

ARMADALE REDEVELOPMENT BILL 2001

EXPLANATORY MEMORANDUM

1. Background

Further to its commitment made prior to the last election, the Government has announced its intention to establish a Redevelopment Authority to undertake planning and development functions for certain areas within the City of Armadale.

The Armadale Redevelopment Authority is proposed to be established along similar lines to those Authorities currently operating in East Perth, Subiaco and Midland, however the functions of the Armadale Redevelopment Authority will differ from those bodies in some ways, detailed in these explanatory notes, in order to have regard for the Machinery of Government recommendations and for the particular needs of Armadale.

2. The Need For The Bill

The Armadale Enquiry By Design Workshop, held by the former Ministry for Planning and the City of Armadale in December 1999, involved key local and agency stakeholders in an interactive examination of Armadale's urban and regional problems and their potential solutions.

A number of key interventions were identified through the workshop process to achieve the revitalisation of the Armadale city centre and its hinterland. It was evident, however, that notwithstanding the support and good intentions of the local government and other public and private interests, a number of the required actions were unlikely to be delivered in a sufficiently timely and effective manner through conventional planning and development processes, and that specific intervention in the form a redevelopment authority was required to meet those objectives.

The Government announced its intention to establish an 'Armadale Redevelopment Authority' as one of its pre-election commitments. Guiding principles have been developed for an Armadale redevelopment project, as follows :

- Optimise Armadale city centre's capacity to operate effectively as a strategically located regional centre providing high order services to its community and catchment.
- Strengthen the city's economic base and future growth prospects.
- Develop market responsive and sustainable plans for critical city centre and neighbourhood sites.
- Maintain and enhance environmental, social, cultural and heritage values.

Armadale is unlike the other redevelopment areas established to date in Perth, which have been characterised by being focused on significant areas of under-utilised public land, sometimes constrained by environmental and other factors and requiring a comprehensive public planning response.

The Armadale redevelopment project must be more diverse in its scope, and needs to :

- improve access to the city centre by making key changes to the movement system into and within the centre;
- stimulate development activity by undertaking and facilitating the development of key public and private sites;
- establish a climate in which economic development can grow and flourish, by building new competitive advantages for Armadale;
- reposition Armadale in the Perth market by promoting the City as a place strong in opportunity, interest and vitality.

Within the Armadale city centre, redevelopment should be undertaken with access to the same general planning and land development powers and capacities as are available to the existing redevelopment authorities. Beyond the city centre in Armadale a number of sites have been identified with the potential for development that will contribute to the revitalisation of the city and region. In the case of these sites, the role of the new redevelopment body will be primarily one of facilitation and promotion as development can generally be achieved through normal processes. The sites proposed for inclusion outside the city centre include TAFE and High School sites on Champion Drive; the Forrestdale Business Park; Champion Lakes; the brickworks site and adjacent lands in South Armadale; and a former CALM site on Albany Highway.

Legislation is required to establish the new Redevelopment Authority with the powers and functions necessary for the delivery of the strategic objectives for Armadale's revitalisation, to provide the Authority with the necessary administrative support, and to ensure that the Authority operates within appropriate guidelines and governance parameters.

The City of Armadale supports the establishment of the Armadale Redevelopment Authority, and has been consulted in the development of the legislation, including the definition of the areas proposed to be included within the Redevelopment Area. The local community is anticipating positive outcomes from the project, and specific provision has been made in the Bill to accommodate community input into the new Authority's planning processes.

3. Overview of the Bill and Significant Provisions

The legislation proposed to establish and empower the Armadale Redevelopment Authority is based closely upon the corresponding legislation for the other existing Redevelopment Authorities, in particular the *Midland Redevelopment Act 1999*, however a number of variations from the Midland Act have been included, to reflect the particular needs of the Armadale project and also to reflect changed circumstances since the corresponding Midland Act was introduced, including changes in related legislation and current drafting practice.

Citation : This has been drafted to make specific reference within the Authority's functions to economic and social development, as well as general planning and development functions.

