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# AGENDA

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## PLANNING AND DEVELOPMENT COMMITTEE

**03 February 2016**

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

**VISION**

Western Australia's most sought after and unique regional city to live, work and visit.

**VALUES**

All Councillors, Staff and Volunteers at the City of Albany will be...

**Focused: on community outcomes**

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

**United: by working and learning together**

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

**Accountable: for our actions**

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

**Proud: of our people and our community**

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

**TERMS OF REFERENCE**

**(1) Function:**

The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:

- (a) To advocate, plan and build connected, liveable communities;
- (b) To create a community that supports people of all ages and backgrounds;
- (c) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

**(2) It will achieve this by:**

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community ; and
- (g) Making recommendations to Council.

**(3) Chairperson:** Councillor N Mulcahy

**(4) Membership:** Open to all elected members, who wish to be members

**(5) Meeting Schedule:** 1<sup>st</sup> Wednesday of the Month

**(6) Meeting Location:** Council Chambers

**(7) Executive Officer:** Executive Director Planning & Development

**(8) Delegated Authority:** None

PLANNING AND DEVELOPMENT COMMITTEE  
AGENDA –03/02/2016

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**1. DECLARATION OF OPENING**

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

*“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”*

*“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.*

*We would also like to pay respect to Elders both past and present”.*

**3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

**Mayor**

Mayor D Wellington

**Councillors:**

Member

N Mulcahy (Chair)

Member

B Hollingworth (Deputy Chair)

Member

A Goode JP

Member

G Stocks

Member

R Hammond

Member

J Shanhun

Member

R Sutton

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Development Services

D Putland

Manager Planning

J van der Mescht

Planning Officer

C McMurtrie

Senior Planning Officer

A Bott

Minutes

J Cobbold

**Apologies:**

PLANNING AND DEVELOPMENT COMMITTEE  
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**4. DISCLOSURES OF INTEREST**

Name	Committee/Report Item Number	Nature of Interest

**5. REPORTS OF MEMBERS**

**6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**7. PUBLIC QUESTION TIME**

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**9. PETITIONS AND DEPUTATIONS**

**10. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Planning and Development Committee Meeting held on 02 December 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**11. PRESENTATIONS / DISCUSSION**

Landcorp - Local Planning Scheme Amendment and Structure Plan for the Middleton Beach Activity Centre.

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

**NIL**

**PD112: CONSIDERATION OF SCHEME AMENDMENT AND ACTIVITY CENTRE STRUCTURE PLAN – LOT 8888 FLINDERS PARADE AND LOTS 660 AND 661 MARINE TERRACE, MIDDLETON BEACH**

**Land Description** : Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton beach

**Proponent** : Hames Sharley

**Owner** : Western Australian Land Authority, F J MacDougall, N P Wallis

**Business Entity Name** : LandCorp

**Attachments** : 1. Location plan  
2. Local Planning Scheme Amendment No. 1 report  
3. *Middleton Beach Activity Centre Structure Plan* report

**Supplementary Information & Councillor Workstation:** : Nil

**Report Prepared by** : Planning Officer (C McMurtrie)

**Responsible Officer** : Executive Director Planning and Development (D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

**Maps and Diagrams**



**In Brief:**

- The Middleton Beach Activity Centre Working Group determined that a local planning scheme amendment and an Activity Centre Structure Plan were the preferred mechanisms for the statutory planning of the Middleton Beach Activity Centre.
- A request has been submitted for Council to adopt a local planning scheme amendment to:
  - Rezone Lot 8888 Flinders Parade, Middleton Beach from the ‘Hotel/Motel’ and ‘Tourist Residential’ zones, Lots 660 and 661 Marine Terrace, Middleton Beach from the ‘Tourist Residential’ zone and of portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from ‘Priority Road’ and Local Road Reserves to ‘Special Use Zone SU25’;
  - Amend ‘Schedule 4 – Special Use Zones’ to incorporate provisions relating to Middleton Beach Activity Centre;
  - Introduce a land use definition for ‘single attached dwelling’; and
  - Amend of the Scheme Maps accordingly.
- A ‘Special Use’ zone facilitates special categories of land uses, which do not sit comfortably within any other zone in the Scheme, and enables Council to impose specific conditions associated with the special use.
- While a resolution of Council is not required prior to the advertisement of the draft *Middleton Beach Activity Centre Structure Plan*, it will be advertised concurrently with the local planning scheme amendment and is referenced in this report for information. The *Middleton Beach Activity Centre Plan* has been prepared to guide and facilitate the subdivision and development of the subject land.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will put in place the statutory planning framework for the redevelopment of the Middleton Beach Activity Centre and allow the objectives of Western Australian Planning Commission’s *Improvement Plan No. 40* to be fulfilled.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

**RECOMMENDATION**

**PD112: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 1 to amend *City of Albany Local Planning Scheme No. 1* by:**

**(1) Rezoning:**

- **Lot 8888 Flinders Parade, Middleton Beach from the ‘Hotel/Motel’ and ‘Tourist Residential’ zones;**
- **Lots 660 and 661 Marine Terrace, Middleton Beach from the ‘Tourist Residential’ zone; and**
- **Portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders**



**Parade and Marine Drive from ‘Priority Road’ and Local Road Reserves  
to ‘Special Use Zone SU25’.**

**(2) Amending ‘Schedule 4 – Special Use Zones’ to incorporate provisions relating to Middleton Beach Activity Centre;**

**(3) Introducing the following land use definition to the City of Albany Local Planning Scheme No. 1:**

*‘single attached dwelling means one of a group of two or more attached dwellings, each being separated by a common wall and may include a row house, terrace house or town house, not located above or below another dwelling’;*

and

**(4) Amending the Scheme Maps accordingly.**

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

- The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as “*Existing Urban*” with a “*Tourist Accommodation Node*” and sets strategic objectives to support urban infill development based on compatibility of land uses and infrastructure capacity.
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

## **BACKGROUND**

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 1 and the draft *Middleton Beach Activity Centre Structure Plan* have been prepared on behalf of LandCorp, following the purchase of Lot 8888 Flinders Parade by the Western Australian Land Authority and its subsequent designation as *Improvement Plan No. 40* by the Western Australian Planning Commission.
6. Amendment No. 1 has been prepared to seek:
  - The rezoning of Lot 8888 Flinders Parade, Middleton Beach from the ‘Hotel/Motel’ and ‘Tourist Residential’ zones, Lots 660 and 661 Marine Terrace, Middleton Beach from the ‘Tourist Residential’ zone and of portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from ‘Priority Road’ and Local Road Reserves to ‘Special Use Zone SU25’;
  - The amendment of ‘Schedule 4 – Special Use Zones’ to incorporate provisions relating to Middleton Beach Activity Centre;

