



AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

02 March 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: 1st 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 –02/03/2016

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	REPORTS OF MEMBERS	5
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
7.	PUBLIC QUESTION TIME	5
8.	APPLICATIONS FOR LEAVE OF ABSENCE	5
9.	PETITIONS AND DEPUTATIONS	5
10.	CONFIRMATION OF MINUTES	5
11.	PRESENTATIONS	5
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
13.	MINUTES AND RECOMMENDATIONS OF COMMITTEES	5
PD117	CONSIDERATION OF SCHEME AMENDMENT – LOT 734 BARKER ROAD, CENTENNIAL PARK	6
PD118	CONSIDERATION OF MODIFICATIONS TO THE BIG GROVE OUTLINE DEVELOPMENT PLAN	12
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	20
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	20
16.	REPORTS OF CITY OFFICERS	20
17.	MEETING CLOSED TO PUBLIC	20
18.	CLOSURE	20

PLANNING AND DEVELOPMENT COMMITTEE
AGENDA –02/03/2016

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

Minutes

J Cobbold

Apologies:

PLANNING AND DEVELOPMENT COMMITTEE
AGENDA –02/03/2016

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 03 February 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS / DISCUSSION

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

**PD117: CONSIDERATION OF SCHEME AMENDMENT – LOT 734
BARKER ROAD, CENTENNIAL PARK**

Land Description : Lots 734 Barker Road, Centennial Park
Proponent : Harley Dykstra Pty Ltd
Owner : Portstyle Enterprises Pty Ltd
Business Entity Name : Portstyle Enterprises Pty Ltd
Directors : Brian William Backhouse, James Arthur Richards,
Douglas Charles Buckley
Attachments : 1. Schedule of Submissions and Modifications
2. *Local Planning Scheme Amendment No. 16* report
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 27 October 2015, Council adopted a local planning scheme amendment to modify Schedule 4 – Special Use Zones No. SU17 to include ‘Park Home Park’ as a land use with ‘D’ permissibility under Condition 1, and to insert a new Condition 6 stating that:

“The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the Residential Design Codes as well as the Caravan Parks and Camping Grounds Regulations 1997”.

- The local planning scheme amendment was advertised from 3 December 2015 to 21 January 2016 for public comment and referred to public authorities in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- A total of six submissions were received during the advertising period. Three submission were received from public authorities and three from members of the public.
- City planning Staff support the proposal, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will allow the management of the approved ‘Grouped Dwelling’ development on the subject lot as a ‘Park Home Park’ or ‘lifestyle village’, while ensuring that the development is to a permanent residential standard, in accordance with the *Residential Design Codes*.
- Council is requested to consider the submissions received following public advertising and referral and to support the local planning scheme amendment.

RECOMMENDATION

PD117: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, without modification, Amendment No. 16 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Modifying Schedule 4 – Special Use Zones No. SU17, Condition 1 to include ‘Park Home Park’ as a land use with ‘D’ permissibility; and
 - (2) Modifying Schedule 4 – Special Use Zones No. SU17, to insert a new Condition 6 stating ‘The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the *Residential Design Codes* as well as the *Caravan Parks and Camping Grounds Regulations 1997*’.
2. RECOMMENDS to the Western Australian Planning Commission that the scheme amendment report is modified to improve its consistency with other legislation and include sections addressing *Planning Bulletin 49 – Caravan Parks* and *Planning Bulletin 71 – Residential Leasehold Estates and Development*.

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. 16 has been prepared to seek modifications to Schedule 4 – Special Use Zones No. SU17 to include ‘Park Home Park’ as a land use with ‘D’ permissibility under Condition 1, and to insert a new Condition 6 stating that:

“The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the Residential Design Codes as well as the Caravan Parks and Camping Grounds Regulations 1997”.

6. The subject lots are located approximately 1.1 kilometres north-west of Albany town centre and have an area of approximately 2.7 hectares. The land is relatively flat, with a very slight fall to the north, toward Yakamia Creek. An area of approximately 6000m² is occupied on the south-eastern corner of the lot by an existing indoor volleyball centre and associated car park. The north-eastern portion of the site is currently being developed with ‘Grouped Dwellings’, using transportable units.

