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# **DEVELOPMENT SERVICES**

## **Reports**

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**DEVELOPMENT SERVICES REPORTS**

**11.0 REPORTS – DEVELOPMENT SERVICES**

**11.1 - DEVELOPMENT**

**ITEM NUMBER:** 11.1.1

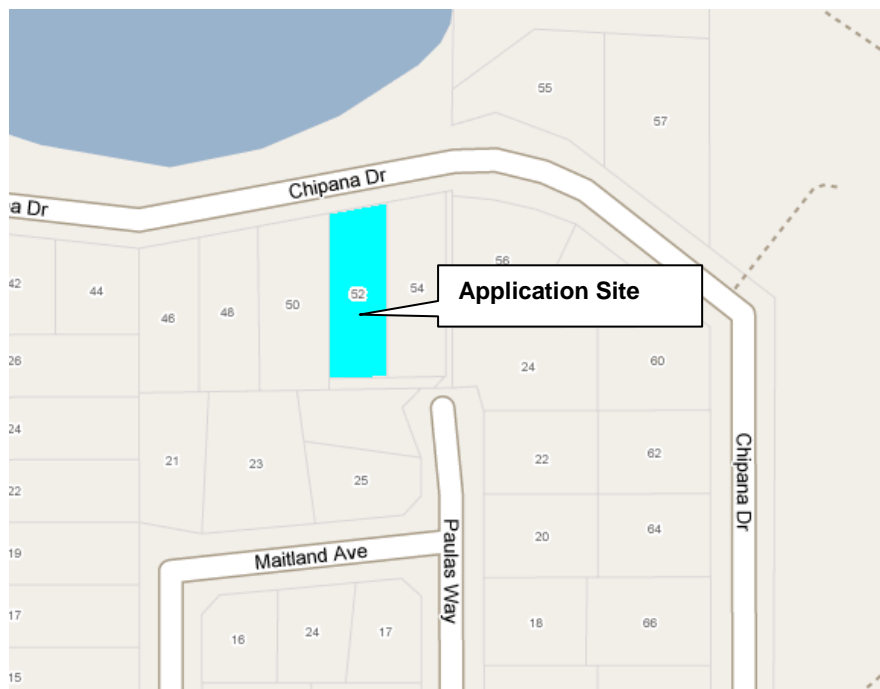
**ITEM TITLE:** DEVELOPMENT APPLICATION – Single House – Outbuilding (overheight walls) – 52 Chipana Drive, Little Grove

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

**Quasi-Judicial Function:** Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand. These decisions are reviewable by the State Administrative Tribunal.

- File Number or Name of Ward** : A202236 - (Vancouver Ward)
- Summary of Key Issues** : Consider a variation of the Council's adopted Outbuildings policy
- Land Description** : 52 Chipana Drive, Little Grove
- Proponent** : P & A Cameron
- Owner** : P & A Cameron
- Reporting Officer(s)** : Planning Officer (T Wenbourne)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Application for Planning Scheme Consent  
Outbuildings Policy

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**BACKGROUND**

1. This application is for a replacement domestic garage at 52 Chipana Drive, Little Grove.
2. The site is 1026m<sup>2</sup> in area and is located within a Residential zoned area of Town Planning Scheme No. 3.
3. The Council Outbuildings Policy was adopted by Council at its meeting on 16 October 2007.
4. The Outbuildings Policy sets the Permitted Development criteria for outbuildings according to the zone and site area. For the subject land the following applies:

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined all outbuildings)	Special Requirements
Residential / Future Urban / Residential Development Zone (Lots 1000m <sup>2</sup> - 4000m <sup>2</sup> )	3.0 metres	4.2 metres	120.0m <sup>2</sup>	If floor area exceeds 60.0m <sup>2</sup> the use of non-reflective materials is required

5. The Outbuildings Policy states that Planning Scheme Consent is only required where the criteria cannot be complied with. Any variations to the policy require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed, with the proposal being presented to an ordinary meeting of Council. Council can use its discretion to permit exceptions to the policy where exceptional circumstances apply.

**DISCUSSION**

6. The application seeks Planning Scheme Consent for a variation of the Outbuildings Policy in respect of the maximum wall height. A domestic outbuilding on this lot has a 3.0m limit for the maximum permitted wall height. The variation requested is an increase of 0.5m, to allow the wall height to be 3.5m.
7. The applicants wish to park their caravan under cover at the rear of their property where they have a secondary street access. This caravan has a fixed air conditioning unit on its roof and in order to afford access a 3.1m height clearance in the doorway is required. According to the applicant, the relaxation to 3.5m is sufficient and this is advanced as the circumstances to justify relaxing the policy in this instance.
8. Although an increased wall height is requested, the ridge height of the roof will not exceed 4.2m, which is the maximum permitted under policy. The proposed building will have a shallow pitched roof and it is considered its scale and built mass will be no more visually prominent in the street scope as a result of the requested relaxation.

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9. The proposed garage is to replace a number of existing domestic outbuildings and at 99.0m<sup>2</sup> would have a slightly larger footprint than the buildings being replaced. It would present a single building facade with a uniform 6.0m setback from the rear property boundary. One of the existing buildings projects approximately 2.0m further south at around 4.0m from the rear boundary.
10. The proposed building would be set back 7.8m from the west boundary and would abut the east boundary where there is currently a detached garage in very close proximity to the adjoining lot. Apparently, the garage on the adjoining lot is intended to be removed. The owner of the adjoining land has been consulted and raises no objection to the proposed nil side setback.
11. In all other respects, the proposed replacement garage complies with the Outbuildings Policy and the R-Codes.

**PUBLIC CONSULTATION / ENGAGEMENT**

12. There has been no neighbourhood consultation / engagement relating to this item. Other than the immediate neighbour has been consulted.  
Staff consider that general consultation (i.e. advertising under clause 6.9.4) is not warranted in this instance.

**GOVERNMENT CONSULTATION**

13. No government consultation relates to this item.

**STATUTORY IMPLICATIONS**

14. The land is zoned “Residential” in Town Planning Scheme 3 (TPS 3). The proposed replacement garage is permissible under the Scheme.
15. Clause 6.9.4 of TPS 3 states;
  - a) *A Town Planning Scheme Policy shall not bind the council in respect of an application for Planning Consent, however, it may require the council to advertise its intention to relax the provisions of the policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
  - b) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submissions lodged, before making its decision.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**FINANCIAL IMPLICATIONS**

16. Should the proponent lodge an appeal with State Administrative Tribunal (SAT) some legal costs would be applicable.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

17. There are no strategic implications relating to this item.

**POLICY IMPLICATIONS**

18. The City of Albany Outbuildings Policy details the permitted/acceptable development criteria for buildings within the City's municipal boundary. The Outbuildings Policy states that Planning Scheme Consent is only required where the criteria cannot be complied with. Any variations to the policy require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an ordinary meeting of Council.
19. The aim of the Outbuildings Policy is to achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality.
20. The Policy allows Council to consider applications outside the guidelines where "exceptional circumstances" apply and provided the aim of the policy is not compromised. It is fair to say that the storage of a caravan does not classify as "exceptional circumstances". The relaxation of a small part of the policy, as requested, does not set a general precedent, as any future applications can be assessed on their individual merits against the aims of the policy. In this instance, the applicant is seeking to garage a caravan; although one requirement of part of the Policy is requested to be varied, the proposed building still meets the remaining criteria in terms of overall height and the cumulative floor area of all outbuildings onsite. The proposal would be located to the side at the end of a minor "No Through Road" and its scale would not be out of keeping with surrounding development. The above circumstances are unique to this proposal.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

21. Council could refuse the application and the applicant would then be entitled to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

**SUMMARY CONCLUSION**

22. The application proposes to construct a domestic outbuilding to replace an existing garage at the rear of the house, accessed from a secondary "No Through Road".

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Item 11.1.1 continued

23. A 0.5m relaxation is sought for the maximum wall height from 3.0m to 3.5m. Due to the design with a shallow roof pitch, the maximum ridge height would not be exceeded. The overall bulk and scale within the street scope is not significantly altered.
24. The proposal outbuilding is considered acceptable and is hereby recommended for approval subject to complying with a number of conditions. Advertising of this application pursuant to clause 6.9.4(A) of TPS 3 is also considered to be unwarranted, given any potential impacts are limited to the immediate neighbour.

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**ITEM NUMBER – 11.1.1 OFFICER RECOMMENDATION : APPROVAL  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a ‘Single House – Outbuilding (Overheight Walls)’ at 52 Chipana Drive, Little Grove subject to the following conditions:**

- a) prior to the commencement of the development hereby approved, details of the proposed outbuilding shall be clad in Colorbond® or other non-reflective materials;  
and
  - b) all runoff from impervious surfaces being contained within the property and disposed of to Council’s satisfaction.
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**DEVELOPMENT SERVICES REPORTS**

**ITEM NUMBER:** 11.1.2  
**ITEM TITLE:** **DEVELOPMENT APPLICATION – Aged Persons Village (40 Units) – Lots 22, 23 and 275 Albany Highway and 24 Pioneer Road, Centennial Park.**

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

**Quasi-Judicial Function:** Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : A132853, A129030, A129062, A129076 & A171354 (Frederickstown Ward)
- Summary of Key Points** : Development approval being sort for an Aged Person Village.
- Land Description** : Lots 22, 23 and 275 (number 306-310) Albany Hwy and Lot 24 (number 59-63) Pioneer Road, Centennial Park
- Proponent** : John Hanson
- Owner** : Amaroo Care Services
- Reporting Officer(s)** : Manager Planning and Rangers (G Bride) & Planning Cadet (J Anderson)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Site plan and elevations  
Responses from Advertising

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. This application is for an Aged Persons Village (40 units) at 59-63 Pioneer Road and 306-310 Albany Hwy, Centennial Park. The proposal involves 40 two and three bedroom units along with a community centre (a function room for residents use only).
2. The development consists of 14 single storey units. The remaining 26 units are provided within 13 two storey buildings (i.e. multiple dwellings) where each floor is a separate unit.
3. The development has been costed at approximately \$7.5 million, and therefore being outside of staff's delegation limit of \$1.5 million, would require the approval of Council.

**DISCUSSION**

4. The site is zoned "Tourist Residential R20" within Town Planning Scheme No. 1A. An Aged Persons Village is an "SA" use which is a use that is not permitted unless approval is granted by Council after advertising has been undertaken.
5. The application has been amended since its initial submission at staff's request to include connectivity between those units fronting Albany Highway and the balance of the village, in the form of a pathway.
6. This application extends over five lots which are currently subject to an amalgamation proposal with the Western Australian Planning Commission. It also includes one lot which is currently part of the road closure process, which Council recently supported.
7. Community facilities include a function room and an area available for caravan storage. The Community facilities are easily accessible to all residents of the village via internal footpaths and ramps. These facilities are for the exclusive use of residents.

**PUBLIC CONSULTATION / ENGAGEMENT**

8. As part of the consultation process, an advertisement was placed in the paper, signs were erected on Albany Highway and Pioneer Road frontage of the land and neighbouring properties were notified in writing. The submission period closed on 16 October 2008 with no public submissions were received.

**GOVERNMENT CONSULTATION**

9. Consultation with Government Agencies has been undertaken. Letters were sent to Main Roads Western Australia and the Water Corporation. Neither had objections to the proposal however the Water Corporation has advised that extensions to the reticulated water scheme and reticulated sewer scheme would be required. The proponent is aware of these requirements.