- Introduction of a land use definition for ‘single attached dwelling’; and
  - Amendment of the Scheme Maps accordingly.
7. The draft *Middleton Beach Activity Centre Structure Plan* has been prepared to guide the subdivision and development of the subject land, in line with the objectives of *Improvement Plan No. 40*.
8. The subject land is located approximately 2.9 kilometres east-south-east of Albany town centre and has an area of approximately 3.3 hectares. It is relatively flat, with a shallow slope at its eastern extent, toward the beachfront, and a change in level of approximately one to two metres along the northern edges of Lot 8888, where it meets Lots 660 and 661 and the Barnett Street road reserve. Lot 8888 is cleared, having previously been occupied by the former Esplanade Hotel, while Lots 660 and 661 are each occupied by a detached single-storey house set in garden ground. The surrounding road reserves are developed with local roads, verge landscaping and public parking bays. An area of lawn interspersed with mature Norfolk Island pine trees occupies the south-eastern extent of the Flinders Parade road reserve.
9. The Mount Adelaide reserve lies to the south of the subject land is covered by the ‘Parks and Recreation’ local scheme reserve. Similarly, the Middleton Beach foreshore area, which includes the Albany Surf Lifesaving Club, public open space, public amenities, a playground and a restaurant and bar, lies to the east of the subject land and is covered by the ‘Parks and Recreation’ local scheme reserve. The land to the north and west is largely developed with a mixture of residential and short-stay holiday units and is covered by the ‘Tourist Residential’ zone, with the exception of Lot 201 Adelaide Crescent, which is zoned ‘Local Centre’ and occupied by a café and bar.
10. The amendment document states that:

*“The State Government has recognised redevelopment of the site as important to future growth of Albany and is committed to the delivery of a redeveloped Middleton Beach Activity Centre. As such, LandCorp wish to facilitate the appropriate redevelopment of the Middleton Beach Activity Centre site (‘the site’). As a result, the purpose of this proposed amendment is to establish a framework to guide the future development of the site.*

*This will be achieved by rezoning the site to the ‘Special Use’ zone under the Local Scheme, with associated conditions and specific provisions for the planning and development of the land. It will also acknowledge the significance of the site by providing for the preparation of an Activity Centre Structure Plan. This will allow for the flexibility to achieve a high quality built form and public place design and facilitate the development of a safe, vibrant mixed use local centre adjacent to the attractive beach front.”*

## DISCUSSION

11. The City’s planning Staff support the proposed local planning scheme amendment, as it provides the statutory framework for achieving the objectives of *Improvement Plan No. 40*.
12. The proposed local planning scheme amendment is consistent with the current strategic direction set by the *Albany Local Planning Strategy*, which identifies the site as part of the ‘Existing Urban’ area and sets a strategic objective to support urban infill development, based on compatibility of land uses and infrastructure capacity.
13. The proposed local planning scheme amendment and Activity Centre Structure Plan are supported by the following studies and management plans:
- Flora, Vegetation and Fauna Review;

- Preliminary Servicing Report;
  - Geotechnical Investigation, Preliminary Acid Sulfate Soils Investigation and Dewatering Investigation;
  - Bushfire Management Plan;
  - Coastal Hazard Risk Management and Adaptation Plan;
  - Transport Assessment;
  - Landscape Master Plan;
  - Stormwater Management Plan; and
  - Local Water Management Plan.
14. The site is currently included within the City of Albany *Significant Tourist Accommodation Sites* local planning policy. The policy identifies the site as a “*Local Strategic Site*” and states that development of a hotel is recommended. It also indicates a portion of Lot 8888 Flinders Parade where permanent residential development is permitted as of right and elaborates on this by stating that the lot may be developed with “*65% tourist accommodation and 35% permanent residential*”.
15. The existing *Significant Tourist Accommodation Sites* local planning policy is currently inconsistent with Western Australian Planning Commission’s *Planning Bulletin 83 – Planning for Tourism*. *Planning Bulletin 83* replaces the ‘strategic’ and ‘non-strategic’ approach previously taken towards tourism sites. On this basis the proposed local planning scheme amendment and Activity Centre Structure Plan do not provide percentage cap controls between residential and tourist land uses.
16. The local planning scheme amendment and Activity Centre Structure Plan have been prepared in accordance with the *Planning Bulletin 83 – Planning for Tourism* to propose a variety of appropriate land uses (including a mixture of residential and non-residential uses) to provide for a diverse tourism industry and to meet the objectives of *Improvement Plan No. 40*.
17. Planning staff propose to amend the Significant Tourist Accommodation Sites Local Planning policy later in 2016 to accord with State Policy.
18. The Activity Centre Structure Plan proposes to realign Flinders Parade and its intersection with Marine Drive and Adelaide Crescent. The realignment will not affect the existing level of connectivity and a roundabout will still be employed at the intersection of Flinders Parade, Marine Drive and Adelaide Crescent. The realignment of Flinders Parade will allow for a greater area of public open space on the beachfront, which will assist in activating the foreshore as a recreation space. Public utilities will also be reconfigured as a component of the Flinders Parade realignment.
19. It is proposed to develop car parking bays along all existing roads within the Activity Centre area, including Flinders Parade, Barnett Street, Marine Terrace and Adelaide Crescent. On-street car parking is also proposed on the new internal street that runs across the subject land on a north-south axis. On-street car parking will serve as a traffic calming measure, which will help to give priority to pedestrians within the Activity Centre.
20. The provisions contained within Special Use zone SU25 require that private residential parking is provided at a basement level, underneath any new buildings, and accessed from a laneway or secondary street where available. These provisions also exempt any requirement for additional visitor parking to be provided for residential developments, due to the availability of extensive public car parking facilities.

21. The provisions contained within Special Use zone SU25 reduce the car parking requirement for retail land uses by 50% from those specified in Local Planning Scheme No. 1; specifically, one bay must be provided for 40m<sup>2</sup> net lettable area, versus the usual one per 20m<sup>2</sup> net lettable area. Similarly, the provisions reduce the employee car parking requirement for a hotel by 50%; one bay will be required for every two employees, rather than the usual one per employee.
22. The Activity Centre Structure Plan proposes to step back building heights from the beach and residential development adjacent to the Activity Centre area. Additional height is provided for closer to Mount Adelaide, in order to preserve key views and vistas while also mitigating potential overshadowing impacts.
23. The Activity Centre Structure Plan proposes the following heights over the various development areas:

Precinct	Max Height	Storeys
Hotel/Mixed Use	11m – 21.5m	2 - 5
	11m - 46m	2 - 12
Mixed Use	11m - 21.5m	2 – 5
Residential	10 – 13.5m	2 – 3

24. As per the table above, the Activity Centre area will include a general height limit of three to five storeys, while providing scope for the potential development of up to 12 storeys for the Hotel/Mixed Use Precinct adjacent to Mount Adelaide. Twelve storey development may be considered against the design guidance provided for within the Activity Centre Structure Plan.
25. The Activity Centre Structure Plan proposes that the infrastructure and site works be undertaken in the following three stages:

Stage 1

Changes to the road network – realignment of Flinders Parade and reconstruction of Adelaide Crescent; bulk earthworks and civil works including the Hotel site.

