

13.5 PLANNING AND SUSTAINABILITY

13.5.1 CENTRAL MADDINGTON OUTLINE DEVELOPMENT PLAN AREA – VARIOUS PLANNING PROPOSALS

Author:	C Donnelly
Application No:	PF07/00051 PF07/00052
Applicant:	City of Gosnells
Owner:	Various
Location:	Maddington
Zoning: MRS:	Urban, Urban Deferred, Parks and Recreation, Waterways, Primary Regional Roads and Other Regional Roads.
TPS No. 6:	Residential R17.5, Residential R30, Residential R40, Highway Commercial, Mixed Business, Local Open Space, Public Purposes, Water Courses and General Rural.
Review Rights:	Yes. State Administrative Tribunal against any discretionary decision of Council.
Area:	150ha (approximately)
Previous Ref:	OCM 27 March 2007 (Resolution 111) OCM 19 December 2006 (Resolution 625) OCM 8 August 2006 (Resolution 382) OCM 23 May 2006 (Resolution 228) OCM 26 October 2004 (Resolution 617) OCM 23 September 2003 (Resolution 644) OCM 8 April 2003 (Resolution 216) OCM 13 August 2002 (Resolution 654)
Appendices:	13.5.1A Proposed Central Maddington Outline Development Plan Implementation Program 13.5.1B Proposed Central Maddington Outline Development Plan 13.5.1C Town Planning Scheme No. 6 Amendment No. 89 – Existing Zoning Plan 13.5.1D Town Planning Scheme No. 6 Amendment No. 89 – Proposed Zoning Plan 13.5.1E Map 1 – Central Maddington Outline Development Plan Area

PURPOSE OF REPORT

For Council to consider:

1. Formally discontinuing draft Town Planning Scheme No. 21 (draft TPS 21).
2. Whether the proposed Central Maddington Outline Development Plan (ODP) is satisfactory for advertising.
3. Initiating an amendment to Town Planning Scheme No. 6 to rezone part of the Central Maddington ODP area to Residential Development, establish the Central Maddington area as a developer contribution area, and generally set out common infrastructure works and costs for which developer contributions will be collected.

BACKGROUND

History of Planning for the Central Maddington Area

Draft Town Planning Scheme No. 21

Draft TPS 21 was a proposed guided development scheme prepared by the City of Gosnells in 2003 for the Central Maddington area. Draft TPS 21 was primarily intended to form a framework for redevelopment, including arrangements for upgrading drainage infrastructure and providing for new roads and public open space.

A number of issues and complications arose through the drafting of the Scheme that substantially delayed its progress.

Review of Draft Town Planning Scheme No. 21

The City conducted an extensive review of the progress and function of draft TPS 21 with a view to establishing a more flexible and efficient planning framework to guide development. This review recommended that Council should not proceed with draft TPS 21 but instead put in place an ODP. This is the same planning approach that the City has successfully implemented for the development of Canning Vale and parts of Southern River.

During late 2006 and early 2007, Council sought public comment on the proposal to replace draft TPS 21 with an ODP to guide future subdivision and development within the Central Maddington suburban area. Over 72% of submissions received supported the proposal to replace draft TPS 21 with an ODP.

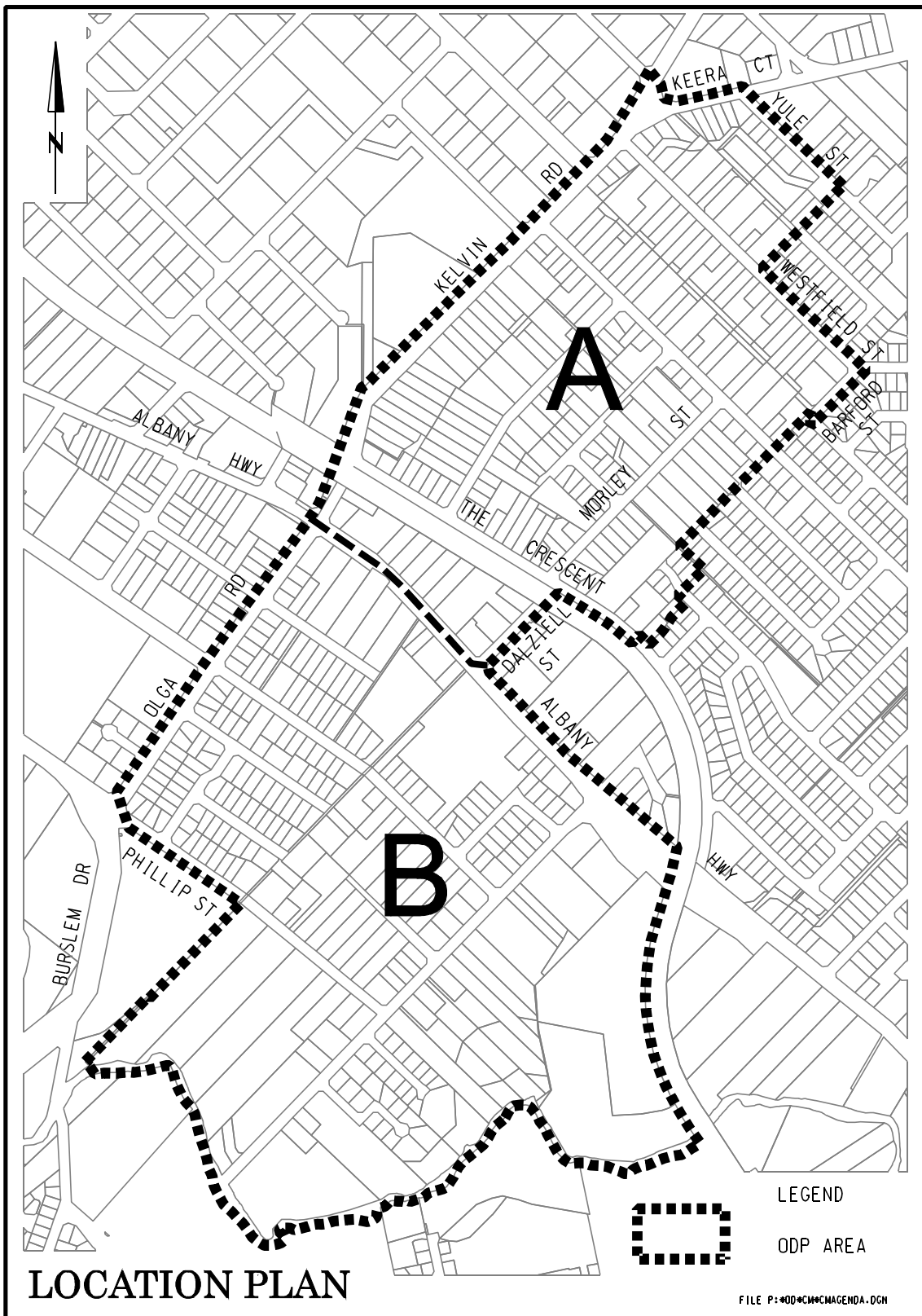
Council Decision to Proceed with an Outline Development Plan

Council at its meeting of 27 March 2007 considered the submissions received and resolved (Resolution 111) to approve the preparation of an ODP for the Central Maddington area to replace draft TPS 21.

Site Description

The Central Maddington ODP area covers approximately 150ha of land. This area equates to approximately 30% of the residential land in Maddington and 15% of the total Maddington area, which also accommodates industrial and rural activities.

The natural feature of the Canning River, as well as other physical features (most commonly roads) have influenced the definition of the ODP's boundaries. In addition, the ODP area is generally limited to land within 800m of the Maddington railway station that is either already zoned Residential under TPS 6 or is considered suitable for residential development in the future (see Location Plan).



The Albany Highway road reserve provides a useful division of the ODP into two areas, each one similar in size but having distinctive characteristics. The two areas are summarised as follows:

Area A

Area A is located to the north of Albany Highway and is generally bound by Albany Highway, Kelvin Road, Yule Street, Westfield Street, properties fronting the east side of Morley Street and Dalziell Street.

