not constitute a formal amendment to the MRS and therefore does not require Ministerial approval or for the WAPC to advertise the request to surrounding landowners. Under Clause 27 of the Metropolitan Region Scheme, the 'Urban Deferred' zone may be transferred to the 'Urban' zone by resolution of the WAPC, notified in the Government Gazette.

The site represents approximately 70% of the area which had been rezoned from Rural zone to the Urban Deferred zone under MRS Amendment 1274/57, gazetted in 2015. The remaining Urban Deferred Lots 501 – 505, 600 and 607 Balannup Road are left Urban Deferred and would be subject to a separate MRS Urban Deferment lifting request.

Council had previously, resolved to support the land being rezoned Urban Deferred zone on 17 December 2012 (D80/12/12) and provided advice on various planning issues for the attention of the WAPC prior to transferring the area to the Urban zone (discussed further in the Analysis section).

The City's comments were reviewed by the Department of Planning Lands and Heritage and a report was presented to the WAPC recommending to support the lifting of 'Urban Deferment'. While the City also requested that a deed of agreement between the poultry farm owner and the City be made a condition of lifting the Urban Deferred zone, the WAPC did not cite this requirement. The WAPC did however, refer to maintaining the Special Control Area buffer around the poultry farm until it was permanently closed (discussed further in the Analysis section).

As requested by the City and the Environmental Protection Authority (EPA), the WAPC did not concurrently amend TPS No.4 under Section 126 of the Act, so that site constraints and coordination issues (including environmental factors) could be addressed at the Town Planning Scheme amendment phase. The Western Australian Planning Commission (WAPC) agreed with the City and the EPA that a subsequent rezoning Amendment provided the proper process for TPS No.4 Schedule 8 provisions to guide future structure plans and address the environmental and planning issues arising from future land development.

MRS Amendment 1274/57 (2015)

MRS Amendment 1274/57 was gazetted in 2015 and rezoned approximately 42 hectares of the Skeet Balannup precinct from the 'Rural' zone to the 'Urban Deferred' zone. The area included the subject site in addition to Lots 501 – 505, 600 and 607 Balannup Road. As part of the 'Urban Deferred' rezoning proposal, the following supporting documents were lodged:

- Environmental Assessment Report;
- District Water Management Strategy;
- Concept Structure Plan; and,
- Engineering Services Report.

The WAPC considered the MRS Amendment area to be potentially suitable for urban purposes in the future. However, the WAPC also identified the following treatable constraints that restricted the area from being developed at that time:

- Active kennels north and west of the site.
- Active poultry farm at Lot 202 Skeet Road, Harrisdale .
- Environmental constraints associated to the existing Resource Enhancement Wetland over Lot 600 Balannup Road and Conservation Category Wetland within Lot 200 Skeet Road.

Accordingly, the MRS amendment report outlined the following requirements that needed to be addressed to resolve the above issues as part of future requests for lifting of the 'Urban Deferred' zone under the MRS:

- *Arrangements for the closure of the poultry farm at Lot 172 (now Lot 202) Skeet Road;*
- *Agreement on the extent of kennel area buffers affecting the precinct;*
- *Finalisation of any new alignment of Ranford Road (if required - should the proposal to relocate it south of Balannup Lake proceed);*
- *Substantial progress on a local structure plan informed by supporting studies/further investigation into the various environmental issues affecting the subject land (as identified by the Environmental Protection Authority, Department of Parks and Wildlife and Department of Environment Regulation), including those relating to environmental issues, noise and traffic impact.*

These are further discussed in the Analysis and Comments sections below.

8. ANALYSIS

Splitting of the Skeet Balannup Precinct

In accordance with MRS Amendment 1274/57, the original Urban Deferred zone also included Lots 501-505 and Lot 607 Balannup Road (west of Balannup Road), which do not form part of the land being recently transferred to the Urban zone under the MRS and proposed TPS Amendment 121. Accordingly, this will result in a separate Urban Deferment lifting request for the remaining lots and a separate Town Planning Scheme Amendment and Local Structure Plan.

The Urban Deferment lifting report states that the boundary for the site has been derived following discussions with all landowners within the MRS Amendment 1274/57 area and discussions with the Department of Planning, Lands and Heritage. Given the remaining area being of a considerable size (approximately 12ha) and the site is already distinctively divided by Balannup Road, the City is supportive of progressing the TPS Amendment and future Structure Plan separately, while leaving the remaining portion to be addressed at a later date. The City also notes that the development of the site will assist in facilitating the lifting of Urban Deferment for the remaining area due to the developers Deed of Agreement for the closure of the poultry farm.