Stage 2

Landscaping of the public realm on Flinders Parade, Adelaide Crescent and foreshore areas.

Stage 3

Bulk earthworks and civil works for the development areas (residential and mixed use sites) as well as Public Access Way and Internal Road; landscaping of the Public Access Way and other public realm.

26. Overall, it is considered that the proposed amendment and Activity Centre Structure Plan provides a suitable statutory framework for the site while also providing the necessary flexibility for a variety of developers to fulfil the objectives of *Improvement Plan No. 40*.

## GOVERNMENT & PUBLIC CONSULTATION

27. LandCorp has undertaken initial consultation with the community, beginning in March 2015, in order to inform the design process that lead to the development of the draft *Middleton Beach Activity Centre Structure Plan*.
28. However, as the *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no other consultation has been undertaken at this stage.
29. If supported by Council, both the amendment and Activity Centre Structure Plan will be advertised concurrently.

## STATUTORY IMPLICATIONS

30. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
31. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if should be assessed. Council resolution is sought for the adoption of a local planning scheme amendment.
32. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
33. The proposal is considered to be a standard scheme amendment for the following reasons:
  - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as “*Existing Urban*” with a “*Tourist Accommodation Node*” and sets strategic objectives to support urban infill development based on compatibility of land uses and infrastructure capacity.
  - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
  - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
34. Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development Regulations 2015*. A resolution of Council is not required for a local government to proceed to advertise a Structure Plan. However, the content of the draft *Middleton Beach Activity Centre Structure Plan* is outlined in this report, as it will complement the local planning scheme amendment and will be advertised concurrently.
35. Voting requirement for this item is **SIMPLE MAJORITY**

## POLICY IMPLICATIONS

36. The local planning scheme amendment and Activity Centre Structure Plan propose to introduce a mix of residential and commercial land uses within the Activity Centre area. The Western Australian Planning Commission’s *Planning Bulletin 83 – Planning for Tourism* and the draft *Middleton Beach Activity Centre Structure Plan* provide for a dynamic approach to the application of mixed land uses. As discussed in paragraphs

14 and 15 above, the City's *Significant Tourist Accommodation Sites* local planning policy is inconsistent with *Planning Bulletin 83*, as it prescribes specific caps for residential and tourism-related land uses. In instances where a Local Planning Policy is inconsistent with a Western Australian Planning Commission policy, the Western Australian Planning Commission policy prevails.

As noted earlier, the City's Planning staff propose to amend the Local Planning Policy later in 2016.

37. The location of the subject land also requires that the provisions of *State Planning Policy 2.6 – State Coastal Planning* are addressed. *State Planning Policy 2.6* is designed to ensure that development within the coastal area is appropriately planned for and any risk managed. In accordance with *State Planning Policy 2.6*, a Coastal Hazard Risk Management and Adaptation Plan has been prepared for the Activity Centre area.
38. The Coastal Hazard Risk Management and Adaptation Plan addresses and establishes the following information:
  - Establishment of the context;
  - Coastal hazard assessment;
  - Risk analysis and evaluation;
  - Risk management and adaptation planning; and
  - Monitoring and review.
39. The Coastal Hazard Risk Management and Adaptation Plan identifies that the Activity Centre area will be subject to coastal risks, which will require management into the future.
40. Two potential options have been identified for managing coastal risk to the site. The first of these is to restore the level of the beach to the naturally occurring higher level, while the second is to develop a seawall along the length of the foreshore. Alternately, a seawall could be developed solely around the proposed hotel site.
41. While the Coastal Hazard Risk Management and Adaptation Plan has identified the coastal risk and provided management options, the final method for coastal risk mitigation will be determined later in the development process. Before a final decision is made on the preferred management option, additional studies will be required in order to determine the most effective long term measure.

#### RISK IDENTIFICATION & MITIGATION

42. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b></p> <p>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Medium	If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.

<p><b>Community, Organisational Operations and Reputation</b></p> <p>The proposal may attract objections from members of the public or other public authorities.</p>	Possible	Minor	Medium	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.
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**FINANCIAL IMPLICATIONS**

43. There are no financial implications directly relating to this item.

**LEGAL IMPLICATIONS**

44. There are no legal implications directly relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

45. The location of the Activity Centre Area requires the consideration of the potential impact on coastal processes, to ensure that development within the coastal area is appropriately planned for and any risk managed. The results of the Coastal Hazard Risk Management and Adaptation Plan are discussed in paragraphs 38 to 40 above.

46. A Flora, Vegetation and Fauna Review (inclusive of an assessment of matters of National environmental significance), was undertaken for the Activity Centre area. The results conclude that the environmental factors on the site are unlikely to present constraints on future development of the Activity Centre area for residential and commercial purposes.

47. A Geotechnical Investigation, Preliminary Acid Sulfate Soils Investigation and Dewatering Investigation was also undertaken for the subject land. The report states that geotechnical conditions are suitable for development and comprise medium dense to dense sands, overlying weathered granite depth.

48. The presence of Acid Sulfate Soils has been identified across the site, from about 1.5 metres below the current ground water surface. Where the disturbance of Acid Sulfate Soils cannot be avoided, further sampling may be necessary and an Acid Sulfate Soils Management Plan required.

49. The report also advises that groundwater is present at around RL (relative level) one metre AHD (Australian Height Datum), and was not observed to be significantly influenced by tidal action. Where development requires dewatering, the preparation of a Dewatering Management Plan will be necessary. A Dewatering Management Plan will prescribe the management and monitoring requirements for the dewatering process.

**ALTERNATE OPTIONS**

50. Council may consider alternate options in relation to this item, such as:

- To resolve not to proceed to advertise the amendment to the local planning scheme.