7. The subject lot is separated from the lots to the west by an open drain that feeds into Yakamia Creek, and is covered by the ‘Parks and Recreation’ local scheme reserve. The three lots to the west of the drain are zoned, from north to south, as ‘Special Use’ (No. SU16), ‘Tourist Residential’ with an R30/50 split density code and ‘Caravan and Camping’. These lots are developed with a place of worship, a park home park and a caravan park respectively. The land to the south of the subject lot is zoned ‘Regional Centre Mixed Business’ and most lots are developed with light industrial units. The land to the east of the subject lot is zoned ‘Light Industry’ and developed with a mixture of commercial and light industrial land uses. The land to the north is covered by the ‘Parks and Recreation’ local scheme reserve and is developed with the Albany Leisure and Aquatic Centre, a public car park and sports ovals.

8. The amendment document states that:

“The purpose of the proposal is to simplify the management of the subject site in the long term and not to modify the form of development that will eventuate. In simple terms, the difference between a grouped dwelling and park home park is summarised in the following:

- *Within a park home park, the owner of the park will pay for the ownership of the park home, with a lease being paid to the manager for upkeep of common area and facilities as well as the use of the site. It is then the manager’s responsibility to organise park home park maintenance.*
- *Within a grouped dwelling, each of the dwellings can either be leased and remain under a single ownership, or should a survey-strata subdivision be completed, each of the individual units can be owned as a separate entity. An annual payment is made to the body corporate for upkeep and maintenance of the facility.*

The predominant benefit of a park home park is that it is a lock and leave facility. In most cases, all gardens and common areas are managed separate to the owners of the park homes, thus removing responsibility and providing for a well maintained facility in the long run. This type of development is well suited to retirees, as it enables them to

have a home at a relatively cheap price, whilst allowing them to leave and travel should they wish. In many cases, park home park development results in better management and maintenance of landscaping and infrastructure to ensure that the whole complex maintains a high amenity at all times, which is not always achieved in large grouped housing development with individual strata owners.

Within a survey-strata subdivision, the arrangement can be more complicated. These properties are normally managed by a body corporate, which is usually composed of owners, who arrange and determine maintenance, manage the budget of spending to be undertaken and other tasks. In a park home park, this is all managed separate to the owners of the dwellings, whilst still allowing them to own and occupy a permanent home”.

DISCUSSION

9. The City’s planning Staff support the proposed modifications to Schedule 4 – Special Use Zones No. SU17. The modifications will allow the management of the approved ‘Grouped Dwellings’, utilising transportable units, as a ‘Park Home Park’ or ‘lifestyle village’, while ensuring that the development is to permanent residential standards, in accordance with the *Residential Design Codes*. The proponent has outlined the various benefits to the ‘lifestyle village’ model, rather than a more traditional ‘Grouped Dwelling’ development:
 - The development of the site as a ‘lifestyle village’ will facilitate the provision of communal facilities, such as a clubhouse. It will also allow the establishment of a village park liaison committee that would maintain better standards for the village, consider the use of facilities, such as a clubhouse, organise activities for residents, etc.
 - ‘Lifestyle villages’ are administered under the *Residential Parks (Long-stay Tenants) Act 2006*, which provides clearer guidance for both the operator and tenants in terms of obligations and benefits. The Act provides more clearly for ‘park rules’ to be made for the communal benefit of the residents and may address matters such as noise management, parking and the use of communal areas.
 - Home alterations and additions can be controlled more effectively through the ‘lifestyle village’ model, by setting rules and requirements. The proponent considers that this more effective form of management will lead to higher standards of design and residential amenity.
 - The ‘lifestyle village’ model can allow residents to access rent assistance, dependent on their circumstances.
10. The proponent has also stated that the developer has no intention to run ‘short-stay’ or caravan park-style rental. The intention is to develop the site as a ‘lifestyle village’ comprising long-term tenants who own their home, but lease the home site. The tenants will be owner-occupiers and have a vested interest in how the development is managed.
11. The proposal is considered to be consistent with the current strategic direction set by the *Albany Local Planning Strategy*, which identifies the site as part of the ‘City Centre’ area and sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity. The Strategy states that it is expected that the Albany City Centre will support new medium-density (R30 to R60) residential developments.
12. After informal discussion with the Department of Planning, the City requested that the proponent refine the scheme amendment report and include additional sections addressing the objectives of *Planning Bulletin 49 – Caravan Parks* and *Planning Bulletin 71 – Residential Leasehold Estates and Development*. The proponent has submitted a draft revised scheme amendment report addressing these matters, and it is

recommended that Council make a recommendation to the Western Australian Planning Commission that the scheme amendment report is modified accordingly.