With the exception of land reserved for Railways, Primary Regional Roads and Other Regional Roads, all land within Area A is zoned Urban in the Metropolitan Region Scheme (MRS). Under TPS 6, land within the area is generally zoned Residential R17.5, with the exception of several small areas coded R30 and R40, and Highway Commercial located between Albany Highway and the Perth to Armadale railway reserve.

The predominant land use in Area A, accounting for approximately 70% of all lots and 90% of the land area, is low density residential development. Relatively large underdeveloped single residential lots characterise the area. Approximately 70% of the total number of lots exceed 1,000m² in area with around one third exceeding 2,000m². Of those lots less than 1,000m² the majority are in the 700m² to 1,000m² range. Land between the railway reservation and Albany Highway is occupied by car/caravan sales yards, an office complex and a small amount of retail development. There is also some vacant land.

Area B

Area B is located to the south of Albany Highway and is generally bound by Albany Highway, Olga Road/Burslem Drive, the "Arcadia Waters" aged persons' development, the regional Parks and Recreation reserve abutting the Canning River, and the Perth to Armadale railway reserve.

Area B consists of land zoned both Urban and Urban Deferred in the MRS, in addition to land reserved for Parks and Recreation, Waterways and Regional Road purposes. Under TPS 6, Area B is predominantly zoned Residential R17.5, with smaller areas of land being zoned Residential R30, Highway Commercial, Mixed Business and General Rural.

Land uses in Area B are more varied, with low density residential lots accounting for approximately 50% of the land area. This land, like Area A, is characterised by large underdeveloped lots, however there is a greater proportion of lots below 1,000m² in area compared to Area A. These lots are generally situated within 150 metres of Olga Road.

Approximately 35% of Area B consists of non-urbanised land abutting the Canning River Parks and Recreation Reserve. Most of these landholdings are used for small-scale horticultural pursuits, such as orange orchards and market gardens, or are vacant.

DISCUSSION

The Central Maddington ODP area is recognised as having significant redevelopment potential, but requires a framework to appropriately guide development. City staff have prepared a suite of proposals to establish such a framework including:

1. A proposed ODP (see Appendix 13.5.1B).
2. A proposed amendment to TPS 6 to rezone the ODP area in order to give effect to the proposed land use provisions of the ODP (see Appendices 13.5.1C and 13.5.1D).
3. A proposed contribution arrangement to fund the necessary improvements to infrastructure to facilitate development and accommodate the needs of an increased population.

It will also be proposed that Council formally discontinue draft TPS 21.

The following sections of this report provide details of these proposals.

Objectives of the Proposed Central Maddington Outline Development Plan

City staff have identified the following objectives in preparing the proposed ODP:

- Facilitate medium density residential development generally within 800m of the Maddington railway station.
- Facilitate and coordinate the progressive redevelopment and subdivision of land in the ODP area.
- Provide a framework to coordinate the adequate and timely provision of new or improved infrastructure in the ODP area and to provide for the equitable sharing of costs of infrastructure between landowners.
- Provide a framework for the establishment of a mechanism for the City to recover contributions for the provision of infrastructure from landowners in the ODP area.
- Provide an efficient drainage system to cater for increased stormwater runoff.
- Provide a permeable pedestrian and vehicular traffic network throughout the ODP area.
- Provide for additional areas of public open space to meet the needs of existing and additional residents.
- Appropriately conserve the Helm Street Main Drain as a conservation feature.
- Encourage a variety of housing types, new concepts and comprehensive development projects to meet the changing needs of the community.
- Ensure the amenity of the residential area is maintained and improved where possible.
- Facilitate streetscape improvement measures.
- Facilitate the efficient use of utility and community services.
- Facilitate and guide the preparation of precinct-level Detailed Area Plans (DAPs).
- Implement the principles of the City of Gosnells Safe City Urban Design Strategy.

Residential Development

The Central Maddington area is considered ideal for increased residential densities for the following reasons:

- Large underdeveloped lots and the existing grid style road layout allows for the addition of new subdivisional roads, thus providing the opportunity to improve permeability and accessibility within the ODP area, as well as facilitating increased densities.
- The Central Maddington area is well served by existing retail, commercial and community facilities that have the ability to cater for future population increases. In addition, a rise in population within the primary catchment of the Maddington Regional Centre will enhance its viability.
- The area is well served by public transport routes and the regional road network.
- Views of the Darling Range are available from many parts of the Central Maddington area. This aspect, combined with the natural environment of the Canning River, provides significant visual landscape assets that contribute to residential amenity.

In Area B, General Rural zoned land along the Canning River is characterised by lot sizes in excess of one hectare, and as such opportunities are available for substantial green title subdivision. In contrast, most properties immediately east of Olga Road have already been developed to a low residential density with lot sizes between 700m² and 900m². For these properties, future development is likely to be a combination of small-scale subdivision and infill grouped dwelling development.

Throughout the ODP area, there are areas already zoned Residential but featuring large lot sizes ranging between 1,000m² and 5,000m². In these instances, development pressures will be for a variety of lot and dwelling types such as green title lots, strata titled lots, grouped dwellings and multiple dwellings. Such a mix of housing types will satisfy the first aim of TPS 6 (Clause 1.6(a) – To provide for a range of housing in neighbourhoods with a community identity and high levels of amenity).

The allocation of future residential densities within the ODP area has been based on the principles already established as part of the City's Local Housing Strategy. The level of access to public transport and commercial facilities were considered the most significant criteria in determining proposed residential densities.

Given the Central Maddington area's close proximity to the Maddington railway station, most parts of the area were considered suitable for a density increase. Some areas are proposed to remain at a low residential density due to their distance from the railway station and the existing patterns of development. The densities proposed are discussed in more detail in the following sections.

Residential R20

The ODP proposes an R20 density coding for the southeast portion of the area adjacent to the Canning River. This area is generally in excess of 800 metres from the Maddington railway station and, in parts, has already been developed to a density of approximately R17.5.

It is considered that an R20 density will encourage single house development and subdivision patterns consistent with existing development patterns. This density coding is consistent with the recommendation of the City's Local Housing Strategy to increase the base density coding throughout the City from R17.5 to R20. It is also considered that low density development is more likely to result in greater retention of vegetation and hence be more compatible with the character of the Canning River.

Residential R30

A base coding of R30 is proposed for the bulk of the ODP area. It is anticipated that this code will be sufficient to facilitate more efficient use of existing infrastructure, and hence meet strategic objectives for the area.

Residential R40 and R60

Consistent with the principles of the City's Local Housing Strategy (2006), residential areas surrounding the Maddington railway station have been identified as suitable for an R60 density code. Areas considered slightly less accessible but still located along the major transport routes of the Perth to Armadale rail line, Albany Highway, Kelvin Road and Olga Road have been allocated an R40 density code. This allocation of density performs several significant functions:

- In the first instance, it maximises the number of residences within close proximity to key transport links, hence contributing to a more sustainable form of residential development and increasing patronage on public transport.
- It is anticipated that these densities will encourage two-storey development, which can provide a useful barrier between adjoining residential areas and the noise generated on these transport routes.
- It will encourage mixed-use development in accordance with Council's Local Planning Policy – Maddington Town Centre Development.

Highway Commercial and Mixed Business Areas

Under the provisions of TPS 6, residential development in commercial zones may be permitted up to a density of R80 where it is consistent with the future development objectives of the area and other assorted criteria. It is envisaged that an R80 density would only be supported where a development application proposes an innovative mixed-use development scenario in accordance with the Maddington Town Centre Development Policy.

Maddington Town Centre Development Local Planning Policy

Council's Local Planning Policy – Maddington Town Centre Development guides the future planning, development and revitalisation of the Maddington Town Centre area. The objectives of the Policy are to:

- Develop high quality activated streetscapes with an emphasis on encouraging pedestrian access and amenity.
- Create a vibrant and active mixed use town centre.
- Promote safe and accessible public places.
- Promote intensive transit orientated development in proximity to the Maddington Railway Station.
- Encourage diverse forms of infill residential development.