**SUMMARY CONCLUSION**

51. It is recommended that Council adopt Local Planning Scheme Amendment No. 1, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will allow the establishment of a statutory framework to fulfil the objectives of *Improvement Plan No. 40*.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy 2010</i></li> <li>3. <i>City of Albany Strategic Community Plan 2023</i></li> <li>4. <i>City of Albany Corporate Business Plan 2013-2017</i></li> <li>5. <i>City of Albany Significant Tourist Accommodation Sites local planning policy</i></li> <li>6. <i>Western Australian Planning Commission State Planning Policy 1 – State Planning Framework Policy (Variation No. 2);</i></li> <li>7. <i>Western Australian Planning Commission State Planning Policy 2.6 – State Coastal Planning</i></li> <li>8. <i>Western Australian Planning Commission Planning Bulletin 83 – Planning for Tourism</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD1 (Frederickstown Ward) LSP3 (Frederickstown Ward)
<b>Previous Reference</b>	:	Nil



**PD113: CONSIDERATION OF SCHEME AMENDMENT – PORTIONS OF LOT 3000 EMU POINT DRIVE, COLLINGWOOD PARK, LOT 3001 ON DEPOSITED PLAN 51548 & PORTION OF LOT 1523 EMU POINT DRIVE, EMU POINT**

**Land Description** : Portions of Lot 3000 Emu Point Drive, Collingwood Park, Lot 3001 on Deposited Plan 51548 and portion of Lot 1523 Emu Point Drive, Emu Point

**Proponent** : Harley Dykstra Pty Ltd

**Owner** : Western Australian Land Authority & City of Albany (vested Crown Land)

**Business Entity Name** : LandCorp

**Attachments** : 1. Schedule of Submissions and Modifications  
: 2. *Local Planning Scheme Amendment No. 4* report  
: 3. *Draft Emu Point Outline Development Plan*

**Supplementary Information & Councillor Workstation:** : Copy of submissions

**Report Prepared by** : Planning Officer (C McMurtrie)

**Responsible Officer** : Executive Director Planning and Development (D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*. Maps and Diagrams:



**In Brief:**

- At its Ordinary Meeting on 24 February 2015, Council initiated a local planning scheme amendment to a portion of Lot 3000 Emu Point Drive, Collingwood Park to be transferred from the 'Parks and Recreation' local scheme reserve to the 'Future Urban' zone, in order to accord with the extent of the development area allocated in ODP008 Local Planning Scheme Amendment No. 2 also seeks to reserve a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 and a portion of Lot 1523 Emu Point Drive, Emu Point for 'Parks and Recreation'.
- The local planning scheme amendment was advertised from 14 May 2015 to 25 June 2015 for public comment and referred to public authorities in accordance with the requirements of the *Town Planning Regulations 1967*.
- City planning staff support the proposal, as it is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the completion of the draft *Emu Point Outline Development Plan*.
- Council is requested to consider the submissions received following public advertising and referral and to support the local planning scheme amendment.

**RECOMMENDATION**

**PD113: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, subject to modification to address the requirements of State Planning Policy 2.6 – State Coastal Planning, Amendment No. 2 to City of Albany Local Planning Scheme No. 1 for the purposes of:**

- (1) Transferring a portion of Lot 3000 Emu Point Drive, Collingwood Park from the 'Parks and Recreation' local scheme reserve to the 'Future Urban' zone;
- (2) Reserving a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 and a portion of Lot 1523 Emu Point Drive, Emu Point for 'Parks and Recreation'; and
- (3) Amending the Scheme Maps accordingly.

**BACKGROUND**

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 2 has been prepared to seek the transfer of a portion of Lot 3000 Emu Point Drive, Collingwood Park from the 'Parks and Recreation' local scheme reserve to the 'Future Urban' zone; and the reservation of a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 (currently zoned 'Future

- Urban') and a portion of Lot 1523 Emu Point Drive, Emu Point (currently zoned 'Residential') for 'Parks and Recreation'.
6. The subject land is located approximately 5 kilometres north-east of Albany town centre and has a total area of 33.8 hectares, with Lot 3000 being 25.9 hectares, Lot 15223 being 7.2 hectares and Lot 3001 being 7,566m<sup>2</sup> in area. The land is covered by coastal heath and closed shrubs, with the undulating topography of an old dune system.
  7. The subject land is generally surrounded by 'Parks and Recreation' local scheme reserves, with the exception of the 'Residential' zoned lots to the south-west at Griffiths Street and Hope Street, a cluster of 'General Agriculture' zoned lots to the north-western side of Emu Point Drive, and two 'Hotel/Motel' zoned lots to the east, at Medcalf Parade.
  8. The majority of the subject land has been zoned as 'Future Urban' for a significant period of time, which lead to the preparation of the draft *Emu Point Outline Development Plan*. This draft plan was prepared to guide the subdivision and development of the subject land and was lodged with Council in 2010.
  9. Council subsequently considered the draft *Emu Point Outline Development Plan* at its Ordinary Meeting on 17 August 2010 and resolved to adopt it for the purpose of public advertising, subject to a number of modifications.
  10. The plan was concurrently assessed by the Environmental Protection Authority under the Public Environmental Review process which identifies any environmental issues that may impact on the proposal.
  11. In April 2011, the City received draft conditions from the Environmental Protection Authority pertaining to the proposal, which included the following condition 5.3:  
  
*"The proponent shall submit a rezoning application under the City of Albany Town Planning Scheme for the portions of Lots 1523 and 3000 located outside of the development envelope shown in Figure 1 as 'Parks and Recreation' prior to approval of a subdivision diagram of survey."*
  12. Amendment No. 177 to former *Town Planning Scheme No. 1A* was subsequently prepared, and was initiated by Council at its Ordinary Meeting on 17 August 2010. However, it transpired that the Department of Environment and Conservation (now the Department of Parks and Wildlife) had not committed to accepting responsibility for the ongoing management of the land to be reserved for conservation purposes, and that this aspect of the amendment report was factually incorrect.
  13. While subsequent discussions were taking place to secure a management authority for the reserve land, *Local Planning Scheme No. 1* was approved by the Minister for Planning. As a result Amendment No. 177, which had not yet been granted final approval, 'fell away' when *Town Planning Scheme No. 1A* was superseded.
  14. A new amendment (Local Planning Scheme Amendment No. 2) to *Local Planning Scheme No. 1* was initiated by Council on 3 September 2014. However, the Department of Planning subsequently identified that the section of 'Parks and Recreation' local scheme reserve adjacent to Emu Point Drive on Lot 3000 Emu Point Drive was shown in *Local Planning Scheme No. 1* as being 80 metres wide, and that this was inconsistent with the 60 metres indicated on the draft *Emu Point Outline Development Plan*.
  15. Local Planning Scheme Amendment No. 2 was subsequently modified to address the inconsistency and was re-initiated by Council at its Ordinary Meeting on 24 February 2015.