GOVERNMENT & PUBLIC CONSULTATION

13. The amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* from 3 December 2015 to 21 January 2016 by direct referral to affected and adjoining/nearby landowners and public authorities, and advertisement in the local newspaper.
14. The three submissions received from public authorities during the advertising and referral process did not raise any objection to the proposal.
15. A further three submissions were received from the developers of the lifestyle village, expressing support for the amendment.

STATUTORY IMPLICATIONS

16. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
17. 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.
18. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
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 risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation <i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>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. No objections from Government Agencies or Public received.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

24. There are no environmental issues affecting this proposal. The undeveloped portion of the subject lot is cleared of native vegetation and covered in grass. Stormwater drainage and its potential impact on Yakamia Creek has been addressed as a component of the development application for the approved ‘Grouped Dwellings’ on the northern portion of the lot. The lot is connected to reticulated sewer.

ALTERNATE OPTIONS

25. Council has the following alternate options in relation to this item, which are:

- 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

26. It is recommended that Council adopt Local Planning Scheme Amendment No. 16, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will allow the management of the approved ‘Grouped Dwellings’ as a ‘Park Home Park’ or ‘lifestyle village’, while ensuring that the development is to a permanent residential standard, in accordance with the *Residential Design Codes*.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>
File Number (Name of Ward)	:	LAMD16 (Frederickstown Ward)
Previous Reference	:	O.C.M. 27/10/2015 – Item PD099

**PD118: CONSIDERATION OF MODIFICATIONS TO THE BIG GROVE
OUTLINE DEVELOPMENT PLAN**

Land Description : Lot 2, 887 Frenchman Bay Road, Big Grove
Proponent : Gordon G Smith
Owner : G E Vasiliu
Business Entity Name : Nil
Attachments : Modified Outline Development Plan document
Supplementary Information & : Copy of submissions
Councillor Workstation
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 inconsistent with the strategic direction set in the *Albany Local Planning Strategy*, as it seeks to create residential lots without full urban services, specifically reticulated sewer.

Maps and Diagrams:



In Brief:

- A request was submitted to Council to consider modifications to the *Big Grove Outline Development Plan*. The proposed modifications seek to identify a portion of Lot 2, 887 Frenchman Bay Road, Big Grove as suitable for subdivision to the Residential R5 density code (minimum lot size 2000m²), rather than the indicated R10 (minimum lot size 1000m²), and to remove the requirement for all new lots to be connected to reticulated sewer.
- The proposed modifications were advertised from 17 December 2015 to 14 January 2016 for public comment and referred to public authorities, in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- A total of five submissions were received during the advertising period. Four submissions were received from public authorities and one from a member of the public. These submissions are discussed in detail in paragraphs 15. To 19. It is not a statutory requirement to present them in a schedule.
- City Planning staff do not support the proposal, as it is:
 - Inconsistent with the strategic direction set within the *Albany Local Planning Strategy*;
 - May adversely impact the viability of development within the balance of the *Big Grove Outline Development Plan* area; and
 - Could create an unwanted precedent leading to other developers seeking to subdivide the land to larger lots, without reticulated sewer, eroding the intent of the *Big Grove Outline Development Plan*.
- Council is requested to consider the submissions received following public advertising and referral and to recommend to the Western Australian Planning Commission that it does not support the proposed modifications to the *Big Grove Outline Development Plan* for the reasons outlined above.