Precincts 3B, 5A and 5B of the Maddington Town Centre area (as defined by the Policy) fall within the Central Maddington ODP area. As such, the subdivision and/or development of that land will need to comply with the provisions of both the ODP and the Maddington Town Centre Development Policy.

Area Subject to Further Detailed Planning

The ODP Map (see page 3 of Appendix 13.5.1B) identifies an area to the southeast of River Avenue as subject to further detailed planning. This is the only portion of the Central Maddington area zoned Urban Deferred under the MRS for which an application to transfer the land to the Urban zone has not been made.

This portion of land is therefore unable to be rezoned to Residential Development for the time being and will be identified as subject to further detailed planning on the ODP map until or unless landowners in this area:

- Apply to have the land transferred from the Urban Deferred to the Urban zone under the MRS.
- Apply to have the land rezoned from General Rural to Residential Development under TPS 6.
- Apply to have the Central Maddington ODP changed (if it has been finally adopted by Council at the time) to remove reference to the area as subject to further detailed planning and propose a development scenario for the land.

Local Open Space

Liveable Neighbourhoods is a State Government Policy which presents an alternative guide and criteria for the preparation and assessment of structure plans (ie ODPs) and subdivision applications.

Liveable Neighbourhoods identifies that a minimum of 10% of the subdivisible area must be given up free of cost for open space. Of this 10%, 2% may compromise "restricted use open space" (ie natural and cultural features, urban water management measures such as swales/detention areas, artificial lakes/permanent drainage ponds, natural wetlands and buffers).

The Central Maddington ODP proposes 5.4% Local Open Space (LOS) and 2.8% restricted use LOS (8.2% in total); equating to 2.6% less LOS than the 8% requirement stipulated in Liveable Neighbourhoods.

Whilst the proposal does not meet the 8% requirement, it is considered that there is sufficient LOS proposed by the ODP and within the surrounding locality to cater for resident needs. This is due to the following:

- The entire ODP area is within a one kilometre catchment of several other parkland areas, including the Maddington Primary School ovals, Maddington Oval, Gibbs Park and the Canning River foreshore Parks and Recreation Reserve. Whilst it is acknowledged that these reserves are not intended to fulfil the role of LOS, they nonetheless provide areas for recreational opportunities for those residing within the Central Maddington area.
- Almost all of the ODP area is within a 400m walkable catchment of neighbourhood parkland. Of these neighbourhood parks, three are proposed within the ODP area and four are located outside of the ODP.
- One local park is contained within the ODP area. This local park will provide for both passive recreation and informal active recreational pursuits.
- Both the Canning River Parks and Recreation Reserve and Maddington Primary School ovals are sited within the ODP area. If these parkland areas are included in the LOS calculations, the percentage of LOS within the ODP area would be 24.2%.
- 22.0858ha of neighbourhood and district parkland is located outside of but within a walkable catchment of the ODP area.

On this basis it is considered that the ODP area will be sufficiently served by LOS. All residential areas are within close proximity to open space and a large majority are within a walkable catchment of local and/or neighbourhoods parks as recommended by Liveable Neighbourhoods. Furthermore, the permeable pedestrian and road network proposed by the ODP will increase the accessibility of these areas.

It should also be noted that the open space provision and distribution requirements identified by Liveable Neighbourhoods are generally aimed at “greenfield” development areas. In contrast, the Central Maddington area is a constrained “brownfield” or infill area. The extent of existing development within the ODP area therefore constrains the City’s ability to acquire large parcels of land suitable for LOS purposes.

The LOS proposed by the ODP, in conjunction with open space provisions in the surrounding locality, will ensure that all residential development is complemented by adequate, accessible areas of open space that will enhance the amenity of the Central Maddington area and provide for the recreational needs of local residents. The open space provisions will also work toward protecting and conserving the margins of wetlands and foreshores adjacent to residential development.

Notwithstanding that only 8.2% LOS is proposed by the ODP, it is planned to require a 10% developer contribution rate for LOS. The excess cash-in-lieu funds collected through the 10% requirement will be used for the development of new and upgrading of existing facilities within LOS areas. This will maximise the usefulness and attractiveness of the planned LOS areas.

Limitations

It must be noted that the exact amount of LOS proposed by the Central Maddington ODP has yet to be determined. The ODP Map identifies a minimum size requirement for each area of LOS, however the exact size of all LOS areas will be the subject of further detailed planning through the preparation of precinct-level Detailed Area Plans (DAPs). In many instances, the sizes of proposed LOS areas may increase.

The ODP identifies a portion of land as “subject to further detailed planning”, and it has therefore not been possible to identify whether LOS will be required in this area. When planning is commenced for this precinct, it may be determined that an area of LOS is needed, which will further increase the overall provision of LOS within the ODP area.

Proposed Open Space Rationalisation

There are several isolated parcels of land within the Central Maddington area which have been ceded from past subdivisions for the purpose of public recreation. Most of these lots have not been developed as open space, remain vacant, and many are zoned Residential under TPS 6.

This scenario has been brought about through the past practice of incrementally collecting land for public recreation without the guidance of an overall development plan.

A review of the current open space provision within the Central Maddington area and that proposed by the ODP has identified that many of these small parcels of land:

- Are inappropriately located in-terms of proximity to other areas of open space.
- Are of a size that is considered unsuitable for public recreation purposes.
- Would not accord with Council’s Safe City Urban Design Strategy if developed as open space.

Consideration may therefore be given in future to disposing of these land parcels, with any funds from such disposal being used towards the purchase and development of proposed LOS areas and development of existing LOS areas within the Central Maddington area.

Proposed Internal Road Network

To facilitate subdivision and development and to improve accessibility within the ODP area, a number of new local roads are proposed. The reserve widths for these roads will generally be 14m, with exact alignment and dimensions to be determined at the detailed planning stage.

Many street blocks within the Central Maddington area are very long, hence decreasing the area’s permeability. To address this situation, where possible, additional roads are proposed that will reduce the length of street blocks. Given the extent of development that has occurred within the ODP area to date, achieving a desirable length for all street blocks is difficult, however the provision of some additional roads will result in a degree of improvement.

In determining the location of proposed road linkages, consideration was given to the following:

- Existing development (eg presence and condition of buildings, whether a lot or portion of lot is vacant).
- The presence of existing road reserves, portions of road reserves, or rights-of-way ceded through earlier subdivision.
- The presence of drainage reserves that will, or have been piped, allowing for road construction.
- Logical extensions of the existing system and improved permeability throughout the ODP area.
- The need to provide access to “land locked” and inaccessible areas.

Drainage Upgrades

BSD Consultants (now Cardno BSD) investigated the existing drainage network within the Central Maddington area and provided recommendations in their 1995 report to upgrade the network. These upgrades would cater for the additional runoff that would result from an increase in residential density.

A review of the drainage upgrades proposed in 1995 was undertaken as a component of a City-wide drainage review conducted by Cardno BSD in 2005. With regard to the Maddington area, drainage upgrades were determined on the basis of the residential densities proposed by the City’s Local Housing Strategy and draft TPS 21.

The proposed Central Maddington ODP differs somewhat from draft TPS 21 in terms of the road network, the location and size of public open space areas, and residential densities. As such, the drainage upgrades recommended in 2005 based on the proposals of draft TPS 21 may not be suitable for those of the Central Maddington ODP.

To address this situation, it is planned to engage engineering consultants to review the proposed Central Maddington ODP and determine whether any modification(s) to the drainage upgrades recommended in 2005 are required. If it is concluded that modifications to the proposed drainage network are required, the consultants will be asked to prepare a revised drainage plan for the area.

Notwithstanding this, it is recognised that over the life of the ODP, there is a strong likelihood that technological, policy and best practice advances may provide more options for upgrading the drainage system.

It is proposed that the upgrading of drainage infrastructure will be undertaken concurrently with the overall development of the Central Maddington area as funds become available through a developer contribution arrangement.

Water Quality – Drainage and Nutrient Management Plan

Drainage pipe and pit upgrades follow a more traditional approach to managing and conveying stormwater runoff generated from urban catchments. Such upgrades generally only deal with water quantity, but not water quality.