16. The amendment document states that:

*“The intention of this proposal is to allow for the reservation of land in accordance with the Local Structure Plan for the subject site.*

*The proposal will allow for the following:*

- *The retention of remnant vegetation;*
- *Reservation of the subject site for ‘Parks and Recreation’; and*
- *The ceding of the subject site to the Crown and vesting on the City of Albany for management in perpetuity.”*

## DISCUSSION

17. The City’s planning Staff support the transfer of a portion of Lot 3000 Emu Point Drive, Collingwood Park from the ‘Parks and Recreation’ local scheme reserve to the ‘Future Urban’ zone; and the reservation of a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 (currently zoned ‘Future Urban’) and a portion of Lot 1523 Emu Point Drive, Emu Point (currently zoned ‘Residential’) for ‘Parks and Recreation’, subject to modification to address the requirements of the Western Australian Planning Commission *State Planning Policy 2.6 – State Coastal Planning*, as discussed in paragraph 23, below.
18. The area has previously been identified partly as ‘Existing Urban’ and partly as being suitable for ‘Future Urban’ development, with a “*Priority 2*” coding in the *Albany Local Planning Strategy*. The proposed development of the land, in accordance with the draft *Emu Point Outline Development Plan*, would be broadly consistent with the objectives of Sections 8.3.1 and 8.3.2 of the *Albany Local Planning Strategy*.
19. Arrangements have now been made for the reserved land to be vested in the City of Albany for management in perpetuity, on condition that a payment of \$240,000, based on estimated cost and escalated by Consumer Price Index (CPI), is made to the City by LandCorp to cover ongoing management costs. The reserve would be protected by a conservation covenant established under the Soil and Land Conservation Act 2005, which is a requirement of the Federal Department of the Environment. A reserve management plan would be prepared by LandCorp and the City of Albany, to the satisfaction of the Department of the Environment.
20. *It should also be noted that if this rezoning proposal is not progressed, the draft Emu Point Outline Development Plan will not be able to progress in its current form.*
21. The submissions received from public authorities during the advertising and referral process did not raise any objection to the proposal. Only one submission was received a member of the public, which objected to the principle of the development. While the objection is acknowledged, the majority of the subject land is already zoned for development and the draft *Emu Point Outline Development Plan* has been given support by Council and conditional approval by the Environmental Protection Authority.
22. While the Department of Planning did not make a formal submission on the local planning scheme amendment, they have advised both the City and the proponent that the provisions of *State Planning Policy 2.6 – State Coastal Planning* must be addressed, owing to the location of the subject land. As the original amendment document did not discuss *State Planning Policy 2.6*, the proponent has provided a draft revised amendment document, which indicates that the local planning scheme amendment will increase the setback distance from the coast to the ‘Future Urban’ zoned area. The Department of Planning has confirmed that this additional information is satisfactory and it is recommended that the amendment document is modified accordingly.

## GOVERNMENT & PUBLIC CONSULTATION

23. The amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 14 May 2015 to 25 June 2015 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and public authorities, and advertisement in the local newspaper.
24. Nine (9) submissions were received from public authorities and adjoining landowners and are summarised in the attached Schedule of Submissions. Staff comments and recommendations are also provided in the schedule and the broad issues are discussed in paragraphs 22 and 23 above.

## STATUTORY IMPLICATIONS

25. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*, which superseded the *Town Planning Regulations 1967* on 19 October 2015.
26. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
27. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
28. Voting requirement for this item is **SIMPLE MAJORITY**

## POLICY IMPLICATIONS

29. As discussed in paragraph 23 above, the location of the subject land requires that the provisions of *State Planning Policy 2.6 – State Coastal Planning* are addressed. *State Planning Policy 2.6* is designed to ensure that development within the coastal area is appropriately planned for and any risk managed.
30. In October 2012, the former Federal Department of Sustainability, Environment, Water, Population and Communities (now the Department of the Environment) released the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, which outlines the Australian Government's approach to the use of environmental offsets under the *Environment Protection and Biodiversity Conservation Act*.
31. The *Environmental Offsets Policy* defines offsets as “measures that compensate for the residual adverse impacts of an action on the environment”. These residual impacts are then defined as the unavoidable impacts that remain, even if avoidance and mitigation measures have been employed in the first instance. In some instances, avoidance and mitigation measures can reduce or eliminate the need for offsets if the residual impact is insignificant. Assessments under the *Environment Protection and Biodiversity Conservation Act* only require offsets if residual impacts are significant; an impact that is important, notable, or of consequence, having regard to its context or intensity. The retention of the remnant native vegetation on the land to be reserved, and its protection in perpetuity by means of a conservation covenant, may negate the need for any further offsets under the *Environmental Offsets Policy*.

**RISK IDENTIFICATION & MITIGATION**

32. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<p><b>Reputation</b> An opinion may exist that the funds allocated for management of the reserve may not be sufficient.</p>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<p>The management cost is based on realistic estimates and has been reviewed by the Executive Director Works and Services and the Executive Director Corporate Services. Any shortfall in funding could be included in the Works and Services budget.</p>
<p><b>Organisational Operations and Reputation</b> The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<p>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</p>

**FINANCIAL IMPLICATIONS**

33. A payment of \$240,000, based on estimated cost and escalated by Consumer Price Index (CPI), will be made to the City of Albany by Landcorp, to cover the ongoing costs of managing the reserved land.

**LEGAL IMPLICATIONS**

34. There are no legal implications directly relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

35. The proposal has previously been assessed by the Environmental Protection Authority by means of a Public Environmental Review, due to potential impacts on significant fauna species and native vegetation. Following assessment, the Environmental Protection Authority reported on these matters and concluded that the proposed residential subdivision was acceptable, on the basis that the native vegetation outside of the development footprint (the 16.3 hectares to be reserved) would be protected for conservation purposes in perpetuity, and approval was granted, subject to conditions.
36. The proposal has also been assessed by the Federal Department of the Environment, as it was considered to have a significant impact on listed threatened species and communities; specifically the Western Ringtail Possum and Baudin's and Carnaby's White-tailed Black Cockatoos. However, the retention of the remnant native vegetation on the land to be reserved, and its protection in perpetuity by means of a conservation covenant, may negate the need for any further offsets under the *Environmental Offsets Policy*.

**ALTERNATE OPTIONS**

37. Council may consider alternate options in relation to this item, such as:

- To resolve to support the scheme amendment without modification; or
- To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

**SUMMARY CONCLUSION**

38. It is recommended that Council support Local Planning Scheme Amendment No. 2, as it is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will satisfy the condition 5.3 of the EPA's response to the Public Environmental Review process, allowing ODP008 to be progressed.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy 2010</i></li> <li>3. <i>City of Albany Strategic Community Plan 2023</i></li> <li>4. <i>City of Corporate Business Plan 2013-2017</i></li> <li>5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i></li> <li>6. Western Australian Planning Commission <i>State Planning Policy 2.6 – State Coastal Planning</i></li> <li>7. Western Australian Planning Commission <i>State Planning Policy 3.7 –</i></li> <li>8. <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD2 (Breaksea Ward)
<b>Previous Reference</b>	:	<p>OCM 17/08/2010 – Item 1.9          OCM 21/02/2012 – Item 2.9          OCM 03/09/2014 – Item PD051</p>