In addition, as part of the Urban Deferment request, the Department of Education (DoE) advised the DPLH, that further development within the Skeet Balannup Precinct will exceed the projected dwellings numbers per public primary school, as per *Development Control Policy 2.4 – School Sites* and *Draft Operational Policy 2.4 – Planning for School Sites*. Accordingly, the DoE advised that an option could be to seek additional land adjacent to the primary school (Lots 501, 502 and 607 Balannup Road) in order to extend the Primary School to provide sufficient enrolment accommodation to support student growth within the intake area. This can be dealt with as a separate Urban Deferment lifting request and does not impact initiation of the proposed TPS Amendment 121.

Poultry Farm

Under the City's TPS No.4 Special Control Area Map 1, the poultry farm operating at Lot 202 Skeet Road currently has a 500m buffer to urban residential development imposed around it to account for the various impacts associated with odour and noise and the uncertainty of its operating lifespan. This buffer currently restricts the potential of the existing land around the farm being rezoned/developed for urban purposes.

In accordance with MRS Amendment 1274/57, a major requirement to be addressed as part of the 'Urban Deferment' lifting is for arrangements to be made for the closure of the poultry farm. As part of the 17 December 2012 Council meeting (D80/12/12), the MRS Amendment 1274/57 was supported by Council subject to advising the WAPC and proponent that:

Advise the WAPC and proponent that the City expects the deed of agreement between the City and poultry farm owner to be finalised prior to the site's "Urban Deferred" status being lifted.

However, as part of the 2021 Urban Deferment lifting request, an options deed between the poultry farm owners and the private developer (Yolk Property Group) was provided and the City did not form any part of agreement. The Options Deed specifies the following arrangements:

1. Yolk Property Group must lodge an application to rezone the poultry farm by 31 March 2021.
2. First deposit by Yolk Property Group to the poultry farm owners has been made.

3. Second deposit by Yolk property group to the poultry farm owners to be made within 7 days of the property being rezoned to Urban; or on 30 August 2021, whichever is the earlier.
4. Final settlement between the Poultry farm owners and Yolk property group to occur on 29 July 2022.
5. Closure of the poultry farm to occur 19 weeks from settlement (9 December 2022).

In its response to the WAPC's request for comments for the Urban Deferment lifting, the City supported the request subject to the poultry farm owners entering into a deed of agreement with the City, in accordance with Council's 2012 resolution (D80/12/12). The City raised concerns that subdivision and construction for Stage 1 would take place in July 2022 before the poultry farm ceases operation in December 2022 and that the deed of agreement directly between the City and poultry farm owners would provide extra assurance that the poultry farm would cease operation in December 2022.

On 30 June 2021, the WAPC resolved to transfer the land to Urban without a deed of agreement between the City and poultry farm owner. However, as is proposed under TPS Amendment 121, the Department of Planning Lands and Heritage (DPLH) advised that it would support the poultry farm buffer remaining in place under SCA Map 1, as this would provide additional assurance that the area within the buffer would not be constructed until a future TPS Amendment is later initiated to remove the buffer area once the new owner of the poultry farm property confirmed that the poultry farm has ceased operation in December 2022.

In addition, the proposed provisions to be included in Schedule 8 also contains requirements that will only allow the following to occur within the poultry buffer:

- ◆ Amalgamation of two or more lots or parent lots into one larger lot.
- ◆ To allow for utilities and infrastructure to connect through from Ranford Road boundary down to the southern portion of the site to allow for further subdivision of the areas located outside of the buffer area.
- ◆ A Dust and Odour Management Plan are provided in accordance with SPP 2.5 – Rural Planning, demonstrating that the subdivision within the buffer area will not result in unacceptable impacts to sensitive land uses to the satisfaction of the WAPC and on the advice of the City and DWER.
- ◆ The WAPC may defer final endorsement of diagram of surveys until satisfactory arrangements are made that confirms usage of the Poultry Sheds on Lot 202 Skeet Road, Harrisdale has ceased on the advice of the City / DWER.