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**STATUTORY IMPLICATIONS**

10. An Aged Persons Village is defined in Town Planning Scheme 1A as:  
**“Aged Persons Village** - means a building or group of buildings consisting of either:  
 (a) an aged persons' home; or  
 (b) an aged persons' home and aged persons' dwelling units,  
 and which includes buildings or parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care;”
11. Within Appendix IV (Use Development Table) of Town Planning Scheme 1A, the following development standards apply to the use ‘Aged Persons Village’:

USE DEVELOPMENT TABLE									
USES	MIN LOT AREA (sq. metres)	MIN EFFECTIVE FRONTAGE (metres)	MAX PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MIN CAR SPACE S	MIN LAND SCAPING (% of site)	OTHER REQUIREMENTS
				FRONT (m)	REAR (m)	SIDE (m)			
AGED PERSONS DWELLING UNITS	AS PER RESIDENTIAL CODES							1. Service Access to private open space must be provided but not through a habitable room. 2. Reticulated sewer connection to be available.	
AGED PERSONS VILLAGE	5000						1 per 3 beds	Reticulated sewer connection to be available.	

12. The scheme therefore requires an Aged persons Village to be assessed against the scheme and for the individual aged persons dwellings units to be in accordance with the R-Codes. The codes have been utilised to assess the proposal.
13. The density coding for the site is R20. Based on the density bonus which applies to aged persons dwellings under the R-Codes (which allows for a one third reduction in site area per unit), up to 45 units could be accommodated on the site. 40 units have been proposed.
14. The “Acceptable Development” provisions of the R-Codes, under Clause 7.1.2 – Aged Persons’ Dwellings states that the maximum plot ratio area (building footprint) per unit shall be 100m<sup>2</sup> per single or group dwelling and 80m<sup>2</sup> per multiple dwelling. The individual dwelling units area average 144m<sup>2</sup> which exceeds the “Acceptable Development” criteria set out within the R-Codes. This component can be assessed against the Performance Criteria as listed below:  
*“Dwellings that accommodate the special needs of aged or dependent persons and which:*
- Are designed to meet the needs of aged or dependent persons;
  - Are located in proximity to public transport and convenience shopping;
  - Have due regard to the topography of the locality in which the site is located; and
  - Satisfy a demand for aged or dependent persons’ accommodation.”

The proposed developments satisfy each of these criteria.

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15. Car parking requirements as set out within the R-Codes is one bay per unit, plus one visitor bay per four units. Car parking requirements set out within Appendix IV of Town Planning Scheme 1A is 1 bay per three beds. Each unit has 2 bays available in the way of a double garage (therefore 80 bays), with some units having the capacity to accommodate additional parking in front of garages for visitors. The total number of bays provided, including those bays longer than 5.5 metres fronting a garage and visitor bays, is 96 bays which easily meets both the Scheme requirement of 35 bays (based on 107 bedrooms and 1 bay per 3 beds) and the R-Code standard of 50 bays (based on 1 per unit plus 1 visitor bay per 4 units).
16. The required front setback as determined by the R-Codes (6.0m) has been met for the Albany Highway units. The units on Pioneer Road have a minimum proposed setback of 2.4m, which meets the required 1.5m setback as set out under Table 1 of the R-Codes for a secondary street setback.
17. The required side setbacks are 1.7 metres for the two storey units and 1.5 metres for the single storey units where parapet walls are not used. The proposed setbacks range from 0m to 1.7m. On the northern boundary (adjacent to the vet surgery car park) portions of the second storey units have a nil setback. Adjoining landowners were notified and no objections were received. Staff do not object to the reduced setbacks on this boundary due to the sloping nature of the block away from Albany Highway (reducing the bulk of the wall from this road), the breaks in each individual wall (shown as voids on floor plan) and the distance between the two walls, the setting adjacent to a car park and the fact that solar access from the winter sun will not be compromised.
18. The proposal originally identified nil setbacks for the second storey units on the southern boundary. Whilst the adjoining landowner (Department of Housing and Works) did not object to these setbacks, staff were concerned that existing courtyards/gardens associated with the adjacent residential units could be overshadowed. In response to these concerns, the proponent has modified their design to increase the setbacks to 1.7 metres for two units to meet the acceptable standard prescribed in the R-Codes. The proponent has requested Council's support to retain one unit (unit facing Albany Highway) on the boundary on the basis that the inclusion of the pedestrian ramp between two Albany Highway units for the benefit of the village has been accommodated as requested; the stepped footprint of the adjoining unit also creates an outdoor living space to the west and not the north (thereby reducing the incidence of overshadowing). It is acknowledged that the length of the parapet wall associated with most units is relatively minor with two sections of the upper floor being at 6.0 metres (Bed 1) and 4.0 metres (kitchen) separated by a 3.0 metre void. The parapet wall on the lower floor is reduced further. Staff are supportive of the various requests to apply the performance criteria of the Codes.
19. The Acceptable Development Standards (under 6.4.2) Outdoor living areas require a minimum of 30m<sup>2</sup> per unit. Dependent Person's Dwellings clause 7.1.2 states that this can be reduced by up to one third, thereby requiring an area of 20m<sup>2</sup>. The development proposes outdoor living areas of between 20m<sup>2</sup> and 42m<sup>2</sup>, and therefore the requirement has been met.

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Item 11.1.2 continued

20. The development is also bound by the requirements that each occupier must be over the age of 55 years and the unit must be designed in accordance with Australian Standard 4299 (Adaptable Housing Standards).

**FINANCIAL IMPLICATIONS**

17. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

18. Albany Local Planning Strategy (ALPS) designates these lots as 'Existing Urban'.
19. This item directly relates to the following elements from the Albany Local Planning Strategy (ALPS):

*6.2 Housing:*

*Planning Principle: "Encourage a diversity of housing choices to match our changing population needs."*

*6.3.1 Community Services:*

*Planning Principle: "To provide for a range of easily accessible community services and facilities."*

*8.6.1 Population:*

*Planning Objective: "Monitor population trends in terms of growth and structure to determine housing and infrastructure needs"*

*Actions Proposed By ALPS:*

*Provide for a sustainable level of community services and facilities to the Albany town urban area local and in the rural villages at the necessary level to sustain the district community.*

*Use information on population growth and characteristics to assist in determining residential land requirements and supporting infrastructure."*

**POLICY IMPLICATIONS**

19. There are no policy implications relating to this item.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

20. Staff are confident that this proposal meets the Scheme and R Codes and would have issued a Planning Scheme Comment, had delegated authority to do so been available should Council refuse the application, the applicant could seek a review of that decision through the State Administration Tribunal. This would have associated cost implications for the Council.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**SUMMARY CONCLUSION**

21. The application proposes an Aged Persons Village that complies with ALPS, the appropriate elements of Town Planning Scheme 1A and the Residential Design Codes. The side setback relaxations proposed are of a minor nature and adjoining landowners have not objected.
22. In conclusion, the proposal for an Aged Persons Village to provide an extra 40 aged care units is acceptable and is hereby recommended for approval subject to complying with a number of conditions.

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**ITEM NUMBER 11.1.2 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for an “Aged Care Village (40 units)” at 59-63 Pioneer Road and 306-310 Albany Highway, Centennial Park subject to, but not limited to, the following conditions:**

- i) the development shall be undertaken in accordance with the approved plans, unless modified by a following condition;
- ii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by the City of Albany prior to the issuing of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade;
- iii) the proposed sites shall be connected to the Water Corporation’s reticulated sewerage system prior to the occupancy of the units, with the appropriate easements created over all of the sewers on this land holding;
- iv) modifications being made to the plan to improve vehicle movements across the site prior to the issue of the building licence including:
  - (a) first Avenue is required to be increased to 6.0m in width.
  - (b) the proposed exit onto Albany Hwy is to be realigned to 90 degrees
  - (c) the proposed entry from Albany Hwy is to be realigned to prevent rear end collisions from vehicles associated with Unit 31.
  - (d) the truncation at the intersection of First Avenue and Forth Avenue is required to be increased.
  - (e) vehicle access to Unit 8 is to be realigned, alternatively a turning area needs to be incorporated to allow vehicles to enter the road network in forward gear.
  - (f) traffic calming devices must be incorporated on First, Second and Forth Avenues;
- v) the proposed landscaping on the verge of Albany Highway is to be approved by the City of Albany prior to planting and is to be planted and maintained so as not to compromise driver’s sight lines;
- vi) a total of 10 visitor bays being marked with such bays being permanently set aside for visitor/staff parking;
- vii) the front fencing for the units on the Albany Highway frontage shall be visually permeable above 1.2m;
- viii) the amalgamation of the lots, including that portion of the closed road, being finalised prior to the issue of a building licence;

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- ix) the new crossover/s being constructed to Council's specifications, levels and satisfaction in accordance with drawing numbers 97024 to 97028;
- x) all vehicular parking, manoeuvring and circulation areas indicated on the approved plans and within the approved vehicle movement plan under condition iv, being constructed, properly drained and sealed to the satisfaction of Council;
- xi) all land indicated as landscaped area on the approved plans being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of the City of Albany;
- xii) prior to the issue of a building licence the applicant is to provide a copy of the memorial demonstrating that the development is to be occupied by aged persons and is compliant with the Retirement Village Act;
- xiii) the units being designed and constructed in accordance with AS4299-1995 'Adaptable Housing';
- xiv) the parking areas being illuminated to the reasonable satisfaction of the City of Albany during the hours of darkness when they are in use or might be sought to be used by patrons;
- xv) boundary fencing is to be of a uniform nature, unless otherwise agreed in writing by the City of Albany;
- xiv) no signs are to be erected on the subject land without Council approval, in accordance with the City of Albany's Signage Policy; and
- xvii) the function room is for the exclusive use of residents of the village only.

**Advice:**

Internal pathways should be constructed in accordance with recognised engineering standards for pedestrian access ways and should be a separate colour and texture to aid the visually impaired.

Efficient wheelchair access should be accommodated on all internal pathways, within the unit sites (from driveways to front door) and at crossing points.

In regards to areas of public open space and internal access ways Council advises that it not responsible for their maintenance.

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**DEVELOPMENT SERVICES REPORTS**

**ITEM NUMBER:** 11.1.3  
**ITEM TITLE:** DEVELOPMENT APPLICATION – Proposed Residential Buildings (x2) – 77 Stead Road, Albany.

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

**Quasi-Judicial Function:** Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : A196556 (Frederickstown Ward)
- Summary of Key Points** : Proposal to develop site for two “Residential Buildings”.
- Land Description** : 77 Stead Road, Centennial Park
- Proponent** : Concept Building Design
- Owner** : Activ Foundation Inc.
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 16/12/08 - Item 11.1.2
- Bulletin Attachment(s)** : Copy of Scheme Provisions

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. At the December meeting of Council, an application from Concept Building Design to construct two (2) “Residential Buildings” at 77 Stead Road, Centennial Park was considered. The proposed development extends over an area of 2424m<sup>2</sup>, within a lot of 3109m<sup>2</sup> on what was formerly the oval of the Albany Primary School and the buildings have a footprint of 1288m<sup>2</sup>.
2. Council resolved to lay this item on the table for a period of one month, when concerns were raised over the relationship of this development to the R Codes, over the capacity of Council to relax the provisions relating to car parking and over the relevance of the Development Guide Plan to this application.