**PD114: PREPARATION OF DEVELOPMENT APPROVAL EXEMPTION LOCAL PLANNING POLICY**

**Land Description** : City of Albany local government area  
**Proponent** : City of Albany  
**Owner** : Various  
**Business Entity Name** : Not applicable  
**Attachments** : 1. Draft *Development Approval Exemption* local planning policy  
**Supplementary Information & Councillor Workstation** : Nil  
**Report Prepared by** : Senior Planning Officer, Strategic Planning (A Nicoll) and Planning Officer (C McMurtrie)  
**Responsible Officer** : Executive Director Planning & Development (D Putland)

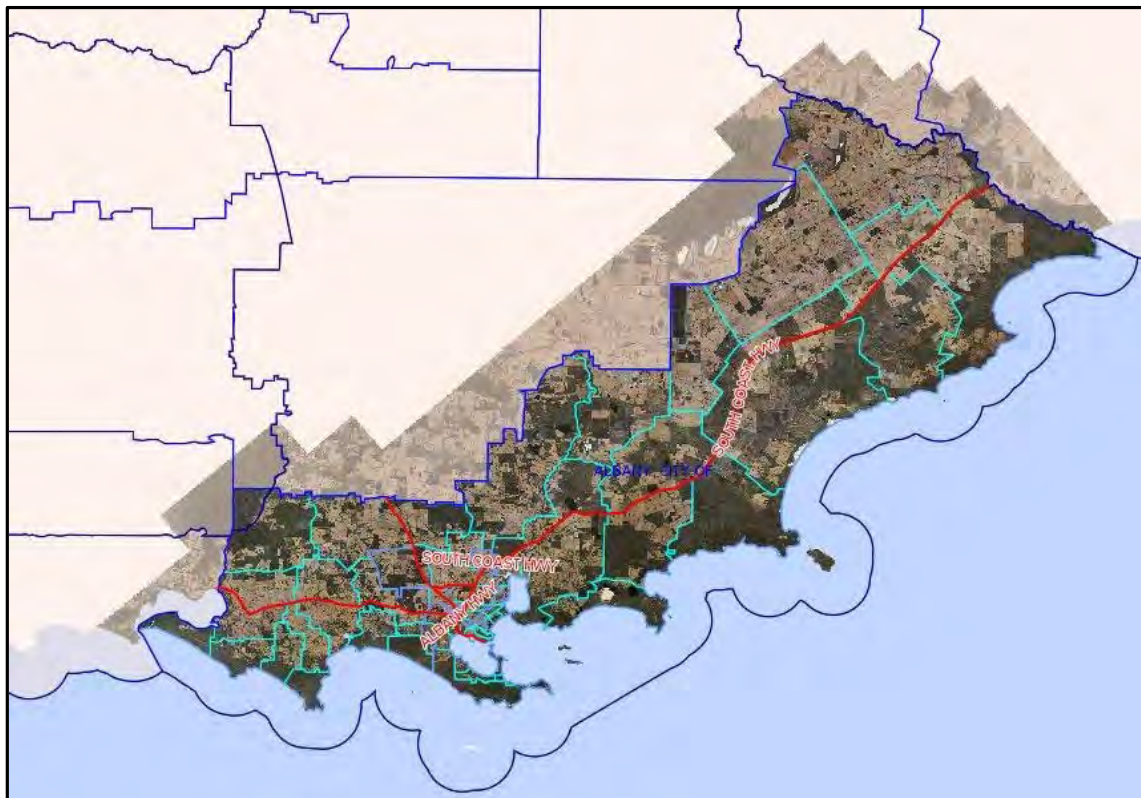
**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

**Maps and Diagrams**





**In Brief:**

- Council is requested to consider the preparation of a *Development Approval Exemption* local planning policy.
- Schedule 2, Part 2, Division 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for making a local planning policy. It states that: “*If the local government resolves to prepare a local planning policy, the local government must, unless the Commission otherwise agrees, advertise the proposed policy...*”
- Formerly, the erection or extension of a single house on a lot and the erection or extension of any ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, verandah, garage, carport, or swimming pool on the same lot as a single house or grouped dwelling did not require the development approval of local government within the ‘Future Urban’ zone, provided that there was an approved structure plan in place.
- Recent regulatory changes, introduced via the *Planning and Development (Local Planning Schemes) Regulations 2015*, have changed the status of structure plans so that they can no longer implement a zone or residential density code.
- The main objective of the local planning policy will be to exempt the above development types from requiring the development approval of local government within the ‘Future Urban’ zone, provided that there is an approved structure plan in place and the development meets the deemed-to-comply requirements of the *Residential Design Codes*.
- City Staff are supportive of the preparation of a *Development Approval Exemption* local planning policy, as it will ensure that these development types are assessed in a consistent manner across all urban development areas. It will also reduce application processing times and the fees levied on developers.
- It is requested that Council resolves to prepare a *Development Approval Exemption* local planning policy.

**RECOMMENDATION**

**PD114: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, in pursuance of Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PREPARE a *Development Approval Exemption* local planning policy.**

**BACKGROUND**

4. The purpose of the ‘Future Urban’ zone is to identify land for development and to facilitate the preparation of a structure plan, which is then used to guide the coordinated subdivision and development of the land.
5. Formerly, a structure plan would have introduced a ‘Residential’ zoning and residential density code over any area intended for the development of housing. However, the *Planning and Development (Local Planning Schemes) Regulations 2015* have altered the status of structure plans so that they can no longer implement a zoning or a residential density code.

6. Many of Albany’s current development areas are zoned ‘Future Urban’ and are subject to structure plans, which had effectively zoned the land ‘Residential’ and applied a residential density code. This meant that development approval was not required for the erection or extension of a single house on a lot or the erection or extension of any ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, verandah, garage, carport, or swimming pool on the same lot as a single house or grouped dwelling in these areas, provided that the development satisfied the deemed-to-comply requirements of the *Residential Design Codes*.
7. However, the recent change to the status of structure plans means that the ‘Future Urban’ zone remains and the *Residential Design Codes* do not apply to the land. Therefore, the development approval of local government is required for any development, even if it satisfies the deemed-to-comply requirements of the *Residential Design Codes*.
8. The City of Albany is aware that the requirement to obtain development approval for development in the affected areas is an impost on developers, due to increased application processing times and additional planning fees.
9. Consequently, it has been determined to prepare a *Development Approval Exemption* local planning policy, with the aim of exempting the development types outlined in paragraph six from requiring development approval on land within in the ‘Future Urban’ zone, provided that there is an approved structure plan in place over the land and the development satisfies the deemed-to-comply requirements of the *Residential Design Codes*.
10. The City of Albany *Local Planning Policy Manual* was originally adopted by Council on 14 December 2010 and collated all of the City’s local planning policies in one document for ease of use. The policies deal with various planning and development matters within the Local Planning Scheme area and assist the local government in making decisions under the Scheme. Following its initial adoption, the *Local Planning Policy Manual* underwent a number of revisions, including a comprehensive update to align with *Local Planning Scheme No. 1* on 27 May 2014, which included a change of title to *Local Planning Scheme No. 1 Policy Manual*.
11. The *Planning and Development (Local Planning Schemes) Regulations 2015* permit a local government to prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

**DISCUSSION**

12. As outlined above, the main objective of the *Development Approval Exemption* local planning policy will be to exempt the development types outlined in paragraph six from requiring the development approval of local government within the ‘Future Urban’ zone, provided that there is an approved structure plan in place and the development meets the deemed-to-comply requirements of the *Residential Design Codes*.
13. This will effectively mirror the previous situation that existed, where a structure plan would have introduced a ‘Residential’ zoning and residential density code over any area intended for the development of housing.
14. It is also considered that the permissibility of the development types outlined in paragraph six within the ‘Future Urban’ zone should draw a parallel to their permissibility in the ‘Residential’ zone, as the objectives for the ‘Future Urban’ and ‘Residential’ zones are very similar:

Zone	Model Scheme Objective
Future Urban	To provide for a range of residential densities to encourage a variety of residential accommodation.