To address this situation, consultants Brown and Root were commissioned in 2001 to prepare a Drainage and Nutrient Management Plan to provide guidance in the important area of water quality.

The Drainage and Nutrient Management Plan was developed as part of a strategy to assist in protecting the Canning River and Helm Street Main Drain from potential water quality impacts associated with increased residential densities. The three key areas detailed in the Plan are:

- Retaining the Helm Street Main Drain (located east of River Avenue) as a conservation/open space reserve.
- Identifying suitable material for inclusion in a community education program directed towards reducing the input of pollutants and nutrients into the stormwater system (ie source control).
- Identifying stormwater treatment options for sub-catchments within the area.

Proposed Helm Street Main Drain Conservation and Public Open Space Area

The ODP area adjoins the Canning River and includes the lower reaches of the Helm Street Main Drain near and at its confluence with the Canning River. The topography of this portion of the watercourse has not been modified for drainage purposes and is in a relatively natural state. The Department of Environment and Conservation's Geomorphic Wetlands Swan Coastal Plain dataset identifies this portion of the watercourse as a Conservation Category Wetland, and as such its protection from development related pressures is seen as a high priority.

Based upon this information, Brown and Root recommended a "conservation/open space reserve", which is identified on the ODP Map as part of a Local Open Space area surrounding the Helm Street Main Drain. The extent of the proposed reserve is based on the Conservation Category Wetland area, with some rationalisation to better accommodate the fringing native vegetation and buildings adjacent to the watercourse.

The Environmental Protection Authority recommends a minimum 50m buffer between Conservation Category Wetlands and residential development. Due to the infill nature of future development and extent of development that has already occurred within and in close proximity to the wetland however, the provision of a 50m buffer may not be achievable. In response to this situation, the ODP proposes a balanced and considered response which is envisaged to have a net environmental benefit, potentially greater than that provided by a standard 50m buffer.

Present rural land uses surrounding the wetland, including orchards, vineyards, market gardens, and other small-scale rural/agricultural pursuits are in all likelihood considerable contributors of pollutants to both surface and ground water. Well-planned land use change from rural to residential in this instance would significantly reduce nutrient (nitrogen and phosphorus) contamination. The subsequent improvement in surface and groundwater quality will likely assist in protecting and enhancing the ecological value and function of the wetland. The provision of a controlled drainage system with infrastructure to improve water quality will also aid this.

To expedite this change in land use, the potential to develop rural land for residential purposes must be made more attractive and viable. In some instances, the provision of a 50m buffer could significantly compromise or preclude such positive land use change.

As the width of the buffer is considered constrained, it is recognised that there is a need to supplement the degree of protection afforded to the wetland. The ODP achieves this by:

- Supplementing and buffering the recommended conservation/open space reserve with additional provision of public open space.
- Creating a “hard edge” between the conservation/open space areas and residential development where practical given the existing topography of the land and the desire to retain riparian vegetation.

A number of existing buildings fall within the area identified by the Department of Environment and Conservation’s Geomorphic Wetlands Swan Coastal Plain dataset as Conservation Category Wetland and its immediate surrounds. Many of these buildings are substantially sized and relatively new. Their removal or redevelopment in the short-term is therefore unlikely.

It should be noted however that due to their proximity to a Conservation Category Wetland and abutting a Parks and Recreation Reserve, referrals to the Department for Planning and Infrastructure, Department of Environment and Conservation and Swan River Trust would be required for any subdivision or development applications.

Whilst it may be desirable to construct a road as a “hard edge” between these buildings and the open space area, this is not possible due to the existing topography of the site (that is, a steep slope descending to the Helm Street Main Drain). Furthermore, the establishment of a standard road reserve of 14m in width would involve the clearing of significant amounts of riparian vegetation which is considered inappropriate.

Whilst the area identified in the ODP to protect the wetland is not entirely consistent with the Environmental Protection Authority’s recommended 50m buffer, it is believed to respond practically to the conditions of the subject site and present a balanced, considered and compromise response with potential net environmental benefits.

At most stages in the planning and development process, it is envisaged that discussions with the Water Corporation, Swan River Trust and the Department of Environment and Conservation will be required in relation to the drain, wetland boundaries and buffers.

Proposed Review of the Drainage and Nutrient Management Plan

As detailed previously, it is planned to undertake a review of the drainage upgrades recommended in 2005 to ensure that the drainage network can accommodate the proposed development of the Central Maddington ODP area.

Once this task is completed, it will be necessary to engage consultants to review the 2001 Drainage and Nutrient Management Plan in light of any changes to the proposed drainage network. It is envisaged that the consultants will be required to:

- Make changes to and/or adapt the Drainage and Nutrient Management Plan to a revised drainage plan.
- Investigate further opportunities for water quality enhancement.

With regard to the second dot point above, it is acknowledged that since the 2001 Drainage and Nutrient Management Plan was completed, there has been a significant paradigm shift in water quality management principles and practices.

The proposed ODP may require modification based on the review of the Drainage and Nutrient Management Plan. It is proposed that this matter be addressed through the stakeholder consultation process.

Developer Contribution Arrangement – Proposed Common Infrastructure Works and Costs

A number of common infrastructure works (CIWs) are proposed to be funded through developer contributions. These works include the construction of new and upgrading of existing drainage infrastructure, proposed roads, and the acquisition of land for and development of public open space.

In addition, several other CIWs are proposed, as discussed in the following sections.

Traffic Management Measures

Traffic management measures will be required for vehicle, pedestrian and cyclist safety within the Central Maddington area. In this context, five ODP funded roundabouts have been proposed. These roundabouts will assist in reducing vehicle speeds, controlling access at four-way intersections and creating a safer road environment.

Dual-Use Paths

To better connect the ODP area, upgrades to the path network will be required. It is proposed that the ODP will facilitate improved pedestrian and cyclist accessibility and safety through the funding and construction of additional dual-use paths on both existing and proposed road reserves. These paths will service the major attractors of the Maddington Town Centre, the Maddington Primary School, the Canning River and the Maddington Railway Station.

Street Lighting

To improve safety and amenity in the ODP area, street lighting upgrades are proposed. The ODP, in conjunction with a developer contribution arrangement, will ensure the collection of developer contributions to fund this infrastructure upgrade.

Underground Power

The installation of underground power is a standard requirement for most new urban developments within the Perth Metropolitan Region. Due to the expected incremental nature of development and redevelopment within the Central Maddington area, it is proposed to collect developer contributions to fund the provision of underground power.

It should be noted that a small portion of the Central Maddington ODP area is included within the boundaries of an area where the provision of underground power is occurring through a shared funding arrangement. It will be necessary to ensure that the contribution areas do not overlap.

Street Trees

To offset the loss of vegetation due to subdivision and development and improve the amenity of the ODP area, street trees will be planted, generally within road reserves. Any street tree plantings would most likely be undertaken concurrently or following major drainage and/or road works. It is proposed to collect funds through a developer contribution arrangement for the planting of street trees.

General Administration of the Outline Development Plan

It is proposed to collect developer contributions to cover the cost of the general administration of the ODP. For the most part, these funds would be used for costs incurred in the City's management of the developer contribution arrangement.

These costs could include staff time and resources, legal fees, valuation advice and consultancy services.

Preparation of the Outline Development Plan

A number of studies and reports have already been prepared by consultants and paid for by the City to assist in the preparation of the Central Maddington ODP. Developer contributions will be collected to reimburse Council for these costs.

Outline Development Plan Funded Roads

Draft TPS 21 proposed both Subdivision Roads and Scheme Roads, the difference between which is highlighted in the following table:

Subdivision Roads	Scheme Roads
Land ceded free of cost by landowner.	Land purchased through developer cost contributions.
Landowner responsible for demolition costs (if required).	Demolition costs covered by developer cost contributions.
Landowner responsible for construction of road and associated costs.	Construction and associated costs covered by developer cost contributions.

In preparing the proposed Central Maddington ODP, a review of the proposed road network was undertaken in conjunction with a review of the previously proposed Subdivision and Scheme Roads.