**DISCUSSION**

Application of the Residential Design Codes:

3. It is the contention of the planning staff at the City of Albany that this development is not a residential development dealt with under the R Codes. Clause 4.1(c) of Scheme 1A states that certain land use activities identified in Schedule IV of the Scheme are to be assessed against the development provisions set out in that Appendix. A “Residential Building” is listed in that Appendix and the scheme sets out minimum requirements for car parking, the plot ratio and also requires the development to be connected to the reticulated sewerage system. On other development standards (setbacks, landscaping percentages, minimum lot areas, etc) the scheme is silent.
4. The R Codes advise that “*Where it is proposed to develop a “Residential Building” as defined by the codes, the extent to which the provisions of the codes should be applied to the development of the building will be determined by the way in which the local government town planning scheme deals with this type of use*”. The scheme makes no reference to any operative provisions of the codes (i.e it makes no reference to the R Codes unlike other residential activities where the scheme defers to the codes for development control principles) and therefore the application should be considered without reference to the R Codes.
5. Comment was made at the previous meeting regarding advice from officers in the Department of Planning that there is an entire section in the Codes dealing with this form of development; City staff have only managed to locate the above paragraph. Advice sought from those officers confirmed that Department of Planning officers are not adequately versed in the content of the R Codes to comment on the operational aspects of that policy document or its relationship to the City’s Town Planning Schemes. They declined to provide any comment to City staff and they also were unaware of any additional provisions relating to this form of development.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

6. The proposed development is not “Ancillary Accommodation”, a “Dependent Persons” development, a “Dwelling”, a “Grouped Dwelling”, an “Incidental” development, a “Mixed Use” development or a “Multiple Dwelling” as defined in the R Codes (see attachment) and the various clauses contained in the Codes relating to these development cannot and should not be applied to the assessment of this application.
7. Should Council take an alternate view on this matter and decide that there is a requirement to apply the Codes, it would have to consider the relevance of nine (9) design elements covering density, streetscape requirements, boundary setbacks, open space requirements, access and parking arrangements, site works, building heights, privacy (for adjoining landowners) and designing for climate. The development proposal is for two (2) single storey structures and staff are of the opinion that the development is not inconsistent with the objectives of the R Codes in each of those elements.

Car Parking Arrangements:

8. Clause 4.1 of Town Planning Scheme 1A sets out the general development standards that are to be applied to all development within the area to which Scheme 1A applies. Development shall be undertaken in accordance with the general standards for each zone specified in Appendix III, unless the particular land use activity is identified in Appendix IV. The controls in Appendix IV take precedent over the general provisions of Appendix III. A “Residential Building” is listed in Appendix IV and the standards applied to this land use activity are applied universally throughout the Scheme area, irrespective of the zone in which a Residential Building is to be constructed.
9. Appendix IV of Town Planning Scheme 1A sets out the minimum requirements for car parking for a “Residential Building” as 1 bay per bed. As detailed in the previous officer’s report, the development proposes to create accommodation for 24 residents who have disabilities and for two (2) carers. A total of 26 car parking bays is required by the Scheme for this site. Clause 4.10 of the Scheme states:  
  
*“Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit”.*
10. Clause 4.10 requires any variation to the site requirement to be advertised and that process was followed (refer to previous report). The provision of 19 car parking spaces on-site was considered by Staff to be more than adequate to accommodate the parking demands that this development will generate; that position remains.



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Item 11.1.3 continued

11. No car parking standard is specified in the R Codes for a “Residential Building” development. There is a general section of the R Codes dealing with car parking arrangements and that section provides “Acceptable Development” standards which allow “as of right” approvals. The Codes also contain “Performance Criteria” against which other development proposals can be tested. If a development does not satisfy the “Acceptable Development” provisions of the R Codes, an Applicant has the right to request that the relevant project component (eg. car parking) be assessed against the “Performance Criteria” of the Codes.
12. The R Codes are specifically written to allow options for developers and the provision of car parking as part of a residential project is no different. Clause 2.5 of Part 2 of the Codes sets out the process for Council to assess any performance issue and the Scheme provides the legislative framework to make the Codes operable. Therefore, Staff contend that clause 4.10 could be used to consult with neighbours and assess an application for a major relaxation of the “performance criteria” in the Codes (Note; The performance standards could allow for a total relaxation of car parking to nil bays for any development if Council decided parking was not a problem). The Codes themselves limit consultation to immediate neighbours and on issues such as a major relaxation of parking standards, it is not unreasonable to consult within the wider community; clause 4.10 of the scheme provides the only mechanism for that higher level of review.

The Relevance of the Development Guide Plan to this Application:

13. Clause 3.8 of Town Planning Scheme 1A provides the mechanism for allowing additional uses to be placed on a site when normally those activities would be Prohibited. The Special Site classification usually introduces additional controls on those “special uses”, but it does not prevent the land from being used for activities that would otherwise be supported in accordance with the base zoning. In this instance, the Scheme allows this “Residential” zoned land parcel to also be developed for consulting rooms, offices and restaurants. The development guide plan has been specifically drafted to address the integration of these three land uses onto the site and it is highly unlikely that the State Administrative Tribunal would support any argument that the plan should guide development that would otherwise be permitted in the base zoning.
14. The spirit and the purpose of the zoning has been met by the previous group housing development and this application. The development guide plan has not been required to be called upon to regulate the uses that would otherwise not have been allowed within those development proposals, hence the previous comment from staff that the plan has become “largely redundant”.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

15. The scheme provisions and Council's policy are not inconsistent with the "Mixed Use Development" provisions of the Codes (dealing with housing above shops). The Codes state for that type of land use that *"it is expected that the implementation of controls will be preceded by area or precinct specific studies and accompanied by local planning policies to ensure that the particular desired characteristics of an area are promoted"*. Clearly, if a development is a conventional Group Dwelling or Multiple Dwelling project on a residential lot, the landowner is not required to prepare precinct specific studies or character statements for that development.
  
16. Clause 3.8 of Scheme 1A states: *"Notwithstanding that a parcel of land described as a Special Site is within another zone, the land or any building thereon may be used for the purpose set against the parcel in the Schedule in addition to the uses permitted in the zone in which the land is situated, unless any of those uses is excluded or modified by a condition specified in the Schedule. The use of the parcel of land is also subject to any other conditions considered appropriate by the Council and stated opposite the parcel in the Schedule"*. The specific wording of this clause identifies that the additional conditions set out in Appendix II of the Scheme only relate to those uses that would otherwise not be permitted in the zone or would be permitted if not for the specific wording in Appendix II. The preparation of the Development Guide Plan is a specific condition for this land parcel, relating only to the management of the three uses of consulting rooms, office and restaurant.

**PUBLIC CONSULTATION / ENGAGEMENT**

17. Refer to previous officer's report to December 2008 meeting of Council.

**GOVERNMENT CONSULTATION**

18. Refer to previous officer's report to December 2008 meeting of Council.

**STATUTORY IMPLICATIONS**

19. Attached to this report is a copy of the relevant definitions from the Residential Design Codes.
  
20. Included within the Elected Members Report / Information Bulletin is a copy of Clauses 3.7, 3.8, 4.1, 4.2, 4.10, 4.11, 4.12 and 4.13, plus Appendix II, III and IV of the City of Albany Town Planning Scheme 1A. Each of these clauses relate to this development proposal.

**FINANCIAL IMPLICATIONS**

21. Refer to previous officer's report to December 2008 meeting of Council

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

22. Refer to previous officer's report to December 2008 meeting of Council.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**POLICY IMPLICATIONS**

23. This development does not offend the design principles in the Central Albany Urban Design Policy or the objectives set out in the Development Guide Plan for this site. Refer to previous officer's report to December 2008 meeting of Council.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

24. Council needs to assess this application on the merits of the project as submitted. Neither the Scheme, nor the Residential Design Codes provide a comprehensive set of development controls against which this application needs to be assessed. As detailed in paragraphs 3 and 4, there is considerable discretion available to Council in its decision making.

**SUMMARY CONCLUSION**

25. City of Albany staff can see no valid reason to withhold approval to this application and reiterate the content of the report to Council in December 2008. Given the levels of disabilities of the future residents of this project, a relaxation of the car parking standards is recommended.

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**ITEM NUMBER 11.1.3 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council, pursuant to clause 4.10 of the City of Albany Town Planning Scheme 1A resolves to reduce the car parking requirement for the "Residential Building (x2)" development at 77 Stead Road, Centennial Park by seven (7) car parking spaces.**

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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

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**ITEM NUMBER 11.1.3 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for a “Residential Building (x2)” at 77 Stead Road, Centennial Park, subject to, but not limited to, the following conditions:**

- i) the development shall be undertaken in accordance with the approved plans;**
  - ii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade;**
  - iii) landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence;**
  - iv) all land indicated as landscaped area on the approved plans being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council;**
  - v) all vehicular parking, manoeuvring and circulation areas indicated on the approved plans being constructed, properly drained and sealed to the satisfaction of Council; and**
  - vi) arrangements being made to the satisfaction of Council to ensure visitors attending the site have unfettered access to parking areas at all times when visiting is permitted.**
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**ITEM NUMBER 11.1.3 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council DELEGATES its authority to the Manager of Planning and Ranger Services, pursuant to 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a “Residential Building (x2)” at 77 Stead Road, Centennial Park and empowers the Manager to incorporate any further conditions that he considers necessary.**

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## State Planning Policy 3.1 Residential Design Codes (Variation 1)

### Appendix 1 - Definitions

In the case of residential development under the codes, unless the context requires otherwise, words and expressions have the meaning given to them below.

#### Ancillary accommodation

Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling.

#### Dependent person

A person with a recognised form of disability requiring special accommodation for independent living or special care.

#### Dwelling

A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

#### Grouped dwelling

A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.

#### Mixed use development

Buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration.

#### Multiple dwelling

A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but:

- does not include a grouped dwelling; and
- includes any dwellings above the ground floor in a mixed use development.

#### Residential building

A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

#### Single bedroom dwelling

A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom.

#### Single house

A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

**DEVELOPMENT SERVICES REPORTS**

**11.2 – HEALTH, BUILDING & RANGERS**

**ITEM NUMBER:** 11.2.1

**ITEM TITLE:** **CAT LOCAL LAW IMPLEMENTATION – Setting of Cat Registration Fees and Allocation of Funding in Quarterly Review**

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

**Quasi-Judicial Function:** Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

<b>File Number or Name of Ward</b>	: MAN 049 & FIN 047 (All Wards)
<b>Summary of Key Points</b>	: Allocation of funding to implement stage 1 of Cat Local Law
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 18/11/2008 - Item 11.6.1 (Item 5)
<b>Bulletin Attachment(s)</b>	: Nil

**Maps and Diagrams:** There are no Maps or Diagrams relating to this item.

**BACKGROUND**

1. At its meeting dated 18 November 2008 Council resolved the following:

*“THAT Council receive the submissions from the public on the draft City of Albany Keeping and Welfare of Cats Local Law 2008.*

*AND*

*THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), agrees to make the City of Albany Keeping and Welfare of Cats Local Law 2008 subject to clause 8.1 (b) being altered to read “renew or revoke a Permit that a person has under this Local Law”.*

2. The next step in the process is for Council to gazette the Local Laws and refer the Local Law to the Parliament’s Joint Standing Committee who will review the legal aspects of the Local Law and advise Council whether further changes will be required. The Local Law becomes operational within 14 days of it appearing in the Government Gazette.

3. Although there is no legislated time requirement specified for the adoption of a local law, the Department of Local Government and Regional Development (DLGRD) does expect that Local Laws are completed within 12 months of resolving to make a Local Law. In this case Council adopted the draft local law at its 17 June 2008 Council Meeting; meaning the gazettal should occur before 17 June 2009.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

4. Prior to gazetting the local law, staff believe the following needs to occur:
  - (a) the bedding down of internal processes, including the purchase of a Cat Module from IT Vision, staff training, development of a registration form and the adoption of fees for the registration of cats; and
  - (b) an education campaign, including the preparation of a professionally produced brochure to be distributed to all households.

**DISCUSSION**

5. Whilst funding was allocated in the 2008/09 budget to cater for the preparation of the Local Law, which included a review by Council's solicitors, there are no funds allocated to undertake an education campaign or purchase software to implement the first stage of the Local Law.
6. Council has received a quote from IT Vision to develop a Cat Module as part of its Synergy Soft software package, which has come in at \$1,975 plus GST, with an annual maintenance fee of \$200.
7. It is estimated that to prepare and distribute a professionally produced brochure to all households will cost approximately \$12,000. The education campaign will also involve placing information on Council's website and through advertisements in the local newspapers.
8. It is recommended that Council adopts the same fee structure for cats, as it does for dogs (sterilised) which is as follows:  
  
1 year for sterilised cat = \$10.00  
3 years for sterilised cat = \$18.00  
Eligible pensioner discount 50% of prescribed fee.  
Registration within 5 months of designated annual registration date for that year, 50% of prescribed fee.