Draft Structure Plan

The Scheme Amendment request is accompanied by a draft Structure Plan application which proposes:

- Residential land use with R30 densities throughout the majority of the site and R40 density within the southern corner of the site.

- The Structure Plan estimates that the site will have a yield of 300 lots and dwellings.
- The Structure Plan also identifies a Local Centre zone along Ranford Road.
- 33% of the site is shown as ‘Parks and Recreation – Local’ reservation, which includes public open space areas and environmentally sensitive banksia woodland species (including areas under the transmission lines) and Conservation Category Wetland areas and Resource Enhancement Wetland buffers.

The draft structure plan contains the following supporting technical reports:

- Environmental Assessment & Management Strategy
- Bushfire Management Plan
- Concept Subdivision Plan
- Landscape Masterplan
- Local Water Management Strategy
- Traffic Impact Assessment
- Economic Report
- Engineering Servicing Report

The City has identified that the environmentally sensitive areas (discussed further below) and POS area shown on the concept Structure Plan are located outside of the proponent’s ownership control, particularly with the vegetation, wetland and buffers located within Lots 605 and 606 Balannup Road.

The draft Structure Plan currently shows no developable area on these two properties, which could result in the POS and environmentally sensitive areas never being ceded through the subdivision process due to the properties having no subdivision and/or development potential.

As discussed under the wetland section below, the applicant should be required to provide advice on the mechanism for the land to be protected and transferred to the Crown and whether a portion of the site along the southern boundary of Lot 605 and 606 can be zoned Residential with a R40 density coding. In addition, in order to provide assurance for the existing landowners of Lot 606 Balannup Road that they are able to continue to live in their existing home, the dwelling and outbuildings located on Lot 606 should also be shown as Residential with a R25 density coding on the draft Structure Plan. This does not impact the TPS Amendment from being initiated and can be addressed further at Structure Plan and Subdivision stages, however details of how this can occur should be provided at the TPS Amendment stage so the City and the WAPC can be confident the area can be developed and environmental assets protected.

The draft Structure Plan and supporting documentation will be referred out with the TPS Amendment to the EPA and State Government agencies for their review, if the Scheme Amendment is initiated. The level of detail provided in the Structure Plan’s Environmental report should allow the Department of Biodiversity, Conservation and Attractions and the Environmental Protection Authority to review the wetland mapping, buffer areas and conservation significant flora/fauna and vegetation condition classifications.

Formal lodgement of the Structure Plan will be accepted once the Town Planning Scheme Amendment to rezone the site from General Rural to Urban Development zone has been initiated and the EPA and other State Government agencies have provided their comments on the level of information that is required to be addressed at Structure Plan and subdivision stages.

Noise Management Plan – Dog Kennels

The western half and north-eastern corner of the site is potentially affected by noise being emitted from dog kennels located within Hatch Court (approx. 480m west of the site) and within the City of Gosnells Dog Kennel area which is approx. 350m north-east of the site. Since 2001, the majority of operational dog kennels within Shepherd Court and Hatch Court, have ceased operations with only 1 dog kennel currently operating within Hatch Court.

The applicant's lifting of Urban Deferment report proposed that notifications be placed on titles at subdivision stage for all lots that are located within 500m of a property that has a kennel license and discusses potential to provide a noise study as part of the structure planning process in order to reduce buffers. In addition, the Department of Water and Environmental Regulations (DWER) comments to the Department of Planning, Lands and Heritage (DPLH) regarding the Urban Deferment lifting, also advised that the consideration needs to be given to the separation distances from the existing nearby kennels. However, the draft structure plan has only addressed traffic noise associated with Ranford Road, in accordance with State Planning Policy 5.4 Road and Rail Noise and have not provided noise recording or mitigation measures associated with the kennels.

Given the dog kennels are over 300m away from the site, the City considers that noise issues can be dealt with further at subsequent Structure Planning stage through the submission of an Acoustic Report and Noise Management Plan. Accordingly, the City has amended the proposed Schedule 8 provisions to specify the requirement for a Noise Management Plan to address Road Traffic and kennel noise at Structure Plan Stage.

The City notes that both the Reilly Road Structure Plan (south of the Hatch Court dog kennel) and the Shepherd Court Structure Plan (west of the Hatch Court dog kennel), which are in closer proximity to the Hatch Court kennel, were both able to address noise levels through the Structure Plan process. Both Structure Plans applied requirements for the construction of a noise wall, houses to provide quiet house design packages and for a notice to be placed on the land title advising of potential noise levels.