The outcome of this review has identified three options for roads in the ODP:

1. Have a combination of Subdivision and ODP funded roads (in a similar nature to draft TPS 21).
2. Have all roads as Subdivision Roads.
3. Have all roads as ODP Funded Roads.

The advantages and disadvantages of each approach are summarised in the table below:

Options	Advantages	Disadvantages
<p>1. Have a combination of Subdivision and ODP funded roads.</p>	<p>Due to only a small amount of developer contributions being collected for ODP funded roads, there would only be a minor administrative burden placed on the City as the administrator of a developer contribution arrangement.</p> <p>Due to only a small amount of developer contributions being collected for ODP funded roads, there would be a lower upfront developer contribution rate.</p>	<p>Subdivision and/or development may be restricted in many areas until road access becomes available. If the required road is a subdivision road, the City may not be able to intervene and construct the road prior to landowners subdividing.</p> <p>The distribution, location and amount of ODP funded roads in comparison to subdivision roads may not be considered equitable.</p> <p>In some instances, an onerous amount of land would be required to be ceded free of cost for subdivision roads in proportion to the developable area.</p> <p>Where a landowner constructs a subdivision road which will benefit future developers, they only have a limited timeframe in which to claim a portion of the cost of the road from future developers. In the context of the Central Maddington ODP area, where development and subdivision is expected to be incremental, the potential for cost recovery may be limited.</p>
<p>2. Have all roads as Subdivision Roads.</p>	<p>Due to the non-existence of ODP funded roads, there would be a lower developer contribution rate. This would further reduce the administrative burden on the City as the administrator of a developer contribution arrangement.</p> <p>Due to no developer contributions being collected for roads, there would be a lower upfront developer contribution rate.</p>	<p>Some vital road connections would not be possible as the creation of a road reserve would prevent the future usage of an existing lot for residential purposes. In this context, an ODP funded road would be required.</p> <p>The inability to access "land-locked" areas may be further prolonged if abutting landowners do not wish to subdivide, and hence cede land for a subdivision road.</p>
		<p>In some instances, an onerous amount of land would be required to be ceded free of cost for subdivision roads in proportion to the developable area.</p> <p>Where a landowner constructs a subdivision road which will benefit future developers, they only have a limited timeframe in which to claim a portion of the cost of the road from future developers. In the context of the Central Maddington ODP area, where development and subdivision is expected to be incremental, the potential for cost recovery may be limited.</p>

Options	Advantages	Disadvantages
<p>3. Have all roads as ODP funded roads.</p>	<p>The City could have the ability to complete ODP funded roads ahead of landowners subdividing or developing their property. This would allow for a more coordinated and integrated development and design outcome.</p> <p>There would be a lower likelihood of subdivision and development being restricted by a lack of road access.</p> <p>All landowners would contribute proportionately to public roads.</p>	<p>Due to a larger amount of developer contributions being collected for ODP funded roads, there would be a higher administrative burden placed on the City as the administrator of a developer contribution arrangement.</p> <p>Due to a larger amount of developer contributions being collected for ODP funded roads, there would be a higher upfront developer contribution rate.</p> <p>There may be a financial risk to the City if loans are taken out to complete ODP funded roads ahead of adequate funding being available through the collection of developer contributions.</p> <p>A situation may arise where a landowner wishes to construct an ODP funded road and be reimbursed through developer contributions. If an adequate amount of developer contributions has not been collected at that time however, reimbursement may not be possible.</p>

Given the information contained in the above table, it is evident that option 2 (have all roads as subdivision roads) is not practical in knowing that some vital road linkages will need to be ODP funded.

Concerns are also raised regarding the practical implementation of option 1 (have a combination of subdivision and ODP funded roads). In this context, subdivision and development may be restricted in many areas until road access becomes available. Such situations have occurred in Beckenham, in the street block bounded by Luyer Avenue, William Street and Elizabeth Street, and also in Maddington with the proposed continuation of Hazelwood Road. City staff are keen to avoid the potential for delayed development, poor development outcomes and other problems resulting from such scenarios.

Taking into consideration the advantages and disadvantages of each option, City staff consider that option 3 (have all roads as ODP funded) is the most advantageous and have prepared the Central Maddington ODP on this basis. The major benefit of option 3, to both landowners and the City alike, is the ability for the City to complete roads prior to landowners developing their properties. This ability, if required and acted upon, will allow for a more coordinated and integrated development and design outcome. Option 3 would also be most equitable, with all landowners in the ODP area contributing proportionately to roads which would be available for use by all.

Option 3 is considered the most practical, reasonable and equitable for both landowners and the City.

Given that City staff consider the most advantageous option being to have all roads as ODP funded, the funding arrangement for the proposed roads must be considered. In this regard, two options are available:

1. The developer contribution rate for roads is to be the same throughout the ODP area.
2. The developer contribution rate for roads is to be determined at the precinct-level (ie each precinct would have a different contribution rate for roads depending on the amount of roads within a precinct).

The advantages and disadvantages of these options are discussed in the table below.

Options	Advantages	Disadvantages
1. The developer contribution rate for roads is to be the same throughout the ODP area.	The City could apply a common developer contribution rate throughout the ODP area.	A proposed road in one precinct may only be of benefit to that precinct but not to all other precincts in the ODP area. In this context, a common contribution rate for roads throughout the ODP area may be considered inequitable.
2. The developer contribution rate for roads to be determined at the precinct-level (ie each precinct would have a different contribution rate for roads depending on the amount of roads within a precinct).	A proposed road in one precinct may only be of benefit to that precinct but not to all other precincts in the ODP area. In this context, a contribution rate determined at the precinct-level may be considered more equitable.	The City will be required to calculate a different developer contribution rate for each precinct within the ODP area.

Given that the calculation of different contribution rates for each precinct is unlikely to be overly onerous on City staff and that determining contribution rates for roads at the precinct-level is likely to be most equitable, City staff consider option 2 to be the most advantageous.

In summary, City staff believe that the most appropriate methodology is for all roads proposed under the Central Maddington ODP to be ODP funded, with the developer contribution rate for roads being determined at the precinct-level.

It should be noted however that there is no ideal outcome in the context of determining whether roads should be subdivision and/or ODP funded, and levied at the precinct or ODP-level. The options recommended by City staff do however present the most practical, equitable and reasonable approach for the greatest number of landowners.

Summary of Proposed Developer Contribution Arrangement

The following table is provided to summarise the proposed developer contribution arrangement in terms of which costs are to be common throughout the ODP area and which are to be determined at the precinct-level depending on individual circumstances:

Infrastructure works and costs	Common cost throughout ODP area	Cost determined at the precinct-level
Drainage and associated urban water management measures	✓	
Dual-use paths	✓	
ODP funded roads		✓
Traffic management devices	✓	
Street lighting	✓	
Underground power	✓	
Street trees	✓	
General administration of ODP	✓	
Preparation of ODP	✓	
Public open space	✓	

Helm Street Main Drain Crossing

The ODP proposes a crossing over the Helm Street Main Drain to provide access to 1993 (Lot 808) Albany Highway. As this crossing will solely benefit Lot 808, the landowner/developer of Lot 808 will be responsible for the construction of, and all costs associated with the crossing.

Noise

The ODP area is subject to noise impacts associated with the Perth to Armadale rail line and a number of roads that carry large volumes of traffic. To investigate the extent of these impacts, Herring Storer Acoustics were engaged in 2001 to prepare an Environmental Noise Assessment. This assessment concluded that parts of the ODP area are subject to noise exceeding the Environmental Protection Authority's acceptable levels, however it also highlighted that many areas within the City are also likely to be subject to such noise.

The noise assessment report recommended a number of noise control options, including:

- Reducing the speed of trains.
- Constructing acoustic barriers.
- Applying "quiet house" design principles.
- Placing notifications on certificates of title.
- Allowing for commercial development in certain locations.
- Disallowing increases in residential density.
- Employing "quiet road" surfacing.

Many of these methods are considered inappropriate or are unable to be implemented within the context of a developed area or through an ODP.