**PUBLIC CONSULTATION/ENGAGEMENT**

9. No public consultations/engagements relates to this item.

**GOVERNMENT CONSULTATION**

10. No Government consultations relates to this item.

**STATUTORY IMPLICATIONS**

11. Under the Local Government Act, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorised in advance by a resolution (absolute majority required); or
  - (c) is authorised in advance by the mayor in an emergency.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

12. Council is required to adopt any fees and charges before that fee or charge can be levied.

**FINANCIAL IMPLICATIONS**

13. A quarterly review is being finalised and as there are no funds available within the current budget framework (2008/09). Council needs to decide whether it is willing to make the funding available as part of the review or wait until it prepares the 2009/10 budget.
14. Funds of \$14,175 (inclusive of the first year's maintenance fee for the cat module) have been identified to both implement internal processes and to educate the public on the commencement of the legislation.
15. The ongoing annual maintenance fee of \$200 will be met within future budgets.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

16. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan ...

*“Priority Goals and Objectives:*

*Goal 4: Governance: The City will be an industry leader in good governance and service delivery.*

*Objective 4.3 Deliver excellent community services that meet the needs and interests of our diverse communities.*

*City of Albany Mission Statement:*

*At the City of Albany we apply funds carefully.”*

**POLICY IMPLICATIONS**

17. There are no policy implications relating to this item.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

18. Should Council not allocate the funding highlighted within the current 2008/09 budget, consideration of the required funding can be made for the 2009/10 financial year. However this would delay the introduction of the Local Law by around six (6) months. It would also mean that Council would have to gazette the Local Law before 17 June 2009, to meet DLGRD's requirements, without the necessary implementation measures being undertaken.

**SUMMARY CONCLUSION**

19. It is recommended that \$14,175 be allocated to a new budget line item called 'Cat Local Law Implementation' as part of the 2<sup>nd</sup> Quarter Review.



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

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**ITEM NUMBER 11.2.1 – OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council;**

i) **AGREES** to allocate \$14,175 as part of the 2008/09 second Quarter Review to enable the purchase of software (Cat Module) and to undertake an education campaign prior to the Cat Local Law coming into effect; and

ii) **SETS** the following fees for Cat Registrations for the balance of the 2008/09 financial year:

1 year for sterilised cat = \$10.00

3 years for sterilised cat = \$18.00

Eligible pensioner discount 50% of prescribed fee.

Registration within 5 months of designated annual registration date for that year, 50% of prescribed fee.

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**DEVELOPMENT SERVICES REPORTS**

**11.3 – DEVELOPMENT POLICY**

**ITEM NUMBER:** 11.3.1

**ITEM TITLE:** **SCHEME AMENDMENT – Final Approval - Lot 50 Sandalwood Road and Pt. Lot 201 South Coast Highway, Wellstead.**

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

**Legislative function:** Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 278 (Kalgan Ward)
- Summary of Key Issues** : Consider the submissions received from the public consultation period and determine whether to seek final approval to the amendment to rezone land at Wellstead to Light Industry
- Land Description** : Lot 50 Sandalwood Road and Pt. Lot 201 South Coast Highway, Wellstead
- Proponent** : Ayton Taylor Burrell
- Owner** : Lot 50 - Grange Resources Ltd  
Lot 201 - SJ & JE Hall
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht)  
and Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/09/2001 - Item 11.3.3  
OCM 21/11/2006 - Item 11.3.3  
OCM 19/08/2008 - Item 11.3.6
- Bulletin Attachment(s)** : Copy of Submissions

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**BACKGROUND**

1. Council initiated Amendment 278 to Town Planning Scheme No. 3 at its Ordinary Meeting held on the 19 August 2008. The amendment seeks to rezone the subject land from “Rural” to “Special Rural” and the successful completion of this amendment will then allow the future subdivision and development of the land for “Rural Residential” purposes.

**DISCUSSION**

2. The Scheme amendment was supported by all the submitters aside from the Department of Industry and Resources.
3. The concern raised by the Department of Industry and Resources revolves around the proposed mine and potential noise impacts on sensitive land uses as (proposed) and thus impeding or preventing future mining operations.
4. Staff recommends that the scheme amendment be finalised with a minor modification to include notifications to prospective purchasers informing them of the mine, its operations and the potential impact on the proposed development.

**PUBLIC CONSULTATION/ENGAGEMENT**

5. The scheme amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 30 October 2008 to 16 December 2008 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners and groups, relevant State Government agencies and advertisement in the local newspaper.
6. A total of six (6) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

**GOVERNMENT CONSULTATION**

7. The scheme amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the amendment has been assessed and does not require formal assessment and no advice or recommendations were provided.
8. The amendment was also referred to the Alinta Gas, Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Industry and Resources, Department of Health, Department of Environment and Conservation, Main Roads WA and Department of Water for assessment and comment. Responses were received from Water Corporation, Department of Industry and Resources, Department of Environment and Conservation and Main Roads WA and are summarised in the attached Schedule of Submissions.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**STATUTORY IMPLICATIONS**

9. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

**FINANCIAL IMPLICATIONS**

10. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

11. The City's decision on the scheme amendment must be consistent with the outcomes of the draft Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City. The subject area is located within the Wellstead Rural Village identified in ALPS and is expected to expand as a result of development projects such as the magnetite mining proposals proposed for Wellstead.

**POLICY IMPLICATIONS**

12. The Wellstead Townsite Strategy prepared by the City provides a guide for the proposed expansion of Wellstead and the rezoning proposal is consistent with the strategy recommendations for the use of the land for rural residential purposes.
13. Council is also required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 'State Planning Framework Policy' and 3 'Urban Growth and Settlement' establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.
14. The WAPC have prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

15. Council has the following options in relation to this item, which are:
  - To seek final approval to the scheme amendment without modifications;
  - To seek final approval to the scheme amendment with modifications; or
  - To not seek final approval to the scheme amendment.
16. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**SUMMARY CONCLUSION**

18. The finalisation of the proposed scheme amendment is supported with the identified minor modification.
- 

**ITEM NUMBER: 11.3.1 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

- i) **THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* resolves to ADOPT WITH MODIFICATIONS Amendment No. 278 to Town Planning Scheme No. 3 as follows:**
- a) rezoning Lot 50 Sandalwood Road and Pt. Lot 201 South Coast Highway, Wellstead from 'Rural' to 'Special Rural' zone;
  - b) incorporating into Schedule 1 'Special Rural Zones – Provisions Related to Specified Areas' scheme controls for the land; and
  - c) amend the Scheme Map accordingly.
- ii) **THAT schedule 1 be modified to require the landowner, upon the subdivision of the land to notify prospective purchasers, as a Section 70A Notice on all Certificates of Title, of the potential noise impacts.**

**AND**

- iii) **THAT Council RECEIVE the Schedule of Submissions and ADOPTS the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.**
-

## DEVELOPMENT SERVICES REPORTS

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## AMENDMENT No. 278

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed and provided no advice or recommendations on the amendment.	Nil.	The submission is noted.
2	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	Advise that the land is outside of the water operating license area and the existing town water supply was not designed to accommodate this development and as such the Corporation cannot provide a reticulated water supply to the development.	The water supply constraints in Wellstead are well-known. The use of on-site water supplies for the dwellings has been addressed in the amendment document. Prospective purchasers of the lots will need to be advised of this requirement when the lots are sold.	The submission is noted.
3	Main Roads WA (Great Southern Region) Chester Pass Road ALBANY WA 6330	No objection to the proposal.	Nil.	The submission is noted.
4	Department of Environment and Conservation (South Coast Region) 120 Albany Highway ALBANY WA 6330	No comment on the proposal.	Nil.	The submission is noted.
5	Department of Industry and Resources Mineral House 100 Plain Street East Perth	The Department of Industry and Resources, although supportive of the intent cannot support the amendment as it proposes the placement of houses to close to a large mining operation. The mining operation is likely to create noise levels	The uses will be separated by a distance of at least 1.5 km. Notifications should however be placed on the titles of any proposed lots and prospective purchasers and residents should be notified about	The Submission is noted. it is recommended that the provisions in the amendment be Modified to include the following under point 8 of the Special

**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**AMENDMENT No. 278**

**SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Council Recommendation</b>
		<p>that will exceed the night-time assigned levels within an approximate radius of 4.5 Km. The proposed amendment has the potential to severely impede, or prevent future mining of a portion of the mine.</p>	<p>the Mine, and Potential for noise from its operations.</p>	<p>provisions ; 8.4 Notification to prospective purchasers and on all Certificates of Title advising of existence of the mine and the potential noise impacts from it</p>
6	<p>M&amp;M Gorman Pty Ltd "CARRAMAH" 463 Sandalwood Rd Wellstead 6328</p>	<p>Advise that they have no objections and are supportive of the amendment. They however have objections to another licensed Bed and Breakfast being set up on Special Rural Area No 37 (proposed permitted use in the Special rural Area) as they do not believe the demand would sustain two such businesses.</p>	<p>The use of "Bed and Breakfast" is generally allowed with in special rural areas. There is no Planning Justification (as opposed to economic reasons) for its exclusion from the Proposed amendment.</p>	<p>The submission is Noted</p>

**DEVELOPMENT SERVICES REPORTS**

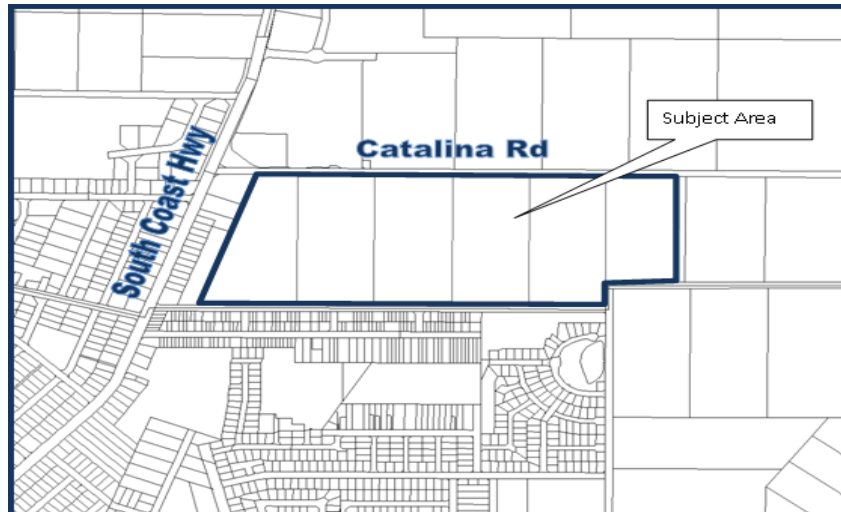
**ITEM NUMBER:** 11.3.2  
**ITEM TITLE:** SCHEME AMENDMENT – Final Approval - Lots 30 to 35 (No's 12 – 86)  
Catalina Road, Yakamia

**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER**

**Legislative function:** Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 280 (Yakamia Ward)
- Summary of Key Issues** : Consider the submissions received from the public consultation period and seek final approval to the amendment to rezone the land to residential development and include 'lifestyle village' as an additional use on part of the land
- Land Description** : Lots 31 – 35 Catalina Road, Yakamia
- Proponent** : Allering & Associates, Opus International and Dykstra Planning
- Owner** : Lot 30 - AF & MF Pierce  
Lot 31 - A & N Lionetti  
Lot 32 - ID & WG Steinert  
Lot 33 - PE & L Pocock  
Lot 34 – CRS & TA Powell  
Lot 35 – Amaroo Limousin Stud Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht) and Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 22/11/2007 - Item 11.3.5  
OCM 18/12/2007 - Item 11.3.2  
OCM 20/05/2008 - Item 11.3.4
- Bulletin Attachment(s)** : Copy of Submissions

**Maps and Diagrams:**





**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. Council initiated Amendment 280 to Town Planning Scheme No. 3 at its Ordinary Meeting held on the 20 May 2008. The amendment seeks to rezone the subject land from “Rural” to “Residential Development” and also include Lots 32, 33 and 34 within an “Additional Use Site” to allow for the development of a lifestyle village.