Part 1 : This Part includes details regarding the commencement of the Act, Interpretations, and also the definition of the proposed Redevelopment Area, which is depicted on the Plans contained in Schedule 1. The Bill provides for the future extension by regulation of the Armadale Redevelopment Area defined in Schedule 1 to other areas within the municipal district of the City of Armadale, subject to consultation with the Council of the City of Armadale, including areas that are not contiguous with the original area. This capacity reflects the proposed economic development focus of the new Authority, and the geographically dispersed nature of the issues needing to be addressed.

Part 2 : This Part addresses the establishment of the Authority, including the setting-up of a Board, and also sets out the provisions to be made for resourcing the new Authority with staff and other facilities. These provisions differ from the equivalent legislation for Midland in some notable ways :

- Authority Board : The Bill provides for the Board of the new Authority to comprise 6 members, as opposed to the five person Board currently operating at Midland. This will allow for more broadly-based community representation on the Armadale Board, with four members to be appointed by the Minister and two to be nominees of the City of Armadale.
- Authority staffing : The Authority is proposed to be established within the principles of the Machinery of Government review, and will therefore not be a 'stand alone' agency under Schedule 2 of the Public Sector Management Act, nor have its own Chief Executive Officer. With respect to staffing and other administrative resources, the Bill provides for the Authority to enter into a service agreement with an agency within the Minister's areas of responsibility, and for such an agreement to be authorised by the Minister.

Part 3 : This Part sets out the functions and powers of the new Authority, including its specific powers and functions relating to planning and land development. Additional economic and social development functions have been included, to reflect the particular needs of Armadale.

Part 4 : This Part deals with the process to be followed by the Authority for the introduction of a Redevelopment Scheme which will set out the planning parameters for development within the defined Redevelopment Area. This process is equivalent to that required to be followed by the Midland Redevelopment Authority for the preparation of a Redevelopment Scheme, and includes the need for referral of the Scheme to the Environmental Protection Authority. The Redevelopment Scheme can be introduced in stages, and when gazetted will have the effect of repealing and replacing both the existing local planning schemes and the Metropolitan Region Scheme within the areas covered by the Redevelopment Scheme.

Part 5 : This Part is equivalent to the corresponding Midland provisions, and sets out the requirements relating to the control of development within the Redevelopment Area, as generally established by the Redevelopment Scheme. The provisions in the Bill will in due course be supported by related Regulations setting out in more detail the process for seeking development approval, and exempting certain types of

development from that requirement, including typical public works carried out by the City of Armadale and other public agencies.

Part 6 : This Part sets out the principal financial provisions relating to the funds of the Authority, mirroring those currently operating for the other Authorities, and including the capacity for the Authority to borrow funds both within and external to government.

Part 7 : This Part contains general provisions relating to the operations of the Authority, and includes some additional provisions and variations relative to the existing Redevelopment Acts :

- **Community Reference Groups** : The Bill makes provision for the Minister to establish, or to delegate to the Board of the Authority the establishment of community reference groups, to assist the Authority in determining a broad cross section of community views on matters relating to the functions of the Authority.
- **Duration of Act** : The *Midland Redevelopment Act 1999* established that Authority with a 15 year timeframe, with a review of the Act's operations and effectiveness required 5 years from its commencement. For Armadale, it is proposed to limit the life of the Authority to 10 years, with extension possible by regulation but only after a review has been carried out; such a review would be required to be laid before Parliament prior to any move to regulate for an extension of the 10 year period. As for Midland, a review of the Act's operation would also be required after 5 years.

Schedule 1 : This Schedule includes plans defining the Redevelopment Area, including both the city centre and those areas proposed to be included within the Redevelopment Area that are located outside the city centre within the City of Armadale.

Schedule 2 : This Schedule sets out the procedures for the operation of the Authority's Board, including terms of office, the holding of meetings and other procedural matters, and has been varied from the equivalent Midland provisions to increase the Minister's capacity to terminate the appointments of Board members with poor meeting attendance records.

Schedule 3 : This Schedule details consequential amendments to various related Acts, including the *Town Planning and Development Act 1928* and the *Environmental Protection Act 1986*, to reflect the establishment of the new Armadale Authority and to include appropriate cross references to it in those Acts as necessary.