RECOMMENDATION

PD118: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

RESOLVES to recommend to the Western Australian Planning Commission that it does not approve the modifications to the *Big Grove Outline Development Plan*, for the following reasons:

- **The proposal is inconsistent with the strategic direction set within the *Albany Local Planning Strategy*, as it seeks to create residential lots without full urban services;**
- **Removal of the requirement to connect to reticulated sewer may adversely impact the viability of development within the balance of the *Big Grove Outline Development Plan* area; and**
- **Permitting larger (2000m²+) lots within the *Big Grove Outline Development Plan* area, without reticulated sewer, could create an unwanted precedent leading to other developers seeking to subdivide the land in the same fashion, eroding the intent of the Plan.**

BACKGROUND

4. At its Ordinary Meeting on 16 August 2011, Council adopted the *Big Grove Outline Development Plan*, which was designed to facilitate staged development of the area. The Outline Development Plan report proposes:
- Ultimate development potential of between 800 and 1000 residential dwellings, the majority traditional residential lots of R17.5 density;
 - A number of larger rural residential lots within the water protection area and R10 sites on the eastern and western edges;
 - Some areas of R25 cottage lots and R30 grouped dwellings in locations of highest amenity;
 - A primary school and village centre which maximises access to passing trade along Frenchman Bay Road;
 - An increased foreshore reserve of around 80 metres. The foreshore area is to be upgraded as each abutting owner develops in accordance with a Foreshore Management Plan (subject to the approval of the City), incorporating landscape enhancement, best practice foreshore management and a dual use path;
 - A potential low key foreshore node and mixed use development on the foreshore (subject to further design detail and approvals);
 - A modified grid road layout, footpaths and cycle facilities to maximise permeability and access, with key routes leading down to and focussing on the harbour frontage;
 - A public open space landscape buffer along Frenchman Bay Road to limit the visual impact of the development along this route and maintain the vegetated, semi-rural character of the area;
 - Provision of approximately 11.05 hectares creditable public open space (12.38 hectares total including non-creditable public open space), of differing types and attributes, in addition to the foreshore, and being 1.16 hectares in excess of the 10% public open space requirement.
 - Retention of important environmental features including stands of karris on Lots 1, 2 and 110, possum habitat and vegetation linkages to surrounding reserves, as well as further opportunities for better quality remnant vegetation in open space areas and landscaping of road reserves;
 - Fire protection zones around the periphery of the site, and abutting retained vegetation;
 - Design guidelines to maintain the semi-rural and tourism character and limit visual impact;
 - Contemporary urban water management including integrated drainage swales in open space, use of water-wise plantings, and provision of rainwater tanks to lot purchasers to promote rainwater harvesting.
5. The Plan was subsequently endorsed by the Western Australian Planning Commission on 2 May 2012.

DISCUSSION

6. The subject land is located approximately 6.8 kilometres south-south-east of Albany town centre and has an area of approximately 9.4 hectares. The land has very gently sloping topography and is largely covered by vegetation, comprised of two clusters of remnant natural bush and a large eucalypt plantation. A small part of the lot, at its northern extent, has been cleared and developed with a single house and associated outbuildings.

7. The subject land is generally surrounded by 'Parks and Recreation' local scheme reserves, with the exception of the 'Future Urban' zoned lots to the west, which comprise the remainder of the *Big Grove Outline Development Plan* area.
8. The proposed modifications to the *Big Grove Outline Development Plan* have been prepared to identify a portion of Lot 2, 887 Frenchman Bay Road, Big Grove as suitable for subdivision to the Residential R5 density code (minimum lot size 2000m²), rather than the presently indicated R10 (minimum lot size 1000m²), and to remove the requirement for all new lots to be connected to reticulated sewer.
9. The proponent has stated that:

"In essence the submission seeks modification to the Text and Map of the Big Grove Outline Development Plan such that it will provide for the subdivision of that part of Lot 2, coded R10 in that Plan, into lots of 2000m²+ without the need to connect to a reticulated sewerage service as presently required."
10. The proposed modifications to the *Big Grove Outline Development Plan* are inconsistent with the strategic direction set in the *Albany Local Planning Strategy*, which identifies the Outline Development Plan area for the development of a fully-serviced urban expansion.
11. Modification of the Plan to allow for the subdivision of lots to the Residential R5 density code (minimum lot size 2000m²), and for those lots to utilise on-site effluent disposal systems, will result in a greater proportion of the cost of a sewer network expansion being pushed onto adjoining landowners, adversely impacting the viability of developing the wider area to a fully-serviced urban standard.
12. Permitting the proposed modifications may also set an unwanted precedent for the creation of larger, un-serviced lots in the area, leading to other landowners to seek subdivision in the same fashion, eroding the intent of the *Big Grove Outline Development Plan*. This would also further undermine cost-sharing arrangements to provide an extension of the sewer network to service new lots.
13. Due to recent regulatory changes, introduced by the *Planning and Development (Local Planning Schemes) Regulations 2015* on 19 October 2015, a structure plan can no longer implement an R-Code and the Western Australian Planning Commission is only required to have due regard to a structure plan when determining an application for subdivision. On this basis, the proponent may lodge a subdivision seeking to vary the provisions of the *Big Grove Outline Development Plan*.
14. Due to the concerns raised in this report, planning Staff recommend that Council does not support the proposed modifications to the *Big Grove Outline Development Plan*.