**DISCUSSION**

2. The scheme amendment was generally supported by the submitters and no issues were raised in the submissions that require modifications to the advertised amendment document.
3. Staff recommends that the scheme amendment be finalised without modification.
4. Some of the matters raised in the submissions are relevant to the more detailed planning undertaken during the preparation and adoption of the future Outline Development Plan (ODP), should this amendment proposal be approved. Along with all other relevant planning matters, aboriginal heritage, local traffic and stormwater management issues will need to be adequately addressed by the consultants at that stage.
5. The proposed lifestyle village is subject to the preparation and adoption by Council of a Development Plan to guide the development. Design guidelines will need to address fencing, building design, materials and colours and landscaping. The consultants advise that the overall village (400 homes) will be designed to be largely self-contained, with internal facilities including clubhouse, fitness centre, tennis courts, swimming pool, bowling green, children’s playground and bbq areas as shown on the Concept Plan (Appendix B). The village will be surrounded by more traditional freehold lots, including along Hudson Road.

**PUBLIC CONSULTATION/ENGAGEMENT**

6. The scheme amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 10 October 2008 to 26 November 2008 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners and groups, relevant State Government agencies and advertisement in the local newspaper.
7. A total of nine (9) written submissions were received and they are included in the Elected Members Report / Information Bulletin. The submissions received are summarised and discussed, with a recommendation for each submission, in the attached Schedule of Submissions.

**GOVERNMENT CONSULTATION**

8. The scheme amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the amendment has been assessed and does not require formal assessment and in addition provided some advice and recommendations as outlined in the attached Schedule of Submissions.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

9. The amendment was also referred to the Alinta Gas, Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Environment and Conservation, Main Roads WA, Department of Water, Department of Indigenous Affairs, Department of Education and Training, Fire and Emergency Services Authority of WA and Albany Police Station for assessment and comment. Responses were received from Water Corporation, Department of Environment and Conservation, Main Roads WA, Department of Water, Department of Indigenous Affairs and Department of Education and Training and are summarised in the attached Schedule of Submissions.

**STATUTORY IMPLICATIONS**

10. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

**FINANCIAL IMPLICATIONS**

11. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

12. The City's decision on the scheme amendment must be consistent with the outcomes of the draft Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City. The subject land is designated as 'Future Residential less than 20 years (to be zoned)' area in ALPS. The rezoning proposal is consistent with the strategy recommendations for the use of the land for future residential purposes.

**POLICY IMPLICATIONS**

13. Council is also required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 'State Planning Framework Policy' and 3 'Urban Growth and Settlement' establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.
14. The WAPC have prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

15. Council has the following options in relation to this item, which are:
- To seek final approval to the scheme amendment without modifications;
  - To seek final approval to the scheme amendment with modifications; or
  - To not seek final approval to the scheme amendment.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

16. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

**SUMMARY CONCLUSION**

17. The finalisation of the proposed scheme amendment is supported without modification.

**ITEM NUMBER: 11.3.2 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

- i) **THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* resolves to ADOPT WITHOUT MODIFICATION Amendment No. 280 to Town Planning Scheme No. 3 as follows:**
- a) rezoning Lots 31, 32, 33, 34 & 35 Catalina Road, Yakamia from 'Rural' to 'Residential Development' zone;
- b) modifying 'Schedule 2 – Additional Use Sites' of the scheme as follows:

Code No.	Land Particulars	Additional Uses	Special Conditions
LV	Lots 32, 33 & 34 Catalina Road, Yakamia	Lifestyle Village	1. Subject to the Park Homes Provisions of the <i>Caravan and Camping Grounds Regulations 1997</i> . 2. All subdivision and development shall generally be in accordance with the approved development plan endorsed by the Chief Executive Officer and Mayor. 3. Preparation of design guidelines to Councils satisfaction prior to development approval covering the following matters: <ul style="list-style-type: none"> <li>• Perimeter fencing;</li> <li>• Building design, materials and colours; and</li> <li>• Landscaping.</li> </ul>

- c) amend the Scheme Map accordingly.

**AND**

- ii) **THAT Council RECEIVE the Schedule of Submissions and ADOPTS the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.**

## DEVELOPMENT SERVICES REPORTS

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## AMENDMENT No. 280

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed. They provide advice and recommendations on the amendment regarding vegetation clearing controls and stormwater disposal into Yakamia Creek. The developers are encouraged to prepare and implement a drainage and nutrient management plan incorporating water sensitive urban design principles and best management/monitoring practices in conjunction with the Department of Water.	The EPA advice and recommendations will be considered and implemented through the structure plan, subdivision and development process.	The submission is noted.
2	CM McIntyre PO Box 372 ALBANY WA 6331 (Adjoining landowner)	Does not support the proposed development of the lifestyle village as it is not in keeping with the larger family-friendly lots and lifestyle of this area. Believe that the proposal represents a low-cost housing estate that will generate additional social problems.	The views about the undesirability of the lifestyle village are not supported.  The proposal for 400 park homes represents a gross density of R15 (about 1 park home per 600m <sup>2</sup> ) which is consistent (and actually less than) with the R20 density code available on the submitters land.	The submission is dismissed.
3	Telstra Corporation Ltd (Forecasting & Area Planning) 3/80 Stirling Street PERTH WA 6001	No negative comments. Proposal is adjacent to existing telecommunications exchange and services are available.	Nil.	The submission is noted.
4	Department of Indigenous Affairs (Albany Regional Office) 129 Aberdeen Street ALBANY WA 6330	Advise no recorded Aboriginal heritage on the site, although it is close to Yakamia Creek which is a registered heritage place and that the <i>Aboriginal Heritage Act 1972</i> protects all Aboriginal sites in the State whether registered or not.	As seen from the Department of Water submission below, the Yakamia Creek affects Lot 33 and consultation with the DIA will be required during the structure plan process, if the amendment proposal is successful, to address heritage issues.	The submission is noted.

## DEVELOPMENT SERVICES REPORTS

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## AMENDMENT No. 280

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
5	Department of Environment and Conservation (South Coast Region) 120 Albany Highway ALBANY WA 6330	No comment on the proposal.	Nil.	The submission is noted.
6	Main Roads WA (Great Southern Region) Chester Pass Road ALBANY WA 6330	Oppose the scheme amendment until such time as suitable traffic model and strategies have been completed to address the impacts onto the State road network.	<p>The Department's concerns are not shared on the basis that:</p> <ul style="list-style-type: none"> <li>• Upgrading of the Catalina Road/Chester Pass Road intersection is already planned for and being upgraded to cater for the development proposed in the area.</li> <li>• Any additional upgrading above this would be the responsibility of the developer to meet through the subdivision and development stages.</li> <li>• In the long-term, Chester Pass Road will be removed from the State Road Network and MRWA control when the Port Road is completed to replace it and will become a local road under the City's control.</li> <li>• The proposed rezoning of land to residential development and completion of structure planning would improve the traffic modelling outcomes than considering the land will still be used for its existing rural purposes.</li> <li>• The required structure plan for the land, if the amendment proposal is successful, is likely to be progressed through 2009 and will enable any MRWA and City road upgrading requirements to be incorporated into the final</li> </ul>	The submission is dismissed.

## DEVELOPMENT SERVICES REPORTS

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## AMENDMENT No. 280

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
			<p>designs.</p> <ul style="list-style-type: none"> <li>The ultimate land release and development of the housing will be staged and is unlikely to produce sharp increases in traffic volumes and can be adequately dealt with.</li> </ul>	
7	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	No objection and advise the proponents will need to engage a consulting engineer to design water and wastewater services to the development.	Comments noted.	The submission is noted.
8	Department of Education and Training (Asset Planning Branch) 151 Royal Street EAST PERTH WA 6004	Note the proposed primary school site shown to the west of the site (within the Yakamia Structure Plan and has no objections to the amendment.	Nil.	The submission is noted.
9	Department of Water (South Coast Region) 5 Bevan Street ALBANY WA 6330	Advise that the future Outline Development Plan will be required to incorporate a Local Water Management Strategy to deal with overall stormwater management of the whole development to be supplemented by Urban Water management Plans for individual lots at the time of subdivision.  Protection of the wetland feature on Lot 33 is required.	The advice and recommendations will be considered and implemented through the structure plan, subdivision and development process.  The protection of the Yakamia Creek and its environs is supported and the drainage lines will need to be protected from development.	The submission is noted.

**DEVELOPMENT SERVICES REPORTS**

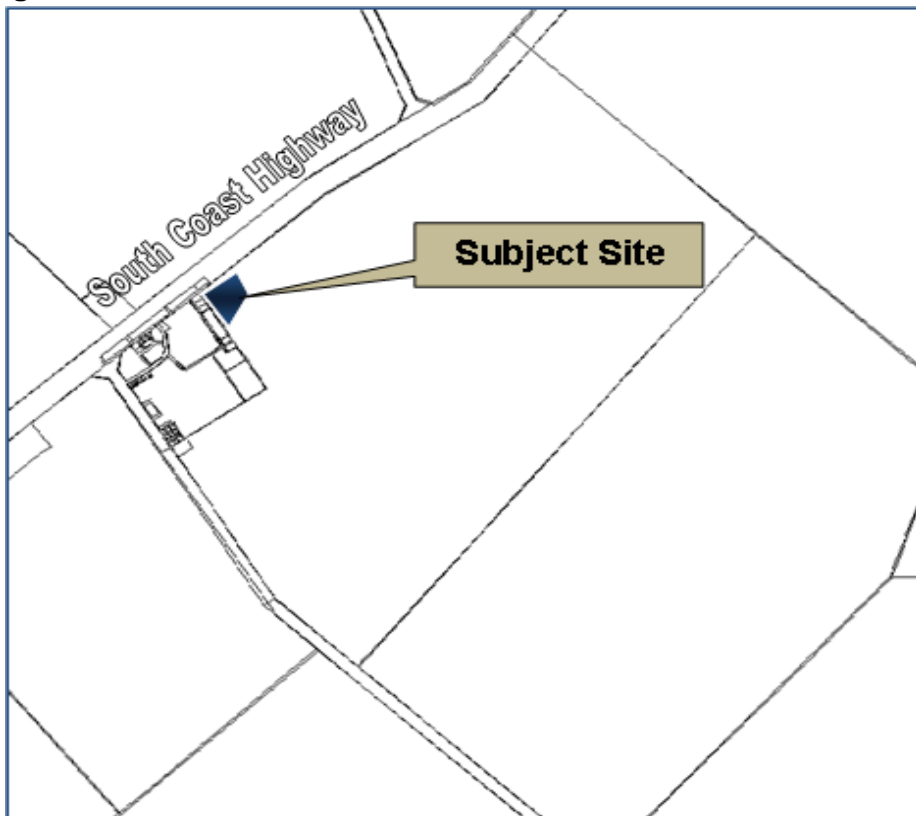
**ITEM NUMBER:** 11.3.3  
**ITEM TITLE:** SCHEME AMENDMENT – Final Approval - Lot 200 South Coast Highway, Wellstead

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

**Legislative function:** Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 281 (Kalgan Ward)  
**Summary of Key Issues** : Consider the submissions received from the public consultation period and determine whether to seek final approval to the amendment to rezone land at Wellstead to Light Industry  
**Land Description** : Lot 200 South Coast Highway, Wellstead  
**Proponent** : Whelans Town Planning  
**Owner** : SW Knox & PJ Ercegovich  
**Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht) and Planning Officer (P Shephard)  
**Disclosure of Interest** : Nil  
**Previous Reference** : OCM 18/03/2008 - Item 11.3.3 (withdrawn by applicants)  
OCM 15/07/2008 - Item 11.3.2  
**Bulletin Attachment(s)** : Copy of Submissions

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. Council initiated Amendment 281 to Town Planning Scheme No. 3 at its Ordinary Meeting held on the 15 July 2008. The amendment seeks to rezone the subject land from “Rural” to “Light Industry” and the successful completion of this amendment will facilitate the future subdivision and development of the land for light industrial purposes.