City staff are currently investigating options to deal with noise. It is possible to implement noise attenuation through a variety of measures such as a Local Planning Policy, Town Planning Scheme provisions, Special Control Areas, ODP and/or Detailed Area Plan provisions, or a combination of these methods.

It is proposed at this stage to deal with noise on a City-wide basis rather than for specific areas such as Central Maddington. Parallel to progressing the ODP through the statutory process, City staff will continue to investigate and progress options for the implementation of noise attenuation.

Heritage

Aboriginal Heritage

The Department of Indigenous Affairs has indicated that there are no recorded sites of Aboriginal heritage significance within the ODP area. A more recent search of the Aboriginal Heritage Enquiry System has confirmed this advice from the Department. However, given that Aboriginal sites often occur within the vicinity of wetlands, the location of the Canning River and other watercourses within or abutting the ODP area increases the possibility that unrecorded sites may be found.

The existence of the Metropolitan Region Scheme Reserve for Parks and Recreation abutting the Canning River and the proposal for a conservation area around the Helm Street Main Drain will minimise the likelihood of disturbance to any unrecorded sites of Aboriginal heritage significance.

European Heritage

Several European heritage places and buildings are found within the ODP area. The following table provides a list of all the places within the ODP area included on the City's Municipal Heritage Inventory.

Name of Place	Address
Alcock House	15 Kelvin Road, Maddington
Avenue of trees planted by the Orr Family	River Avenue (Corner of Phillip Street), Maddington
Brennan House	Off serenity Court, Maddington
Cowen Houses	a. 1993 Albany Highway, Maddington b. 22 River Road, Maddington
Orr House	55 River Avenue, Maddington
Tarling House	Phillips Street, Maddington
Winery on Albany Highway (Borich/Maras)	1929 Albany Highway, Maddington

The most significant of these places in terms of heritage values would be Tarling House and the avenue of trees on River Avenue. Tarling House has been included on the TPS 6 Heritage List, and as such is provided with a degree of protection under the Scheme. As the TPS 6 Heritage List relates only to buildings, the avenue of trees is not included, however it is considered that they provide a distinctive local landmark contributing to a sense of place in the area and should be protected. This asset may also be capitalised on by using similar trees as a potential landscaping theme in the immediate area for any subsequent street tree planting programs.

A search of the Heritage Council's online places database has confirmed the above heritage places and identified two further places being Maddington Fire Station and Maddington Primary School.

The Heritage Council has advised that the Maddington Fire Station is in the database as it was included in a survey of historic fire stations commissioned by the Fire and Rescue Service in the 1990s. All places identified through such surveys are listed in the State Government Inventory. It has been advised that the identification of the fire station in the survey carries no implications regarding development control.

The Maddington Primary School was nominated to the State Register by the school principal in 1994 but was not considered significant enough by the Heritage Council for inclusion. However, the Heritage Council has advised that all nominated places remain in the online places database.

The Central Maddington ODP will be referred to both the Department of Indigenous Affairs and the Heritage Council of Western Australia for comment should Council determine the ODP is satisfactory for advertising.

Outline Development Plan Process

With regard to the progression of the ODP, Council is required to determine if the proposed Central Maddington ODP is satisfactory for advertising with or without modifications, or if the proposed ODP is not satisfactory for advertising.

If Council resolves that the ODP is satisfactory for advertising with or without modifications, City staff will advertise the ODP.

Following the advertising period, the matter will be referred back to Council for consideration.

If Council resolves that the ODP is not satisfactory for advertising, the status quo will remain.

Detailed Area Plans

The Central Maddington ODP has been purposely designed in a generalised manner. Whilst a proposed road network and proposed areas of Local Open Space are identified on the ODP, exact dimensions, locations and sizes are not.

This approach has been adopted based on the recommendations of the review of draft TPS 21. The review highlighted that draft TPS 21, as a guided development scheme, dealt with the Central Maddington area as a whole. This approach offered no opportunity to advance the planning and development of some less constrained areas ahead of more constrained areas. Development in the area would therefore be stalled until all issues affecting every part of the Central Maddington area were resolved. This approach had, and was expected to continue to present many delays to landowners wanting to develop their properties.

In recognising that progressing draft TPS 21 was inefficient, it was acknowledged that a plan for the Central Maddington area would still be required to coordinate development of the area as a whole. Therefore the Central Maddington ODP has been prepared, but in a more generalised manner.

Prior to subdivision and development, the generalised details and provisions of the ODP will need to be enhanced, elaborated and expanded upon. This more detailed planning will be undertaken at the precinct-level through the preparation of Detailed Area Plans (DAPs). A DAP is similar to an ODP, however it provides more exact details regarding the location of roads and POS, and can address other planning issues specific to the precinct in question.

Identification of Precincts

The boundaries of each precinct (see Precinct Plan on page 4 of Appendix 13.5.1B) for which a DAP is required have been determined through:

- The identification of a logical development “cell” (eg an area of land surrounded by existing roads).
- The self-containment of an area (ie the development of the precinct would not be constrained by a lack of development in abutting precincts).
- Avoiding the situation of having a development constraint traverse several precincts (ie the Helm Street Main Drain has been wholly contained within one precinct).
- The creation of similar sized precincts (where practically possible given the above criteria).
- Avoiding the creation of numerous excessively small precincts.

Preparation of Detailed Area Plans

The preparation of DAPs for each precinct within the Central Maddington ODP area will be undertaken by the City on a progressive basis subject to the availability of funding and resources.

Opportunities will be available for landowners to progress precinct-level DAPs ahead of the City undertaking this work. In this instance, landowners would be required to engage a planning consultant to prepare the DAP on their behalf.

It is envisaged that a Local Planning Policy will be prepared to prioritise and guide the preparation of precinct-level DAPs, in a similar nature to the City’s Local Planning Policy – Planning Implementation Framework for Local Housing Strategy and Large Lot Outline Development Plan Areas.

Proposed Amendment to Town Planning Scheme No. 6

In progressing the Central Maddington ODP, an amendment to TPS 6 is required. This amendment will incorporate two major parts, which are discussed in the following sections.

Rezoning to Residential Development

It is proposed to amend TPS 6 to rezone a majority of the land within the Central Maddington ODP area from Residential R17.5, Residential R30, Residential R40, Highway Commercial, Mixed Business, Local Open Space, Public Purposes, Water Courses, and General Rural to Residential Development.

The intention of the Residential Development zone is to provide a more flexible and efficient planning framework. Pursuant to TPS 6, a Residential Development zone triggers the need for an ODP.

Rezoning the area to Residential Development is consistent with the approach that the City has adopted in the planning of new development areas in Canning Vale and Southern River and is being increasingly used in the redevelopment of existing areas such as Beckenham, Kenwick and Maddington.

The following properties, whilst included within the Central Maddington ODP area, have not been included within this rezoning proposal:

- Portions of Lots 15, 32, 33 and 34 Phillip Street.
- Lots 2 and 14 Phillip Street.
- Lots 3, 4 and 7 River Avenue.
- Portion of Lot 8 River Avenue.

These properties are subject to an application to be transferred from the Urban Deferred zone to the Urban zone under the Metropolitan Region Scheme. In conjunction with progressing this application, the City has requested that the Western Australian Planning Commission automatically rezone these properties to Residential Development under TPS 6.

The land generally bound by River Avenue, the Canning River Parks and Recreation Reserve and the Urban zoned land to the north of Tranquility Place has also been excluded from the proposed rezoning. This is the only portion of the Central Maddington area zoned Urban Deferred under the Metropolitan Region Scheme for which an application to transfer the land to the Urban zone has not been made. This land is therefore unable to be rezoned to Residential Development for the time being, though it could convert to this zoning in conjunction with an amendment to the MRS being made to lift the Urban Deferred status of the land, should such a proposal be subsequently pursued. This area has been shown on the ODP as being subject to further detailed planning.

Developer Contribution Arrangement

This part of the Scheme Amendment proposes to:

- Establish the Central Maddington area as a developer contribution area.
- Generally set out the CIWs and associated costs for which developer contributions will be collected.