Flora Survey

The Environmental Assessment and Management Plan lodged with the draft Structure Plan notes that threatened flora (*Drakaea elastica*) being potentially located within the site. The environmental reporting indicates the structure plan has allowed for full retention of the threatened flora suitable habitat area to be located in POS areas, as shown on the draft Structure Plan Map. However, Environmental Services advises that it is possible for the threatened flora to be located elsewhere and potentially within areas shown on the draft structure plan map as being developable.

In relation to the Urban Deferment lifting, the Department of Biodiversity, Conservation and Attractions (DBCA) advised that the proponent's Flora and Vegetation Assessment did not provide sufficient information to comment on the impacts on threatened flora. The timing of the survey in mid-October and early December 2020 was not appropriate to allow identification of the threatened species which is ranked critically endangered. DBCA recommend that an updated targeted survey for threatened flora, in accordance with the *EPA's Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment*, is required to inform the subsequent local structure plan and for any threatened flora to be incorporated as POS for the purpose of conservation and passive recreation.

As such, the proposed provisions to be included in Schedule 8 have been modified to require a flora survey to be undertaken during optimal flowering period and for the flora survey to be lodged at structure plan stage in order to confirm that any threatened species are located within POS areas.

Banksia woodland and Black cockatoo species

The Environmental Report lodged in support of the draft Structure Plan states that native species were observed onsite. The following key findings are outlined in the Environmental Report:

- ◆ Eight plant communities were identified within the site, ranging from 'excellent' to 'completely degraded' condition. The most intact native vegetation is located within the south western portion of the site.
- ◆ The vegetation communities present within the site (7.64 ha) include the 'banksia woodlands of the Swan Coastal Plain' 'threatened ecological community' (TEC) which is listed as 'endangered' under the *Environment Protection and Biodiversity Conservation Act 1999* as well as the State-listed 'priority ecological community' (PEC) 'banksia woodlands of the Swan Coastal Plain'. This PEC is listed as Priority 3 in WA.
- ◆ Three priority flora species were recorded within the western portion of the site in relatively intact form.
- ◆ The site supports vegetation which has the potential to provide habitat for threatened fauna and is known to provide habitat for three threatened species of black cockatoo including; Carnaby's cockatoo, Baudin's cockatoo and the Forest red-tailed black cockatoo.

In relation to the banksia woodland species on site, the City notes that the draft Structure Plan identifies the banksia woodland species to be retained completely within Lots 605 and 606 Balannup Road and partially within Lot 200 Skeet Road and Lot 604 Balannup Road which are shown as POS areas. Prior to any development occurring on Lot 604 Balannup Road or Lot 200 Skeet Road, referral to the Federal Government Department of Agriculture, Water and Environment for assessment may be required if the area will be cleared, in accordance with the *Environment Protection and Biodiversity Conversation Act 1999*. The City notes that this is not covered under the *Planning and Development Act 2005* and a separate process is required.

In order to try and retain additional banksia woodland area, the City has included a requirement under the proposed Schedule 8 provisions to maximise the retention of banksia woodland species within POS areas, where possible.

The findings of the Environmental Report do not restrict the area from being rezoned to Urban Development. The areas identified will help inform the subsequent Structure Plan and subdivision stages through the inclusion and appropriate locations of buffers, nature linkages/corridors, retention of flora and habitat within POS areas and storm water management for the site. The applicant however should be required to provide advice on how the banksia woodland area will be transferred to the Crown for protection of its conservation values, as the draft Structure Plan is already showing 33% of the area as POS, which is larger than the WAPC's 10% POS requirement.

Local Landscape Feature and Tree Retention Strategy

The City places particular importance on planning proposals protecting and preserving significant trees, groups of trees or landscaping features, including at Local Structure Planning stage. Council has recently updated *Local Planning Policy PLN 2.4 - Landscape Feature and Tree Preservation* and the following extract applies to the Local Structure Planning stage:

The following information is required to be prepared and submitted to the City for approval at Local Structure Planning stage to assist in satisfying Items '1.2 and 1.3' of the 'Site and Context Analysis' requirements under Element 1 'Community Design' of Liveable Neighbourhoods:

Local Landscape Feature and Tree Retention Strategy

A Local Landscape Feature and Tree Retention Strategy is to be submitted to the City as part of a Local Structure Plan in accordance with Schedule 2, Clause 16(1)(c)(i) of the Planning and Development Regulations 2015. A Local Landscape Feature and Tree Retention Strategy should be prepared in consultation with the City and include the following:

- *A description and map prepared by a suitable qualified professional (to the satisfaction of the City) showing the location, species, size and structural health of Significant trees on site;*
- *A map showing which Significant Trees are proposed to be retained and which Significant Trees are to be removed;*
- *A description of methods to avoid impacts on trees that are to be retained;*
- *A description of ongoing management and maintenance;*
- *A map and description of all landscape Features on site;*
- *A map of the Landscape Features that are proposed to be retained, modified or removed;*

The proposed Schedule 8 provisions have been modified to require a Tree Retention Strategy, in accordance with PLN 2.4 at structure plan stage to identify the location of trees

across the site, including details of size and species and how these will be incorporated into the future development footprint.

Wetlands

The draft Structure Plan's Environmental Management Plan identifies Wetland Protection Areas - Conservation Category Wetlands (CCW) within Lot 605 Balannup Road and Lot 200 Skeet Road. The north western portion of the site is bound by a Resource Enhancement Wetland (REW) that impacts Lot 601 Balannup Road by a proposed 30m buffer along its northern property boundary.

CCWs have the highest value and should be protected. It is unfortunate that the WAPC is reluctant to reserve CCWs for Parks and Recreation in the MRS, therefore the Local Government's assessment of the TPS Amendments and Local Structure Plans need to consider a mechanism to protect the CCWs. Accordingly, the draft Structure Plan map identifies the CCW areas and REW buffer areas as POS. As part of the TPS Amendment proposal, the draft Structure Plan and its supporting environmental reports could be referred out to the EPA and State Government agencies for their review and to advise whether they are satisfied with the wetland mapping and buffer areas proposed.

As part of the City's initiated TPS No.4 Amendment 115, the CCW area within Lot 200 Skeet Road is proposed to be acquired and or rehabilitated through the DCP No.3. This proposal is being advertised for public comment and requires decisions by Council, the WAPC and the Minister for Planning on final adoption of Amendment 115.

The CCW wetland along Balannup Road has not previously been identified and was identified through the MRS Urban Deferment lifting process and preparation of this TPS Amendment and Structure Planning supporting documentation prepared by the applicant. The CCW buffer is also shown over a portion of the existing house on Lot 606 Balannup Road. To provide assurance for the existing landowners that they are able to continue to live on their property and inhabit their existing home, Schedule 8 has been modified to provide for the wetland buffer to be reduced so that the existing dwelling and outbuildings are located outside of any new wetland buffer area.

The applicant needs to provide a mechanism for the protection of the CCW within Lot 605. The draft Structure Plan identifies the CCW and buffer area to be within POS. However, a mechanism for the land to be transferred to the Crown for conservation purposes needs to be progressed given Lot 605 Balannup Road is currently shown on the draft Structure Plan as having no development potential due to the property being shown entirely as POS. A similar approach to the Skeet Road CCW being acquired through the DCP could be an appropriate approach.

The applicant should be required to provide advice on the mechanism for the land to be protected and transferred to the Crown and whether a portion of the site along the southern boundary can be zoned Residential with a R40 density coding to provide development potential and future ceding of the POS and wetland, similar to what is shown on Lot 200 Skeet Road. This can be addressed further at Structure Plan and Subdivision stages, however details of how this can occur should be provided at the TPS Amendment stage so

the City and the WAPC can be confident the area can be developed and environmental assets protected.

Mosquito Management Plan

Given the wetlands located on Lots 600 and 605 Balannup Road and Lot 200 Skeet Road, the proposed Schedule 8 provisions have been modified to require a Midge and Mosquito Management Plan at subdivision stage to demonstrate how mosquito larvae will be kept to a minimum (non-nuisance levels) during and after development. Once the TPS Amendment has been initiated, on the advice of the State Government agencies, Notices on Titles may also be required to notify landowners of any potential health impacts due to the mosquitos in the area.

Road Upgrades

Balannup Road has recently been upgraded by the City of Armadale, reaching practical completion in March 2020. Ranford Road was also upgraded in 2009 with Skeet Road currently being upgraded from un-sealed and un-kerbed rural style road by the City through the current Development Contribution Plan No.3, with completion estimated within the next three months.