GOVERNMENT & PUBLIC CONSULTATION

15. The proposed modifications to the *Big Grove Outline Development Plan* were advertised in accordance with the requirements of Schedule 2, Part 4, clause 18 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, from 17 December 2015 to 14 January 2016 by direct referral to affected and adjoining/nearby landowners and public authorities.
16. The four submissions received from public authorities during the advertising and referral process did not raise any objection to the proposal. The Department of Health has advised that any future development to the R17.5 density coding should be connected to reticulated sewer. The Department of Water has advised that any development that is not connected to reticulated sewer should utilise alternative treatment units for on-site effluent disposal, to avoid nutrient export to Princess Royal Harbour.

17. Only one public submission was received, on behalf of an adjoining landowner, which raises a number of issues that can be summarised as follows:
- a) Our client is generally supportive of low density (R5) subdivision with on-site effluent disposal occurring on the subject site.
 - b) The proposed modifications do not acknowledge or respect the approved east-west connector road network between Lot 2 and Lot 1. The approved *Big Grove Outline Development Plan* shows six roads connecting the two lots, however the modifications proposed show only two points of connection – one to the north and one to the south of Lot 2.
 - c) The approved *Big Grove Outline Development Plan* incorporates a cul-de-sac to the north of Lot 2, providing public access to the future foreshore reserve. This is the sole connection for public access to the eastern foreshore of Big Grove, and also provides road frontage to the adjoining medium density R30 precinct.
 - d) The modifications to *Big Grove Outline Development Plan* show the cul-de-sac to Lot 2 deleted, and this area being included within a homestead lot. This will result in no public access to the future foreshore reserve being available. Furthermore, access to this future foreshore reserve will become exclusive to residents of the proposed homestead lot.
 - e) There are no connecting roads from Frenchman Bay Road to Lot 2 currently constructed or proposed to be constructed in the modifications to the *Big Grove Outline Development Plan*. Irrespective of the timeframes for development, should subdivision of Lot 2 be sought prior to subdivision of our client's land, it will result in Lots with no access to or from Frenchman Bay Road.
 - f) Appendix 3A and 3B of the proposed modifications show removal of the medium density residential precinct located to the northern portion of Lot 2 abutting the future foreshore reserve, with this area incorporated into a larger homestead lot.
 - g) This is one of only two medium density residential precincts within the entire *Big Grove Outline Development Plan*. Removal of this precinct and replacement with a homestead lot would reduce the diversity of lot mix, impact on affordability, reduce efficient use of the land, and compromise the overall intention and amenity of the *Big Grove Outline Development Plan*.
 - h) It is unclear from Appendix 3A and 3B if the modifications to the submission respect, or include, the approved future foreshore reserve, road network, DAP requirement and medium density residential area located to the northern portion of Lot 2.
 - i) The notation "*Homestead Lot as per ODP*", is vague and uncertain. The *Big Grove Outline Development Plan*, supporting studies and documentation neither support nor propose a homestead lot to the subject site. Removal of these elements of the *Big Grove Outline Development Plan* would not be supported, as outlined in earlier sections of this submission.
 - j) In addition to the future foreshore reserve, the proposed modifications also exclude the "*Physical Process and Foreshore Reserve Setback Required by the Department of Planning*".
 - k) Our client does not object to an amendment to the Outline Development Plan reducing residential densities from R10 to R5, or this portion of Lot 2 not being serviced by reticulated sewer; however, the submission prepared by Gordon Smith for modifications to the *Big Grove Outline Development Plan* ignores or omits various other elements that provide important functions within the approved *Big Grove Outline Development Plan*.