**DISCUSSION**

2. The scheme amendment was generally supported by the submitters. The issues raised in the submissions can be effectively addressed through modifications as listed in the attached Schedule of Submissions.
3. Issues relevant to the amendment raised within the submissions are as follows:
  - On-site water supply and effluent disposal requirements;
  - Access, road layout and upgrading requirements;
  - Land capability assessment and geotechnical assessment; and
  - The need for dry-type industries.
4. Staff recommend that the scheme amendment be finalised subject to modifications in regard to the subdivisional road including 10.0m minimum road truncations, the road reserve being increased to 25-30m wide, lot frontages to be minimum width of 8.0m and an increased cul-de sac head to 10-12m for servicing ease. The subdivision concept Plan should be modified to meet the requirements for vegetation protection to the satisfaction of the DEC.

**PUBLIC CONSULTATION/ENGAGEMENT**

5. The scheme amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 10 October 2008 to 3 December 2008 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners and groups, relevant State Government agencies and advertisement in the local newspaper.
6. A total of eight (8) written submissions were received and they are included in the Elected Members Report/Information Bulletin. The submissions received are summarised and discussed, with a recommendation for each submission, in the attached Schedule of Submissions.

**GOVERNMENT CONSULTATION**

7. The scheme amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the amendment has been assessed and does not require formal assessment and in addition provided some advice and recommendations as outlined in the attached Schedule of Submissions.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

8. The amendment was also referred to the Alinta Gas, Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Environment and Conservation, Department of Education and Training, Fire and Emergency Services Authority of WA, Main Roads WA and Albany Police Station for assessment and comment. Responses were received from Telstra, Water Corporation, Department of Education and Training and Main Roads WA and are summarised in the attached Schedule of Submissions.

**STATUTORY IMPLICATIONS**

9. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

**FINANCIAL IMPLICATIONS**

10. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

11. The City's decision on the scheme amendment must be consistent with the outcomes of the draft Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City. The subject area is located within the Wellstead Rural Village where the strategy advises that it is expected Wellstead will expand as a result of development projects such as the magnetite mining proposal. The Wellstead Townsite Strategy (note: the subject land adjoins but is outside the strategy boundary) prepared by the City in 2002 provides a guide for the proposed expansion of Wellstead, although it is clear that the Grange Resources Limited magnetite mine proposal has the potential to provide development opportunities as identified in the amending documents. The proposal to rezone the land is considered consistent with the objectives of the Wellstead Townsite Strategy.

**POLICY IMPLICATIONS**

12. Council is also required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 'State Planning Framework Policy' and 3 'Urban Growth and Settlement' establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.
13. The WA Planning Commission has prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Council has the following options in relation to this item, which are:
- To seek final approval to the scheme amendment without modifications;
  - To seek final approval to the scheme amendment with modifications; or
  - To not seek final approval to the scheme amendment.
15. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

**SUMMARY CONCLUSION**

16. The finalisation of the proposed scheme amendment is supported with modifications to address the relevant matters raised within the submissions.

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**ITEM NUMBER: 11.3.3 - OFFICER RECOMMENDATION (ADOPT)**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council;**

- i) in pursuance of section 75 of the *Planning and Development Act 2005* resolves to **ADOPT WITH MODIFICATIONS** Amendment No. 281 to Town Planning Scheme No. 3 as follows:
- a) rezoning Lot 200 South Coast Highway, Wellstead from 'Rural' to 'Light Industry' zone; and
  - b) amending the Scheme Map accordingly.

**AND**

- ii) **RECEIVE** the Schedule of Submissions and **ADOPTS** the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.
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**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**AMENDMENT No. 281**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	<p>The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed. They provide the following advice and recommendations on the amendment:</p> <p>The EPA requires that the change in land uses does not adversely impact on groundwater resources and watercourses. They recommend that treatment and disposal of stormwater be subject to the proponents preparing and implementing a drainage and nutrient management plan incorporating water sensitive urban design principles and best management/monitoring practices in conjunction with the Department of Water.</p>	<p>The EPA advice and recommendations will be considered and implemented through the subdivision and development process.</p>	<p>The submission is noted.</p>
2	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	<p>Advise that the land is outside of the water operating license area and the existing town water supply was not designed to accommodate this development and as such the Corporation cannot provide a reticulated water supply to the development.</p>	<p>Given the water supply constraints identified by the Water Corporation, the amendment document should be modified to provide additional information on the 'water harvesting' proposal as this will be the main supply available for development in the short-medium term.</p>	<p>The submission is upheld and the following modification to the scheme amendment report be completed:</p> <p>a) The inclusion of additional information within the 'Servicing Considerations' section to detail potential quantities and quality of water able to be harvested/stored from buildings.</p>

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 281

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
3	Telstra Corporation Ltd (Forecasting & Area Planning) 3/80 Stirling Street PERTH WA 6001	No negative comments.	Nil.	The submission is noted.
4	J & S Hall c/- Post Office WELLSTEAD WA 6328 (Adjoining Landowner)	<p>Do not support the amendment for various reasons including:</p> <ul style="list-style-type: none"> <li>• The amendment is inconsistent with previous advice given by the City and Department for Planning and Infrastructure that the land could not be subdivided further than the homestead lot they created.</li> <li>• The proposal is outside of the Wellstead Townsite Strategy.</li> <li>• The lot adjoins residential lots and not the existing industrial area.</li> <li>• The existing 5 industrial lots should be released to measure demand before the new ones are permitted.</li> <li>• The proposed access to South Cost Highway will create conflict with heavy vehicles and is located where sightlines are not suitable.</li> <li>• The proposal does not include land capability assessment and does not show EPA approval.</li> <li>• No consultation with local bodies has occurred.</li> <li>• The original report to Council listed the submitters as owners, not the new owners and may have affected the consideration by Council.</li> <li>• The proposal allows for caretaker's dwellings and is in effect a defacto residential, which is outside the Wellstead Townsite Strategy.</li> </ul>	<p>The following comments on the matters raised are provided:</p> <ul style="list-style-type: none"> <li>• It is not clear from the submission what previous discussions did take place. Any proposal for rezoning needs to be considered by Council on their individual merit. The previous proposal for the land to be zoned special residential was not supported by staff and was withdrawn by the proponents before being formally considered.</li> <li>• The subject land is not included within the Wellstead Townsite Strategy area which was prepared in 2002 and represents a non-statutory guide to the potential for development at Wellstead at that time which has now altered given the progression of the mining proposals for Wellstead. The proposal for additional industrial land has the support of the City and Department for Planning and Infrastructure and is not affected by Native Title implications which have prevented the existing industrial area from proceeding to date.</li> <li>• Main Roads have required the access</li> </ul>	<p>The submission is upheld in part and the following modification to the scheme amendment report be completed:</p> <p>a) The addition of a new section after 'Servicing Considerations' to include Land Capability Assessment for the proposal.</p>

**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**AMENDMENT No. 281**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
			<p>point be modified to address the matters raised (see submission 6 below).</p> <ul style="list-style-type: none"> <li>• The amendment proposal was referred to the Wellstead Progress Association for comment. No submission was received.</li> <li>• Land Capability Assessment should be completed and included within the amendment. Purchasers of the resultant lots should be advised of the servicing constraints (in particular water supply and effluent disposal). The EPA has provided environmental clearance to the amendment (see submission 1 above).</li> <li>• The ownership of the land is not relevant to the consideration of the proposal and as stated above 'Any proposal for rezoning needs to be considered by Council on their individual merit.'</li> <li>• The development of a caretaker's dwelling on the lots is at Council's discretion. The land use is defined as 'means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant'. A caretaker's dwelling therefore requires the existence of an industrial use before being considered.</li> </ul>	

## DEVELOPMENT SERVICES REPORTS

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## AMENDMENT No. 281

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
5	Department of Education and Training (Asset Planning Branch) 151 Royal Street EAST PERTH WA 6004	No objections to the proposal.	Nil.	The submission is noted.
6	Main Roads WA (Great Southern Region) Chester Pass Road ALBANY WA 6330	No objection subject to the inclusion of the following conditions: <ul style="list-style-type: none"> <li>• The internal road to be located between 0 – 70m from the north-west property boundary and access shall be via Wellstead Road (not directly to South Coast Highway).</li> <li>• The existing farm access track to South Coast Highway shall be closed and rehabilitated by the proponents.</li> <li>• All costs shall be borne by the proponents.</li> </ul>	The comments need to be included within the amendment. This will ensure they are implemented through the subdivision process.	The submission is upheld and the following modifications to the scheme amendment report be completed: <p>a) The Subdivision Concept Plan (Plan 1) be altered in accordance with Main Road comments by:</p> <ul style="list-style-type: none"> <li>• The subdivisional road to be relocated and the subdivision design are modified accordingly.</li> <li>• A notation is added to refer to the need for the proponents to close and rehabilitate the existing access to South Coast Highway.</li> <li>• The internal road widths being modified as per Council's requirements identified at Paragraph 4 of the Council Report.</li> </ul>

**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**AMENDMENT No. 281**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
7	Ayton Taylor Burrell 11 Duke Street ALBANY WA 6330 (on behalf of adjoining landowner J & S Hall)	Do not support the amendment for various reasons including: <ul style="list-style-type: none"> <li>• The amendment is considered premature and adhoc and not supported by land capability assessment. The submitters do recognise the need for additional industrial land in or adjacent to the Wellstead Townsite.</li> <li>• The proposal does not integrate with the proposals contained within the adopted Wellstead Townsite Strategy and should not proceed without a review of the Strategy accordingly.</li> <li>• The proposal should include geotechnical assessment to confirm the sites capability to sustain the light industrial development proposed.</li> <li>• Development standards should be included within the amendment to address the servicing constraints particularly water supply and on-site effluent disposal.</li> <li>• Consider the proposed rezoning is confusing.</li> <li>• The proposed road layout does not provide connectivity to the existing industrial area and should be reviewed.</li> <li>• The proposed lots may not achieve the required buffers to the existing residential lots required under the Department of Environmental Protection Guidelines and may therefore create land use conflicts.</li> <li>• Given the proposed industrial uses and servicing constraints (particularly water supply) fire safety should be addressed.</li> </ul>	See comments in submissions above.  The proposed subdivision should be subject to the preparation of a geotechnical assessment to confirm the sites capability to sustain the proposed development.  The adjoining residential lots are undeveloped and the provision of adequate buffers will need to be determined when applications are made. It is clear that the industries will need to be 'dry-type' to ensure that they can demonstrate that the quality and volume of waste water produced can be effectively disposed of without adverse environmental or health impacts to the satisfaction of the City, Department of Health and Department of Environmental Protection requirements.	The submission is upheld in part and the following modifications to the scheme amendment report be completed: <ul style="list-style-type: none"> <li>a) The Subdivision Concept Plan (Plan 1) be altered by:                             <ul style="list-style-type: none"> <li>• The subdivisional road to include the potential for connection to land to the south.</li> <li>• A notation is added to refer to the need for all industries to be of a dry-type as defined by Town Planning Scheme No. 3.</li> </ul> </li> </ul>