It is proposed that a developer contribution plan (DCP) be inserted into the Central Maddington ODP once Council has finally adopted the ODP (see Appendix 13.5.1A). This DCP will provide cost estimates, a detailed explanation of the common infrastructure works and costs, and set out administrative and operational requirements and procedures.

It is envisaged that the DCP will be inserted into the Central Maddington ODP Text through a major change to the ODP. This means that the DCP will be subject to a separate public advertising period in which landowners will be able to make comment on the DCP.

Scheme Amendment Process

Should Council resolve to adopt the proposed Scheme Amendment, City staff will forward the Amendment to the Environmental Protection Authority for comment, Heritage Council of Western Australia for advice and Western Australian Planning Commission for information.

Subject to no objections being received from the Environmental Protection Authority and advice being received from the Heritage Council, City staff will advertise the proposed Amendment.

Following the advertising period, the matter will be referred back to Council for consideration.

Discontinuing Draft Town Planning Scheme No. 21

Council at its meeting of 27 March 2007 resolved (Resolution 111) to approve the preparation of an ODP for the Central Maddington area to replace draft TPS 21 and requested that City staff prepare a further report to Council to formally discontinue draft TPS 21 under the Planning and Development Act (2005).

Advice sought from the Department for Planning and Infrastructure has indicated that Council will be required to formally resolve to discontinue draft TPS 21 under the Planning and Development Act (2005). This resolution would then be forwarded to the Western Australian Planning Commission who would provide a recommendation to the Minister for Planning and Infrastructure regarding the draft Scheme.

As the proposed ODP will essentially supersede draft TPS 21 as the planning framework for the Central Maddington area, it will be recommended that Council formally resolve to discontinue draft TPS 21.

Implementation – Statutory Processes

A proposed implementation program for the Central Maddington ODP and associated tasks has been prepared by City staff (see Appendix 13.5.1A). This program identifies the different steps in the planning process for several tasks and provides an estimation of when they will occur within the process.

Implementation – Other Issues

Land Required for Public Purposes

In some areas, the proposed Central Maddington ODP identifies an entire lot as being required for public purposes such as Local Open Space or a proposed road. In this context, the ODP, even in its draft format, may essentially “quarantine” certain lots, meaning that:

- The lot may not be able to be developed or subdivided.
- It may be difficult for a landowner to sell the lot to a private buyer.

Council may have to consider the early purchasing of lots in the above circumstances. If this path is taken, Council must consider the following issues:

- The possibility of not being able to purchase affected land until the required amount of developer contributions have been collected.
- Entering into negotiations with affected landowners and taking out loans to purchase land prior to developer contribution funds being collected.
- Utilising funds from the existing public open space accounts for Maddington and reimbursing these accounts through future developer contributions.
- The risks associated with purchasing land prior to a developer contribution plan being finalised (ie the methodology and amount of compensation may not yet be finalised).
- The risks associated with purchasing land prior to the ODP and relevant precinct-level DAPs being finalised (ie should a draft plan be modified prior to adoption or approval, land purchased may not be required).

Outline Development Plan Funded Roads

If the City seeks to construct an ODP funded road prior to the land being ceded through the subdivision or development process, the following options are available in order of preference:

1. Encourage landowners to subdivide or develop.
2. Negotiate with landowners for the early purchase of land required for roads.
3. Compulsory acquisition of the required land.

Whilst acquisition is not the preferred option of City staff and may be of concern for landowners who are not wishing to subdivide or develop, it may be required to ensure coordinated, integrated and timely development outcomes. Council must consider that:

- A road may be required to allow access to “land-locked” areas.
- A road may be required to allow other landowners to subdivide and develop in accordance with an adopted ODP and approved DAP.
- There would be a lower likelihood of subdivision or development being restricted by a lack of road access.
- A road would be required eventually.
- The construction of a road prior to subdivision or development would provide an opportunity/option for subdivision and development in the future.
- The existence of roads allowing for future subdivision and development may increase property values and encourage subdivision and development to occur.

Funds Not Being Available for Roads

The ability for the City to construct ODP funded roads will depend upon the amount and continuity of developer contributions being collected. If the City does not have enough contributions available and if Council is unable or unwilling to take out loans to undertake infrastructure works, the City will not be able to construct ODP funded roads on the request of landowners wanting to develop.

In response to this possible situation, the following options are available:

- Have landowners/developers construct the roads with the City providing reimbursement for any costs greater than their required contribution rate, as funds become available.
- Have landowners/developers construct the roads on the premise that they will not be reimbursed for any costs greater than their required contribution rate.
- Allow subdivision and development to occur in a manner that does not restrict the future provision of a road, and that provides a positive design outcome that can be readily adapted to the future provision of a road (ie design dwellings or lots to front a future road, develop land in stages as new points of access become available).

Land Required for Drainage Purposes

The proposed ODP may require modification based on the review of the Drainage and Nutrient Management Plan. To cater for urban water management measures, areas of public open space may have to be relocated, extended and/or more areas of land be set aside for drainage purposes.

Depending upon how far the ODP has progressed in the statutory process when the review of the Drainage and Nutrient Management Plan is completed, Council may have to consider modifications to the ODP and whether any proposed modifications require advertising for comment.

Development Restrictions

If it happens that the Central Maddington area is zoned Residential Development prior to the ODP being finally adopted by Council, Clause 7.2.1 of TPS 6 will come into effect. This Clause identifies that Council requires an ODP for land zoned Residential Development before recommending subdivision or issuing planning approval for the development or use of any land in the affected area.

This means that the City would not be able to recommend approval to the Western Australian Planning Commission for any subdivision applications or issue any planning approvals for the development or the use of any land in the ODP area, until the ODP is finalised.

This Clause of TPS 6 can be onerous in terms of:

1. Restricting all subdivision applications, including applications for lot amalgamation, which would usually be supported by the City.
2. Restricting all minor development applications, such as changes of use, home offices, home occupations and home businesses.

Such applications would be unlikely to prejudice the future planning for the Central Maddington, but pursuant to Clause 7.2.1, could not be approved by the City until the ODP is adopted.

To avoid such problems arising, it will be necessary to progress the ODP as quickly as possible and concurrently with the proposed Residential Development zoning. The aim in this regard will be to finalise the Residential Development zoning at the same time as the ODP, or if rezoning occurs first, to reduce the time between when the Residential Development zoning occurs and the ODP is adopted.

Triggers for Developer Contributions

As the City may be required to prefund some common infrastructure works prior to developer contributions being available, there will be a need to ensure that these costs can be recouped within a reasonable timeframe. To ensure this occurs it will be necessary to define the triggers for payment of developer contributions. These triggers can include subdivision or development of land, or imposition of a “sunset clause” for developer contributions.

A sunset clause will ensure that all developer contributions are paid by a certain date. This will ensure the City is reimbursed for any prefunded works by a finite date and that infrastructure upgrades occur within a reasonable timeframe.

The possibility of utilising a sunset clause for developer contributions in the Central Maddington ODP area will be further investigated during the preparation of a developer contribution plan.

Ongoing Management and Administration of the Outline Development Plan

The on-going operation of the Central Maddington ODP will likely be managed by the City of Gosnells. This task will involve significant staff resources, especially for the administration of the developer contribution arrangement.

As previously stated, it is proposed to collect developer contributions to cover the cost of the general administration of the ODP.

CONCLUSION

The progressing of the Central Maddington ODP and associated planning tasks is a significant milestone in planning for the Central Maddington area. The proposed ODP framework will work toward the sustainable regeneration of the Maddington area.

It will therefore be recommended that Council:

1. Formally resolve to discontinue draft TPS 21.
2. Determine that the proposed Central Maddington ODP is satisfactory for advertising.
3. Forward a copy of the proposed ODP to the Western Australian Planning Commission for information.
4. Adopt the proposed Scheme Amendment.
5. Forward the proposed Scheme Amendment to the Environmental Protection Authority, Heritage Council of Western Australian and Western Australian Planning Commission and subsequently advertise the proposed Amendment.

FINANCIAL IMPLICATIONS

Costs associated with progressing the Central Maddington ODP and proposed Scheme Amendment through statutory processes can be met from the City Growth operational budget.