- l) Any alterations to the approved layout including road network, residential precincts or foreshore reserve would be opposed for reasons outlined within this submission.
- m) Furthermore, the *Big Grove Outline Development Plan* requires our client’s land (Lot 1) to be subdivided prior to subdivision of Lot 2 to enable vehicle access to Lot 2. The proposed modifications appear to ‘leapfrog’ orderly and proper planning and risk compromising the overall intention of the *Big Grove Outline Development Plan*.
18. The proponent has submitted a response to the comments received during consultation, emphasising that the only modifications proposed to the *Big Grove Outline Development plan* are:
- Reduction in the allocated R10 R-Code density to R5; and
 - Removal of the provision requiring all development within the Outline Development Plan area to be connected to reticulated sewer to be removed, insofar as it relates to Lot 2, 887 Frenchman Bay Road.
19. The proponent states that the in-principle support offered by the adjoining land owner is welcomed, but contends that the other matters raised in the submission are not relevant to the proposal, as the diagrams submitted in support of the modifications are schematic only and do not necessarily indicate a proposed subdivision layout.

STATUTORY IMPLICATIONS

20. Regulation 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that:

“(1) A planning instrument made under the Act before commencement day and in accordance with the repealed regulations or a State planning policy continues in force as if it were a planning instrument of the same type made under the Act in accordance with these regulations.

(2) For the purposes of sub regulation (1), an instrument of a type referred to in column 2 of the Table is to be taken to be a planning instrument of the type referred to in column 3 of the Table.”

Table

Item	Type of Instrument	Type of planning instrument
1.	<i>Outline development plan Development plan Subdivision guide plan</i>	<i>Structure Plan</i>
2.	<i>Activity centre structure plan</i>	<i>Activity centre plan</i>
3.	<i>Detailed area plan</i>	<i>Local development plan</i>

21. Amendments to structure plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
22. Schedule 2, Part 4, clause 19(1) requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.

23. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
24. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

26. The following risk matrix is presented for consideration:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation</p> <p>Noting that structure plans are no longer binding, the <i>Big Grove Outline Development Plan</i> may not be given due regard by developers during the subdivision process.</p>	Likely	Moderate	Medium	The <i>Big Grove Outline Development Plan</i> is based on sound planning principles. Any further variation or request to deviate from the Plan would be assessed against the intent of the Plan and relevant Western Australian Planning Commission Development Control Policies.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

29. The subject lot is located approximately 6.8 kilometres south-south-east of Albany town centre. It has an area of approximately 9.4 hectares and slopes gradually downward from south to north between Frenchman Bay Road and the Princess Royal Harbour foreshore reserve. The lot is mostly vegetated, with a band of remnant natural bush fronting Frenchman Bay Road, a eucalypt plantation behind, covering approximately half of the lot area, and another band of remnant natural bush beyond. The remaining portion of the lot, nearest the harbour, has been cleared and developed with a single house and two associated outbuildings. These stand immediately adjacent to the eastern lot boundary and are accessed by a constructed gravel driveway that follows the fence line from Frenchman Bay Road.
30. The environmental implications of the *Big Grove Outline Development Plan* have been previously assessed. The proposed modifications do not introduce any new issues, other than the potential for nutrient export to Princess Royal Harbour, should on-site effluent disposal systems be permitted on new lots. However, the Department of Water has advised that this could be mitigated by the use of alternative treatment units for effluent disposal.

ALTERNATE OPTIONS

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

- Recommending to the Western Australian Planning Commission that it approves the proposed modifications to the *Big Grove Outline Development Plan*.

SUMMARY CONCLUSION

32. It is recommended that Council recommend to the Western Australian Planning Commission that it does not support the proposed modifications to the *Big Grove Outline Development Plan*, as they are:

- Inconsistent with the strategic direction set within the *Albany Local Planning Strategy*;
- May adversely impact the viability of development within the balance of the *Big Grove Outline Development Plan* area; and
- Could create an unwanted precedent, leading to other developers seeking to subdivide the land in the same fashion, eroding the intent of the *Big Grove Outline Development Plan*.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Corporate Business Plan 2013-2017</i> 5. WA Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i> 6. <i>Big Grove Outline Development Plan</i>
File Number (Name of Ward)	:	LSP2 (Vancouver Ward)
Previous Reference	:	<p>O.C.M. 14/10/2010 – Item 1.3 O.C.M. 21/06/2011 – Item 2.3 (item withdrawn) O.C.M. 16/08/2011 – Item 2.2</p>

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**