**DEVELOPMENT SERVICES REPORTS**

<p>8</p>	<p>Department of Environment and Conservation (South Coast Region) 120 Albany Highway ALBANY WA 6330</p>	<p>On a broad level DEC, does not object to the Amendment. However the design is required to be modified to ensure that the large area of vegetation in the northern part of the Lot is incorporated into the design in such away as to ensure its connectivity with the adjacent road verge and better stands of Banksia are protected. Invasive weed species should be removed to improve conservation values over time.</p>	<p>Comments are noted and it is recommended that the concept subdivision plan be modified in consultation with and to the satisfaction of the DEC. These comments should also be taken into account at the time of subdivision.</p>	<p>The submission is upheld in part and the following modifications to the scheme amendment report be completed:</p> <ul style="list-style-type: none"> <li>• The subdivision concept Plan being modified to meet the requirements for vegetation protection to the satisfaction of the DEC .</li> </ul>
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**DEVELOPMENT SERVICES REPORTS**

**ITEM NUMBER:** 11.3.4  
**ITEM TITLE:** SCHEME AMENDMENT – FINAL APPROVAL – Lots 2, 4, 5, 9, 10, 11, 12, 16, 301, 302, 303 & 9000 Frenchman Bay/Panorama Roads, Big Grove

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:**

**Legislative function:** Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 279 (Vancouver Ward)
- Summary of Key Points** : Consider the submissions received from the public consultation period and determine whether to seek final approval to the amendment to rezone land at Big Grove to “Residential Development”
- Land Description** : Lots 2, 4, 5, 10, 11, 12, 16, 301, 302, 303 & 9000 Frenchman Bay and Panorama Roads, Big Grove
- Proponent** : Ayton Taylor Burrell
- Owner** : Various
- Reporting Officer(s)** : Manager Planning & Ranger Services (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/05/05- Item 11.3.9  
OCM 18/04/06 - Item 11.3.5  
OCM 20/06/06 - Item 11.3.1  
OCM 17/06/08 - Item 11.3.5  
OCM 16/12/08 - Item 11.3.4
- Bulletin Attachment(s)** : Copy of Submissions

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. At its meeting dated 16 December 2008 Council considered a report that recommended the granting final approval to Amendment 279. Council resolved to defer consideration of that report.
2. This report does not duplicate information prepared for the December Meeting. Additional background information, which led to the land being considered for residential development, is provided.
3. A Councillor briefing is also being scheduled prior to the meeting to further address the history and merits of the rezoning proposal.
4. At its meeting dated 20 May 2003, Council considered a Scheme Amendment Request proposal to rezone Location 109 Frenchman Bay Road, Big Grove (land within Amendment 284) from “Rural” to “Special Rural”. The request was supported by Council. In Council’s resolution it was made clear that the land should include a wider land parcel, rather than the singular lot proposed.
5. At its meeting dated 20 January 2004 an amendment for the revised land parcel area, incorporating Lots 1, 2, 16 and Pt Location 109 Frenchman Bay Road, Big Grove was initiated by Council.
6. At its meeting dated 21 June 2005 Council, after the proposal was advertised and reviewed by state government agencies, resolved to grant final approval to the amendment. The documentation was subsequently referred to the Western Australian Planning Commission for consideration.
7. On 21 February 2006, the then Minister for Planning and Infrastructure advised Council that she was not willing to support the rezoning of the land from “Rural” to “Special Rural”. The Minister recommended that the land be considered for fully serviced residential purposes. The Minister noted that the draft Albany Local Planning Strategy (ALPS) had identified the land as a future long term residential area and, given its location being adjacent to the coast and services could be provided to the land, the lower density “Special Rural” development did not represent the highest and best use of the land.
8. At its meeting dated 18 April 2006, Council considered the Minister’s decision and advised the proponent that, subject to the landowners meeting all costs, Council would be prepared to consider a Scheme Amendment Request to rezone the land for “fully serviced residential” purposes.
9. In June 2006 Council resolved to support a Scheme Amendment Request to rezone the land from “Rural” to “Residential Development” subject to a number of conditions.
10. On the 17 June 2008, Council initiated Amendment 279 to Town Planning Scheme No. 3 to rezone the land in the following manner:

*“a) Rezoning Lot 2 Frenchman Bay Road, Big Grove from ‘Tavern’ to ‘Residential Development’ zone;*

*b) Rezoning Lot 9, 10 Panorama Road, Big Grove from ‘Rural’ to ‘Residential*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

*Development' zone;*

*c) Rezoning Lot 11 and 12 Panorama Road, Big Grove from 'Special Rural Area7' to 'Residential Development' zone;*

*d) Rezoning Lots, 4,5,16, 301, 302, 303 and 9000 Frenchman Bay Road, Big Grove from the 'Rural' zone to 'Residential Development' zone;”*

11. As part of the Council resolution, lots 5, 303 and 9000 Frenchman Bay Road and lots 9,10 and 12 Panorama Road were also specifically requested to be included within the boundaries of the amendment. The “Motel” zone over the Panorama Caravan Park is not affected by the amendment, and will remain in place.
12. The successful completion of this amendment will facilitate the future development of the land to residential uses subject to the completion of an Outline Development Plan (ODP) to guide the future subdivision and development.
13. Council also has initiated Amendment 284, (includes a group of lots to the east of the subject land) at its meeting dated 21 October 2008. That amendment is likely to be advertised in early January 2009.

**DISCUSSION**

14. The scheme amendment was generally supported by the people who lodged submissions. The outcome of this scheme amendment will effectively create a planning boundary around the subject lots. The landowners will then need to complete an ODP, for adoption by Council and endorsement by the WA Planning Commission, prior to any subdivision or development proceeding.
15. The majority of the issues raised in the submissions do not relate to this scheme amendment. They are more relevant to the more detailed planning that is yet to be undertaken as part of the preparation and adoption of the ODP. As can be seen from the submissions, the planning consultants have already had initial discussions with many of the landowners on the ODP and staff expect a draft ODP will be presented to Council in the near future. The issues raised in the submissions will be considered by staff when reviewing the ODP report.
16. The issue which Council needs to consider is whether it is supportive of the land being zoned “Residential Development”. The future subdivisional layout (including the road network, open space provision, vegetation protection areas, fire management regimes, areas of higher density etc) will be determined via the separate ODP process. It's important to note that the ODP cannot be adopted or advertised without Council's consent. After advertising, Council will need to consider any submissions made before making a final decision as to whether to support the ODP.
17. Issues relevant to the amendment raised within the submissions are as follows:
  - The Environmental Protection Authority request to consider including the “Foreshore” reserve area outside the current amendment proposal as a “Parks and Recreation” reserve in finalising the amendment; and
  - Some minor modifications to the amendment report relating to the Department of Environment and Conservation submission.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

18. Staff recommend that the scheme amendment be finalised by incorporating these minor changes.

**PUBLIC CONSULTATION/ENGAGEMENT**

19. The scheme amendment was advertised for 42 days in accordance with the requirements of the *Town Planning Regulations 1967* from 16 September 2008 to 28 October 2008 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners and relevant State Government agencies and advertisement in the local newspaper.
20. A total of ten (10) written submissions were received and they are included in the Elected Members Report/Information Bulletin. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

**GOVERNMENT CONSULTATION**

21. The scheme amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the amendment has been assessed and does not require formal assessment. The Authority has provided some advice and recommendations as outlined in the attached Schedule of Submissions.
22. The amendment was also referred to the Department of Planning and Infrastructure's Coastal Planning Branch, Alinta Gas, Telstra, Water Corporation, Western Power, Albany Port Authority, Department of Agriculture and Food, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education and Training, Main Roads WA and WA Tourism Commission for assessment and comment. Responses were received from Telstra, Water Corporation, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education and Training and Main Roads WA and are summarised in the attached Schedule of Submissions.

**STATUTORY IMPLICATIONS**

23. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

**FINANCIAL IMPLICATIONS**

24. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

25. The City's decision on the scheme amendment must be consistent with the outcomes of the Albany Local Planning Strategy (ALPS), as the principal land use planning strategy for the City.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

26. The subject area is located within an area identified for future urban uses within the ALPS adopted by Council in August 2007. The proposal to rezone the land is consistent with the settlement strategy objectives of the ALPS.
27. The WAPC has prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy.

**POLICY IMPLICATIONS**

28. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 "State Planning Framework Policy" and 3 "Urban Growth and Settlement" establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

29. Council has the following options in relation to this item, which are:
  - To grant final approval to the scheme amendment without modifications;
  - To grant final approval to the scheme amendment with modifications; or
  - To not seek final approval to the scheme amendment.
30. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

**SUMMARY CONCLUSION**

31. The proposed scheme amendment is supported with minor modifications to address the relevant matters raised within the submissions.
32. The majority of the matters raised in the submissions are not directly relevant to the scheme amendment and are more appropriately dealt with during the preparation and adoption of the ODP plan that is the next stage of planning required to be undertaken for the land.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

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**ITEM NUMBER 11.3.4 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

- i) THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to **ADOPT WITH MODIFICATIONS** Amendment No. 279 to Town Planning Scheme No. 3 as follows:
- a) rezoning Lot 2 Frenchman Bay Road, Big Grove from “Tavern” to “Residential Development”;
  - b) rezoning Lots 9 & 10 Panorama Road, Big Grove from ‘Rural’ to ‘Residential Development’ zone;
  - c) rezoning Lots 11 & 12 Panorama Road, Big Grove from ‘Special Rural Area 7’ to ‘Residential Development’ zone;
  - d) rezoning Lots 4, 5, 16, 301, 302, 303 & 9000 Frenchman Bay Road, Big Grove from ‘Rural’ to ‘Residential Development’ zone;
  - e) rezoning the identified foreshore reserve areas from ‘Rural’ zone to ‘Parks and recreation (non restricted)’ Reserve;
  - f) deleting Special Rural Area 7 from Schedule 1 ‘Special Rural Zones’ of Town Planning Scheme No. 3;
  - g) amending the Scheme Map accordingly;
  - h) inserting Clause 5.8(c) as follows:  
*“The provisions of the Residential Design Codes may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Detailed Area Plan approved by Council and endorsed by the Western Australian Planning Commission”*; and
  - i) including the following row in Table III – ‘Residential Design Codes Density Applicable to Land Within the Scheme Area’:

Lots Zoned Residential Development	Density as depicted on the endorsed Structure Plan
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AND

- ii) THAT Council **RECEIVE** the Schedule of Submissions and **ADOPTS** the officer’s recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.
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**DEVELOPMENT SERVICES REPORTS**

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	<p>The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed. They provide the following advice and recommendations on the amendment:</p> <p>The EPA notes that development cannot proceed until the completion of the Outline Development Plan (ODP) and expect the following advice will be implemented through the ODP.</p> <ul style="list-style-type: none"> <li><u>Vegetation</u> Request that clearing of remnant Eucalypts and Peppermint trees be minimised to ensure habitat for Western Ringtail Possums including retaining trees within road reserves and using building envelopes on private land.</li> <li><u>Fauna</u> Note that whilst there are no threatened fauna species located on the land, they have been recorded in the area. If possums or other significant fauna is found during development, advice shall be sought from the Department of Environment and Conservation Regional Office for implementation.</li> </ul>	<p>The EPA advice and recommendations will be considered and implemented through the development of the separate ODP process.</p> <p>In regards to the zoning anomaly and the foreshore area, Council when initiating the amendment did not require this land to be included within the parks and recreation reserve. The foreshore reserve area will be included for foreshore and recreation purposes in the ODP plan and this will secure them for these uses accordingly.</p> <p>There is no planning impediment that prevents Council from requesting that the foreshore reserve area be included within the parks and recreation reserve as part of finalising the amendment, although it may require readvertising at the discretion of the Minister for Planning as it was not requested by Council at the time of initiating the amendment and is outside of the current scheme amendment area.</p>	<p>The submission is upheld in part and the following modifications to the scheme amendment map be completed:</p> <p>a) Those portions of the land within the foreshore area be removed from the Rural Zone and shown as Parks and Recreation Reserve.</p>

**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**AMENDMENT No. 279**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<ul style="list-style-type: none"> <li>• <u>Coastal Reserve</u> and <u>Foreshore</u> Note a zoning anomaly and request that unless it cannot be accommodated that this foreshore reserve area be included within the final amendment as a parks and recreation reserve.</li> <li>• <u>Surface and Groundwater Quality</u> Note the draft ODP shows some special residential land which is an incompatible use with the South Coast Water Reserve Protection Area and advice from the Department of Water is required to ensure it is permissible.</li> <li>• <u>Contamination</u> The documentation with the amendment indicated there may be contamination of the soil and groundwater due to previous uses and a preliminary investigation should be carried out prior to detailed planning. If contamination is identified, the proponents will be</li> </ul>		



**DEVELOPMENT SERVICES REPORTS**

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
2	Department of Health Grace Vaughan House 227 Stubbs Terrace SHENTON PARK WA 6008	required to undertake a 'Site Remediation and Validation Report' to the satisfaction of the Department of Environment and Conservation (DEC).  No objection subject to all developments being connected to deep sewer.	All development will be required to connect to deep sewer.	The submission is noted.
3	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	No objection to the amendment and advise that water and wastewater (deep sewer) services will need to be connected to all lots.  Advise the proponents may also be required to upgrade the existing reticulated water and wastewater services to cater for the development.  Part of the land is within the South Coast Water Reserve and the ODP will need to incorporate measures to protect the water reserve and bores.	See above comments.  The separate ODP plan will include the necessary setbacks/buffers to protect the Water Reserve and bores.	The submission is noted.
4	Department of Water (South Coast Region) 5 Bevan Street ALBANY WA 6330	Provides the following advice:  • <u>Public Drinking Water Source Area</u> Do not support the inclusion of any urban development within the South Coast Water Reserve area.	See above comments.  The Department's opposition to urban development within the South Coast Water Reserve area is clear and the majority of this	The submission is noted.