As part of the Urban Deferment lifting request, the Department of Planning, Lands and Heritage identified that additional road widening is required for the Balannup Road/Ranford Road intersection which requires a portion of Lots 601 and 602 Balannup Road for future additional widening along Balannup Road and for Lot 202 Skeet Road to provide additional widening along Ranford Road and the corner of Skeet Road. This area of road widening remains under review by the DPLH and remains in the Urban Deferred zone under the MRS and will remain in the General Rural zone under the City's TPS No.4. In the future, DPLH have advised that this area is likely to be reserved as Other Regional Roads and/or transferred to the 'Urban' zone as part of a separate MRS amendment process. The additional road widening will not impact the initiation of TPS Amendment 121 and can be further addressed at Structure Plan and subdivision stages, subject to DPLH comments.

The adjoining Reilly Road reserve, south of the site, is the final portion that remains unconstructed. Construction of Reilly Road will be dependent on development within Lot 606 Balannup Road and Lot 200 Skeet Road requiring vehicle access from Reilly Road. This can be addressed further at Structure Plan and subdivision stage.

Planning Framework

The *Planning and Development Act 2005* provides the head of power for the amendment of Local Planning Schemes and includes procedural provisions regarding referral of amendments to the Environmental Protection Authority to determine if environmental assessment under Part IV Division 3 of the *Environmental Protection Act 1986* is required (Section 81) and the requirement for public/agency advertising (Section 83). The *Planning and Development (Local Planning Schemes) Regulations 2015* provide additional procedural direction on the scheme amendment process. Regulation 34 defines the different categories of scheme amendments, and a risk-based assessment model where scheme amendments are categorised as basic, standard or complex.

This Amendment is considered to be a ‘Standard Amendment’ under Part 5, Clause 34(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it is consistent with the region scheme that applies to the land (Regulation 34 Standard Amendment (c)), has minimal impact on land in the scheme area that is not the subject of the amendment (Regulation 34 Standard Amendment (e)), does not result in any significant environmental, social, economic or governance impacts on land in the scheme area (Regulation 34 Standard Amendment (f)), and does not satisfy the criteria of a basic scheme amendment or a complex scheme amendment (Regulation 34 Standard Amendment (g)).

Part 5 Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the process for standard amendments. In general terms, upon initiation the amendment will be forwarded to the EPA for environmental assessment. If the scheme amendment does not require environmental assessment, the City is to advertise the amendment for a period of time not less than 42 days and has 60 days after the end of the submission period in which to consider the submissions and make a recommendation for the Minister’s decision.

9. CONCLUSION

Amendment No.121 proposes to bring the area into conformity with the recent Urban Deferment lifting and transfer to the Urban zone under the Metropolitan Region Scheme by rezoning the area to Urban Development under the City’s TPS No.4 and including new requirements under Schedule 8– Development (Structure Planning) Areas of the TPS No.4 to assist with the implementation and guide the subsequent Structure Planning and Subdivision development.

The draft Structure Plan and supporting documentation will be referred with the TPS Amendment to the EPA and State Government agencies for their review. The level of detail provided in the draft Structure Plan’s Environmental Report will allow the Department of Biodiversity, Conservation, and Attractions and the Environmental Protection Authority to review the Structure Plans wetland mapping, buffer areas and conservation significant flora/fauna and vegetation condition classifications.

Planning and Development Act 2005

CITY OF ARMADALE TOWN PLANNING SCHEME NO. 4

AMENDMENT NO.121

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:

[AFTER CONSIDERATION OF SUBMISSIONS COUNCIL RESOLUTION IN FULL TO BE INSERTED HERE. ONLY INCLUDED MAIN PART OF RESOLUTION THAT RELATES TO THE AMENDMENT ITSELF]

COUNCIL ADOPTION

This Standard Amendment was adopted by Resolution D36/9/21 of the Council of the City of Armadale at the Ordinary Meeting of the Council held on the 28th day of September 2021.

MAYOR

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended **[for support/ not to be supported]** by Resolution D _____ of the City of Armadale at the Ordinary Meeting of the Council held on the _____ day of _____ 201_____ 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)

MAYOR

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

DELEGATED UNDER S.16 OF
THE PD ACT 2005

Date:- _____

APPROVAL GRANTED

MINISTER FOR PLANNING

Date:- _____