Residential	To provide for a range of housing and a choice of residential densities to meet the needs of the community.
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15. The preparation of a *Development Approval Exemption* local planning policy will also eliminate the need for separate planning and building approvals in many cases. This will reduce both application processing times and the fees that must be paid to the City, which is to the benefit of developers.

## GOVERNMENT & PUBLIC CONSULTATION

16. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local government must pass a resolution to prepare a local planning policy, prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.

## STATUTORY IMPLICATIONS

17. Schedule 2, Part 2, Division 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows a local government to prepare a local planning policy:

### **“3. Local planning policies**

- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.”*

18. Schedule 2, Part 2, Division 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for making a local planning policy:

### **“4. Procedure for making a local planning policy**

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows...*

- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*

- (3) *After the expiry of the period within which submissions may be made, the local government must –*

- (a) *review the proposed policy in light of any submissions made; and*

- (b) *resolve to –*

- (i) *proceed with the policy without modification; or*

- (ii) *proceed with the policy with modification; or*

- (iii) *not to proceed with the policy.*

- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulation in the Scheme area.*

- (5) *A policy has effect on publication of a notice under subclause (4).”*

19. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

20. There are no policy implications directly relating to this item.

**RISK IDENTIFICATION & MITIGATION**

21. The following indicates the risk to the City in resolving to advertise a local planning policy:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b></p> <p>The preparation of a <i>Development Approval Exemption</i> local planning policy may be perceived as the City showing an overly permissive attitude to development, particularly in light of the potential fee income that would be lost.</p>	Unlikely	Minor	Low	The City can clearly justify its reasons for preparing a <i>Development Approval Exemption</i> local planning policy if it will reduce pressure on officer time, even with the loss of fee income.

**FINANCIAL IMPLICATIONS**

22. The preparation of a *Development Approval Exemption* local planning policy will exempt the development types outlined in paragraph six from requiring development approval and, by extension, reduce the amount of fee income received by the City. However, the City’s Planning and Development Directorate has already been charging the minimum \$147 application fee for development applications on affected lots as a gesture of goodwill, in view of the changed circumstances, and to reflect the amount of work involved in assessing developments that satisfy the deemed-to-comply requirements of the *Residential Design Codes*.

23. By exempting development from requiring development approval in the circumstances outlined above, the City will receive less income from planning fees. However, this will be offset by the reduction in officer time spent on processing applications for developments that were formerly exempt from requiring development approval.

**LEGAL IMPLICATIONS**

24. There are no legal implications directly relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

25. There are no environmental considerations directly relating to this item.

**ALTERNATE OPTIONS**

26. Council may consider alternate options in relation to this item, such as:

- To resolve to prepare a *Development Approval Exemption* local planning policy to address matters in addition to, or in lieu of those contained within the Officer’s recommendation; or
- To resolve not to prepare a *Development Approval Exemption* local planning policy.

**SUMMARY CONCLUSION**


27. The preparation of a *Development Approval Exemption* local planning policy will ensure that these development types are assessed in a consistent manner across all urban development areas. It will also reduce application processing times and the fees levied on the local building industry.
28. On this basis, it is recommended that Council resolves to prepare a *Development Approval Exemption* local planning policy.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy 2010</i></li> <li>3. <i>City of Albany Strategic Community Plan 2023</i></li> <li>4. <i>City of Corporate Business Plan 2013-2017</i></li> <li>5. <i>Lower Great Southern Strategy</i></li> <li>6. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	CM.STD.7 (All Wards)
<b>Previous Reference</b>	:	<p>OCM – 17/07/2001 – Item 11.3.2</p> <p>OCM – 18/09/2001 – Item 11.3.2</p> <p>OCM – 16/08/2005 – Item 11.1.1</p> <p>OCM – 19/10/2010 – Item 2.7</p>

**PD115: RE-NAMING OF CULL ROAD / MUELLER STREET, LOCKYER**

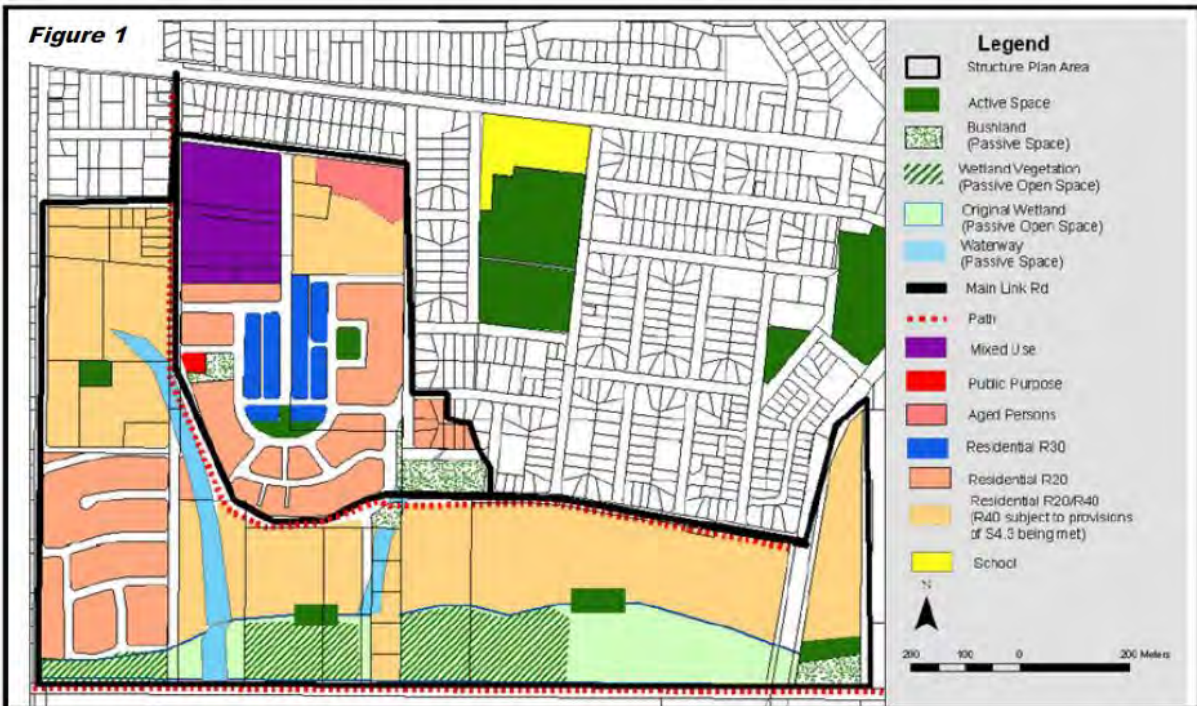
**Land Description** : Cull Road & Mueller Street, Lockyer  
**Proponent** : City of Albany  
**Owner** : Nil  
**Business Entity Name** : Nil  
**Attachments** : 1. South Lockyer Structure Plan  
: 2. Landowner road name selection form  
**Supplementary Information & Councillor Workstation:** : Nil  
**Report Prepared by** : Land Officer (A Veld)  
**Responsible Officer** : Executive Director Planning and Development Services (D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This proposal is consistent with the strategic direction set in the *South Lockyer Structure Plan*.
2. Maps and Diagrams:



**In Brief:**

- The City of Albany is about to begin construction of a section of road that will connect Cull Road and Mueller Street. This conforms with the South Lockyer Structure Plan. As the roads are effectively being joined into one continuous road, the State Government requires the road to have a single name. Street numbering will also be affected by the proposal.
- The road re-naming proposal has been advertised for public comment, referred to service agencies and affected landowners in accordance with the requirements of the Geographic Names Committee *Policies and Standards for Geographic Naming 2005*.
- Council is requested to consider the landowner road name preferences and the impacts to residents on both Mueller Street and Cull Road with regards to street address changes. The City recommends Council support the recommendation to rename the road to Mueller Street for its entire length.

**RECOMMENDATION**

**PD115: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council resolves to support the renaming of Cull Road to Mueller Street.**

**BACKGROUND**

3. The South Lockyer Structure Plan (SLSP) was created to guide future development of the area. Part of the SLSP identified creation of 'main link' roads to direct traffic flow, one of which was the connection of Cull Road and Mueller Street to form one through road.
4. In accordance with the requirements of the Geographic Names Committee *Policies and Standards for Geographic Naming 2005*, the road requires only one road name be applied to the whole road extent and the new road name needs to have a majority support from all affected landowners.
5. Three road name options were proposed by City staff - Cull Road, Mueller Street & Gilbert Drive. Letters were sent to affected landowners asking for their preference (see attached landowner road name selection form). Of the 47 landowners consulted 27 preference forms were returned.
6. The proposed road re-naming was advertised for public comment and also referred to service agencies. No submissions were received from the public and one submission was received from Western Power with no objection to the proposal.

**DISCUSSION**

7. The landowner consultation process resulted in an equal number of preferences for Cull Road and Mueller Street. Of the 47 landowners contacted, 27 submissions were received -12 for Cull Road, 12 for Mueller Street and 3 for Gilbert Drive. Therefore there was no clear majority preference for the proposed road re-naming (as required by the Geographic Names Committee).
8. The City investigated the potential impact on street numbering. Currently Cull Road street numbers start at 34 Cull Road and end with 91 Cull Road at the intersection of South Coast Highway (due to the southern section of Cull Road being previously re-named Greyhound Circle). If Cull Road were to be chosen then properties on Cull

Road would still need to undergo a street number change to ensure addressing continuity along the entire through road. This may result in mail being delivered to the wrong address. For example 34 Cull Road could possibly change to 68 Cull Road, a street address that is currently in use.

9. In comparison property numbering in Mueller Street starts (with 2 Mueller Street) at the roads intersection with Hanrahan Road and ends with 40 Mueller Street. A continuation of the name Mueller Street would result in a continuation of the current street numbering. This will reduce the number of properties that will be impacted by the proposal. Should Council decide to re-name the entire road Cull Road all 47 properties will need to undergo a change to their street address. However if Mueller Street were chosen then only those properties on Cull Road will be affected. Therefore it is recommended that Council support re-naming of Cull Road as a continuation of Mueller Street.

### GOVERNMENT & PUBLIC CONSULTATION

10. The proposed road re-naming was advertised in accordance with the requirements of the Geographic Names Committee *Policies and Standards for Geographic Naming 2005* from 12 November 2015 to 18 December 2016 by placement of an advertisement in the local newspaper. Letters were sent to all affected landowners on Cull Road and Mueller Street which included a road name preference form which was to be returned to the City by individuals. Letters were also sent to service agencies, asking for comments on the proposal.

### STATUTORY IMPLICATIONS

11. There are no statutory implications.
12. Voting requirement for this item is **SIMPLE MAJORITY**

### POLICY IMPLICATIONS

13. The proposal is considered to be consistent with the *South Lockyer Structure Plan*.

### RISK IDENTIFICATION & MITIGATION

14. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Organisational Operations and Reputation</b> <i>Supporting this proposal could lead to Cull Road landowners believing their road name preference has not been adequately considered.</i>	<i>Likely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Letter to landowners outlining the assessment process that led to the decision.</i>

### FINANCIAL IMPLICATIONS

15. There will be a minor cost of approximately \$500 to put a public notice in the local paper, announcing the Council resolution. There may be a small cost associated with the supply of new letterbox numbers to those residents impacted by the resolution. Both these costs can be accommodated in the current Land Administration budget.
16. There will be no costs associated with mail redirection. The City of Albany and Landgate have processes in place to change address details with service providers at no cost.



**LEGAL IMPLICATIONS**

17. There are no legal implications directly relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

18. There are no environmental implications directly relating to this item.

**ALTERNATE OPTIONS**

19. Council may consider alternate options in relation to this item, such as:

- To resolve to re-name the road Cull Road; or
- To resolve re-name the road Gilbert Drive.

**SUMMARY CONCLUSION**

20. It is recommended that Council support the responsible officer's recommendation to rename Cull Road as a continuation of Mueller Street. The proposal is consistent with the strategic direction currently set within the *South Lockyer Structure Plan* and will result in the least number of residents being affected by street address changes.

<b>Consulted References</b>	:	1. <i>South Lockyer Structure Plan</i> 2. <i>Geographic Names Committee Policies and Standards for Geographic Naming 2005</i>
<b>File Number (Name of Ward)</b>	:	RD.NAM.1 (Vancouver Ward)
<b>Previous Reference</b>	:	NIL

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
16. **REPORTS OF CITY OFFICERS**
17. **MEETING CLOSED TO PUBLIC**
18. **CLOSURE**