The proposed developer contribution arrangement will provide for Council to be reimbursed for these costs.

STAFF RECOMMENDATION (1 of 5) AND COUNCIL RESOLUTION
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22 Moved Cr B Wiffen Seconded Cr R Mitchell

That Council resolve to discontinue draft Town Planning Scheme No. 21, pursuant to the Planning and Development Act (2005), and advise the Western Australian Planning Commission accordingly for consideration by the Minister for Planning and Infrastructure.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

Foreshadowed Motion

During debate Cr D Griffiths foreshadowed that he would move the following motion:

“That Council, pursuant to Clause 7.4.2(b) of Town Planning Scheme No. 6:

1. *Determine that the proposed Central Maddington Outline Development Plan, contained in Appendix 13.5.1B, is satisfactory for the purposes of advertising for public comment, subject to the Plan first being modified to the satisfaction of the Director Planning and Sustainability to increase the amount of Local Open Space shown on the Plan from approximately 5.4% to 8%, in accordance with Liveable Neighbourhoods, with the Local Open Space being equitably distributed, as far as practicable, between Areas A and B, based on the proportionate size of each area.*
2. *Advertise the Central Maddington Outline Development Plan for public comment, once modified in accordance with 1 above, by way of:*
 - a) *Letter to all landowners within the Central Maddington Outline Development Plan area.*
 - b) *Letters to relevant public authorities.*
 - c) *Advertisements in two local newspapers for three consecutive weeks.*
 - d) *Display on the City’s website, and at the City’s Administration Building and Libraries.”*

if the motion under debate was defeated, providing the following written reason:

“To increase the amount of Local Open Space required by the Central Maddington Outline Development Plan.”

At the conclusion of debate the Mayor put the staff recommendation, which read:

STAFF RECOMMENDATION (2 of 5)

23 Moved Cr B Wiffen Seconded Cr R Mitchell

That Council, pursuant to Clause 7.4.2(a) of Town Planning Scheme No. 6, determine that the proposed Central Maddington Outline Development Plan, as contained in Appendix 13.5.1B is satisfactory for the purposes of advertising for public comment for a period of 42 days by way of:

1. Letters to all landowners within the Central Maddington Outline Development Plan area.
2. Letters to relevant public authorities.
3. Advertisements in two local newspapers for three consecutive weeks.
4. Display on the City's website, Administration Building and Libraries.

LOST 0/10

FOR: Nil.**AGAINST:** Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.Notation

As the staff recommendation was lost the Mayor invited Cr D Griffiths to put his foreshadowed motion, which Cr L Griffiths seconded.

COUNCIL RESOLUTION

24 Moved Cr D Griffiths Seconded Cr L Griffiths

"That Council, pursuant to Clause 7.4.2(b) of Town Planning Scheme No. 6:

1. *Determine that the proposed Central Maddington Outline Development Plan, contained in Appendix 13.5.1B, is satisfactory for the purposes of advertising for public comment, subject to the Plan first being modified to the satisfaction of the Director Planning and Sustainability to increase the amount of Local Open Space shown on the Plan from approximately 5.4% to 8%, in accordance with Liveable Neighbourhoods, with the Local Open Space being equitably distributed, as far as practicable, between Areas A and B, based on the proportionate size of each area.*

2. *Advertise the Central Maddington Outline Development Plan for public comment, once modified in accordance with 1 above, by way of:*
- a) *Letter to all landowners within the Central Maddington Outline Development Plan area.*
 - b) *Letters to relevant public authorities.*
 - c) *Advertisements in two local newspapers for three consecutive weeks.*
 - d) *Display on the City's website, and at the City's Administration Building and Libraries."*

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 5) AND COUNCIL RESOLUTION
--

25 Moved Cr B Wiffen Seconded Cr R Mitchell

That Council, pursuant to Clause 7.4.6 of Town Planning Scheme No. 6, forward a copy of the proposed Central Maddington Outline Development Plan, as contained in Appendix 13.5.1B, to the Western Australian Planning Commission for information.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (4 of 5) AND COUNCIL RESOLUTION
--

26 Moved Cr B Wiffen Seconded Cr R Mitchell

That Council, pursuant to Section 75 of the Planning and Development Act (2005), adopt Amendment No. 89 to Town Planning Scheme No. 6 for the purpose of:

1. Rezoning land within the Central Maddington Outline Development Plan area from Residential R17.5, Residential R30, Residential R40, Highway Commercial, Mixed Business, Local Open Space, Public Purposes, Water Courses, and General Rural to Residential Development, as depicted on the Scheme Amendment maps attached as Appendices 13.5.1C and 13.5.1D.
2. Adding to Schedule 12 of the Scheme Text Attachment D, as set out below, and Map 1 (attached as Appendix 13.5.1E) regarding the specific common infrastructure works and costs for the Central Maddington Outline Development Plan area:

“ATTACHMENT D

SPECIFIC PROVISIONS RELATING TO THE CENTRAL
MADDINGTON OUTLINE DEVELOPMENT PLAN AREA

1. “Central Maddington Outline Development Plan area” means the area shown on Map 1, titled Central Maddington Outline Development Plan area.
2. Common infrastructure works additional to those detailed in the Twelfth Schedule of the Scheme as follows:
 - (a) The construction of new, and upgrading of existing drainage infrastructure, and associated urban water management measures.
 - (b) The construction of dual-use paths as required by the adopted Outline Development Plan.
 - (c) The construction of Outline Development Plan funded roads as required by the adopted Outline Development Plan.
 - (d) The construction of traffic management devices as required by the adopted Outline Development Plan.
 - (e) The upgrading of street lighting.
 - (f) The provision of underground power.
 - (g) The planting of street trees.
 - (h) The development of Local Open Space.
3. Cost contributions additional to those detailed in the Twelfth Schedule of the Scheme as follows:
 - (a) The cost of construction of new, and upgrading of existing drainage infrastructure, and associated urban water management measures.
 - (b) The cost of construction of dual-use paths as required by the adopted Outline Development Plan.
 - (c) The cost of construction of Outline Development Plan funded roads as required by the adopted Outline Development Plan.

- (d) The cost of acquisition of land required for Outline Development Plan funded roads as required by the adopted Outline Development Plan.
 - (e) The cost of construction of traffic management devices as required by the adopted Outline Development Plan.
 - (f) The cost of upgrading of street lighting.
 - (g) The cost of provision of underground power.
 - (h) The cost of planting of street trees.
 - (i) The cost of general administration of the Outline Development Plan.
 - (j) The cost of preparation of the Outline Development Plan.
 - (k) The cost of acquisition of land required for Local Open Space as required by the adopted Outline Development Plan.
 - (l) The cost of development of Local Open Space.
4. ~~In respect to the provision of Local Open Space as required by the adopted Outline Development Plan, the following is applicable:~~
- (a) ~~The contribution rate for the provision of Local Open Space shall be 10% of the net developable area.~~
 - (b) ~~A Local Open Space contribution may be provided as a land component and/or cash in lieu for Local Open Space acquisition and/or development as required by the adopted Outline Development Plan.~~
 - (c) ~~Landowners who provide land in excess of the contribution rate stated in Clause 4(a) for Local Open Space are to be reimbursed by the Scheme to the unimproved value of the land as determined by a licensed valuer or otherwise agreed."~~
4. A development contribution plan shall be prepared to detail the intended operation of the development contribution arrangement pursuant to the Twelfth Schedule of the Scheme."

Resolution
Amended
Vide
Resolution
103
25 March
2008
OCM

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (5 of 5) AND COUNCIL RESOLUTION

27 Moved Cr B Wiffen Seconded Cr R Mitchell

That Council forward Amendment No. 89 to Town Planning Scheme No. 6 to:

1. The Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005).
2. The Heritage Council of Western Australia for advice, pursuant to Section 79 of the Planning and Development Act (2005).
3. The Western Australian Planning Commission for information.

and subject to no objections being received from the Environmental Protection Authority and advice being received from the Heritage Council of Western Australia, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Director Planning and Sustainability.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.