**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**AMENDMENT No. 279**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<ul style="list-style-type: none"> <li><u>Bore Protection</u> Advise that no development may occur within 300m of the water production bore in the south of the area and that this is contained within the overall water reserve boundary.</li> </ul> <p>Note that this area is shown as public open space and recommend minimal disturbance to native vegetation and some areas of non-irrigated grassland if required to protect its values.</p> <ul style="list-style-type: none"> <li><u>Foreshore Reserve</u> Request the extent of the foreshore reserve be determined on-site through the ODP process. They would require the proponents develop and implement a Foreshore Management Plan to show future uses/management etc. Recommend a road be provided between private developments and the foreshore reserve.</li> <li><u>Stormwater Management</u> Require the proponents prepare an Urban Water Management Plan as subdivision occurs to address stormwater management.</li> </ul>	<p>land will be included as public open space areas within the separate ODP plan.</p> <p>The ODP process will conclude the extent of the required foreshore reserve and incorporate the stormwater management systems mentioned.</p>	

**DEVELOPMENT SERVICES REPORTS**

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
5	JA & J Hillis Big Grove Bed & Breakfast 15 Panorama Road BIG GROVE WA 6330 (Affected Landowner)	<p>This should be achieved through the ODP process and include water sensitive urban design principles to ensure stormwater collection and disposal does not adversely affect the catchments.</p> <p>Does not support the proposed ODP plan due to lack of input and the plan does not protect their interests.</p> <p>They have no plans for development of the property and seek to ensure future possibilities are not precluded or property value diminished.</p> <p>Provide detailed copy of responses to draft ODP plan regarding reservation of their land, amendment, subdivision design and road layouts, densities and non-conforming uses, future changes to water reserve boundary etc.</p>	<p>The majority of the matters raised within the submission will be addressed through the separate ODP process, not this scheme amendment proposal.</p> <p>The ODP plan should reflect the bed and breakfast business establishment. Its existence will not be affected by the outcome of this amendment.</p> <p>The Department of Water have made it clear that no urban development may occur within the South Coast Water Reserve area (which covers part of this property) and this will affect both the amount and type of development permitted.</p>	<p>The submission is noted.</p>
6	P & B Kirby 835 Frenchman bay Road ALBANY WA 6330	<p>Advise of dealings with the ODP process and outline their proposals for the land. Seek to retain a larger 2</p>	<p>The matters raised within the submission will need to be addressed through the separate</p>	<p>The submission is noted.</p>

**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 279  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter (Affected Landowner)	Summary of Submission	Officer Comment	Council Recommendation
7	Department of Education and Training (Asset Planning Branch) 151 Royal Street EAST PERTH WA 6004	<p>Advise the Department has been involved in discussions with the planning consultants over the development of the ODP.</p> <p>Comment the overall lot yield from the development of the Little and Big Grove areas of approximately 2,500 lots will require a new primary school site to cater for this growth. No objection to the rezoning and request approval of the Concept Plan is delayed until the ODP is completed for the overall area.</p>	<p>Those parts of the amendment report requested to be modified by the Department regarding Torndirrup National Park and Sharp Point Road should be completed.</p>	<p>The submission is upheld and the following modifications to the scheme amendment report be completed:</p> <p>a) Part 2.2 Surrounding Landuse (p.3 para.4) line 2 be deleted.</p>
8	Department of Environment and Conservation (South Coast Region) 120 Albany Highway ALBANY WA 6330	<p>Request that some parts of the amendment document be modified to:</p> <ul style="list-style-type: none"> <li>• Correct the status of the Torndirrup National Park (p.3).</li> <li>• Include reference to Sharp Point Road within the visual sensitivity analysis on the Opportunities &amp;</li> </ul>	<p>ODP process, not this scheme amendment.</p>	

**DEVELOPMENT SERVICES REPORTS**

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 279 SCHEDULE OF SUBMISSIONS				
No.	Name/Address Submitter	Summary of Submission of	Officer Comment	Council Recommendation
		Constraints map.		b) Sharp Point Road is added to dot point 8 on the Opportunities and Constraints Map.
9	Main Roads WA (Great Southern Region) Chester Pass Road ALBANY WA 6330	No objection 'in principle' and comments that the scheme amendment only shows a portion of the development proposed under the Albany Local Planning Strategy and therefore traffic impacts expected on State and Local Government roads. The proposal should be subject to a detailed traffic impact study as part of the ODP.  Advise that the expected traffic volumes from the overall developments in the Little and Big Grove areas will also require upgrading of the intersection at Princess Royal Drive and Frenchman Bay Road by the proponents.	The comments are noted and it is clear that the full development of these areas will require substantial upgrades to the present minor and major road system. The separate ODP process will need to quantify and address traffic impacts and provide for all necessary road improvements (vehicular and pedestrian) to cater for these increases.  The Department will be consulted in preparing the ODP and it is expected they then will seek road upgrading conditions upon referral of future subdivision applications by the WA Planning Commission.	The submission is noted.
10	Telstra Corporation Ltd (Forecasting & Area Planning) 3/80 Stirling Street PERTH WA 6001	No negative comment and advises that the area can be easily serviced.	Nil.	The submission is noted.

**DEVELOPMENT SERVICES REPORTS**

**ITEM NUMBER:** 11.3.5  
**ITEM TITLE:** LOCAL PLANNING POLICY – Use of Reflective Building Materials in Goode Beach

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

**Executive Function:** Council setting strategic direction and overseeing the operational functions of the City.

**File Number or Name of Ward** : STR 267 (Vancouver Ward)  
**Summary of Key Issues** : Adopt policy which restricts reflective building materials within the locality of Goode Beach  
**Land Description** : Locality of Goode Beach (as defined in Policy)  
**Proponent** : City of Albany  
**Owner** : N/A  
**Reporting Officer(s)** : Manager Planning & Ranger Services (G Bride)  
**Disclosure of Interest** : Nil  
**Previous Reference** : OCM 18/11/08 - Item 16.1  
**Bulletin Attachment(s)** : Draft Policy document

**BACKGROUND**

1. At its meeting dated 18 November 2008 Council resolved the following:

*“THAT Council PREPARE a reflective building materials policy to introduce controls on the use of reflective roofs on houses and walls of sheds at Goode Beach and that the proposed policy be based upon the Shire of Busselton “use of reflective building materials” policy document.”*

2. In accordance with Council’s resolution staff have prepared a draft local planning policy titled “Use of Reflective Building Materials in Goode Beach”, based on the Shire of Busselton Policy (refer to the Elected Members Report/Information Bulletin).

**DISCUSSION**

3. The draft policy will place restrictions on the use of reflective building materials, such as unpainted metal (Zincalume©) or off-white Colorbond© (colour known as ‘surfmist’) within the locality of Goode Beach.

4. Council has proposed to adopt a policy on reflective materials for the wider City of Albany, which has recently been advertised and will be considered at an upcoming meeting of Council. This policy is more restrictive than the wider policy as it applies to outbuildings, as well as dwellings, and involves the referral to, and approval of, all landowners that may be affected by the use of a reflective material (which in some locations may involve a large section of the locality).

**DEVELOPMENT SERVICES REPORTS**

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5. The use of Zinalume© and light coloured Colorbond© is favoured by local architects and the building industry as these materials have good thermal efficiency values which reflect the sun during summer and therefore reduce reliance on air-conditioning.

**PUBLIC CONSULTATION / ENGAGEMENT**

6. If the policy is adopted by Council it will be advertised for a period of 21 days in accordance with Clause 6.9 of Town Planning Scheme No. 3.

**GOVERNMENT CONSULTATION**

7. No Government consultation relates to this item.

**STATUTORY IMPLICATIONS**

8. The process to adopt local planning policies is outlined in Clause 6.9 of Town Planning Scheme No. 3. After the policy has been advertised, the submissions will need to be considered by Council and a final position on the policy determined.

**FINANCIAL IMPLICATIONS**

9. The cost of advertising the policy can be met within existing budget allocations.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

10. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

*“Priority Goals and Objectives:*

*Goal 1: Lifestyle & Environment: Albany will be Western Australia’s regional City of first choice offering a diverse range of healthy and active lifestyle opportunities, with energy efficient housing and development that respects our environment.*

*Objective 1.5 Development...embraces environmentally responsible approaches to energy and water consumption.*

*City of Albany Mission Statement:*

*At the City of Albany we foster community involvement in decision making.”*

**POLICY IMPLICATIONS**

11. There are no policy implications relating to this item.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

12. Council could decide not to adopt the policy for the purposes of advertising. This would be contrary to the wishes of the Goode Beach community but a decision either way does not invoke any legal consequences.

**SUMMARY CONCLUSION**

13. When considering the Busselton policy previously, the Planning and Environment Strategy and Policy Committee felt that the restrictions placed on solar roofs, solar panels and glazing was too restrictive. This concern has been overcome within the draft policy. The Committee was also uncomfortable with the requirement in the policy to consult with the “surrounding” landowners, given the Residential Design Codes limits consultation to an “adjoining” landowner. The impact of glare can be experienced some distance from an offending property and the extent of that impact can be subjective. Most roofing materials and metal clad outbuildings “weather” over a period of time and the level of reflective glare reduces accordingly.
14. There is no legal or practical impediment to a separate policy being introduced at Goode Beach to control roofing materials and the finishes on the walls and roofs of outbuildings. City staff have previously highlighted that they would be concerned if there are multiple policies dealing with roofing materials across the urban area; whilst the rationale for this approach may be sound, it will clearly cause confusion and the potential for an error in decision-making.

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**ITEM NUMBER 11.3.4 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council resolves to ADOPT the policy titled ‘Use of Reflective Building Materials in Goode Beach’ for the purposes of advertising in accordance with Clause 6.9 of Town Planning Scheme No. 3.**

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**DEVELOPMENT SERVICES REPORTS**

**11.4 – RESERVES PLANNING**

Nil

**11.5 – EMERGENCY MANAGEMENT**

Nil

**11.6 – DEVELOPMENT SERVICE COMMITTEES**

Nil

**11.7 - CITY WORKS – RESERVES, PLANNING & MANAGEMENT**

Nil