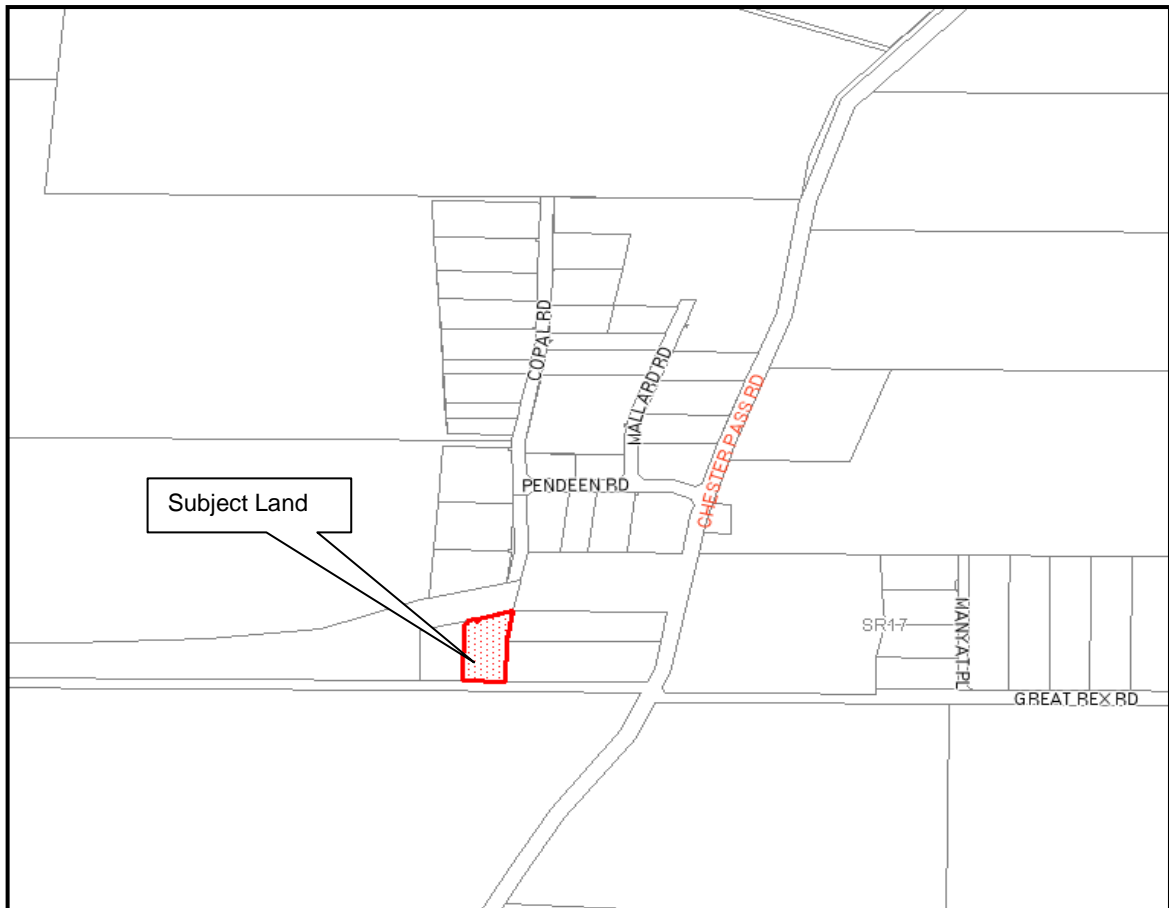


**1.4: FINAL APPROVAL OF AMENDMENT - LOT 90 MENANG DRIVE,
WILLYUNG**

- Land Description** : Lot 90 Menang Drive, Willyung
Proponent : Planning Solutions
Owner : Caltex Australia Petroleum Ltd
Business Entity Name : Caltex Australia Petroleum Ltd
Directors of Owner Company : Caltex Australia Petroleum Ltd is a publicly listed company with multiple shareholders
Attachment(s) : Schedule of Submissions
Councillor Workstation : Amendment Document (AMD 306)
Copy of Submissions
Responsible Officer : E/Director Planning and Development Services (G Bride)

Maps and Diagrams:



CEO:

RESPONSIBLE OFFICER:

IN BRIEF

- At its ordinary meeting dated 16 November 2010, Council resolved to initiate Amendment No. 306.
- The amendment was advertised with nine submissions being received.
- It is recommended that Council finally adopt the amendment with modifications as identified within the Schedule of Submissions.

ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 1) In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **ADOPTS WITH MODIFICATIONS** Amendment No. 306 to Town Planning Scheme No. 3 by:
 - i) Amending the scheme map to annotate an ‘Additional Use’ to Lot 90 Menang Drive, Willyung; and
 - ii) Amending Schedule 2 – Additional Use Sites of the City of Albany Town Planning Scheme No. 3 as follows:

Code No	Land Particulars	Additional Uses	Special Conditions
12	Lot 90 Menang Drive, Willyung	Petrol Filling Station and Shop	1) The shop land use must be associated with the Petrol Filling Station. 2) No stormwater is to be discharged into the Menang Drive drainage system. 3) Only one crossover is to be approved and the crossover is to be shared with the neighbouring property to the west. 4) Suitable turn treatments in accordance with the <i>AUSTROADS Guide to Traffic Engineering Practice – Part 5: Intersections at Grade</i> are to be installed on Menange Drive. 5) A <i>Traffic Management Plan</i> is to accompany a development application to identify transport needs for the site and adjacent networks.

NOTES the staff recommendations contained within the attached Schedule of Submissions and **ENDORSES** those recommendations.

ITEM 1.4: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

BACKGROUND

1. Council initially received a Development Application for Lot 90 Menang Drive, Willyung involving the sale of fuel and incidental convenience items.
2. During the assessment process of the Development Application, the following advice from consulted government agencies was given:

Submission	Comment
Department of Environment and Conservation	Appropriate wastewater infrastructure is to be installed to manage effluent.
Main Roads WA	Signs facing Menang Drive require Main Roads WA approval. No stormwater being discharged from the development into Menang Drive drainage system. Suitable turn treatments (to the satisfaction of Main Roads) being installed on Menang Drive. Only one crossover is to be approved and the crossover is to be shared with the neighbouring property to the west.

3. In accordance with the zoning restrictions in Town Planning Scheme 3, there was no ability to approve the uses proposed, and hence the development application was refused.
4. An application to amend the Town Planning Scheme was subsequently received and at it's meeting dated 16 November 2010 Council resolved to initiate Amendment No. 306 without modifications.
5. The Environmental Protection Authority (EPA) assessed the amendment and advised that an environmental assessment in accordance with their Act was not required.
6. The Scheme Amendment was then advertised for a period of 42 days.

DISCUSSION

Proposed Use

7. The subject site is presently vacant and adjoins a mixture of uses including industrial land, an industrial buffer area, rural land uses and a parks and recreation reserve.
8. The amendment will facilitate the use of the site for a petrol filling station and incidental shop. The following is envisaged for the development of the land:
 - The establishment of three heavy vehicle bays and shelter with diesel bowsers operating on a 24 hour / 7 days per week basis;
 - The construction of underground fuel tanks;
 - An administration building and shop;
 - Truck parking and maintenance depot;
 - A wash down bay;
 - Infrastructure to manage stormwater/effluent runoff;
 - Storage shed; and
 - Landscaping (trees) adjacent to Menang Drive.
9. The proposal is considered to be consistent with the objective of the industrial area, which is to *'provide sites for a diverse range of industries'*.

Advertising Process – Submissions

10. At the close of the advertising period a total of nine submissions were received. No objections were received from the Department of Water, Department of Environment and Conservation, the Water Corporation, Western Power and the Department of Mines and Petroleum.
11. Main Roads WA also had no objection, however they have recommended additional conditions be placed within Schedule 2 of the Scheme to be adhered to when lodging formal planning scheme consent. As detailed in the government consultation section of this report, the majority of these conditions are supported for inclusion into the amendment document

PUBLIC CONSULTATION / ENGAGEMENT

12. Letters were sent to neighbouring properties, a sign was positioned at Lot 90 Menang Drive and advertisements placed in the local newspaper inviting comment on the proposed Scheme Amendment. The advertising period was for 42 days and a total of nine (9) submissions in total were received. No objections from the public were received, with two letters being received in support of the proposal.

GOVERNMENT CONSULTATION

13. The Scheme Amendment was referred to the following government agencies: Environmental Protection Authority; Department of Planning; Department of Environment and Conservation; Department of Water; Department of Minerals and Energy; WA Gas Networks; Telstra; Western Power; Water Corporation and the Main Roads WA.

14. Main Roads WA have requested the following conditions be applied to the amendment:
 - (a) No stormwater is to be discharged into the Menang Drive drainage system;
 - (b) Access to Lot 90 and neighbouring Lot 91 is to be shared, reducing the number of access points onto Menang Drive;
 - (c) Suitable turn treatments in accordance with the *AUSTROADS Guide to Traffic Engineering Practice – Part 5: Intersections at Grade*, are to be installed on Menang Drive;
 - (d) Any signage or sign structure is not to adversely impact road users. In this regard, comment is to be sought from the Main Roads WA for assessment in accordance with their *Main Roads Guide to the Management of Roadside Advertising*;
 - (e) A Traffic Management Plan is to accompany a development application to identify transport needs for the site and adjacent networks;
 - (f) The developer must meet Main Roads requirements to transport oversize and/or overweight loads;
 - (g) The developer must submit an *Application Form to Undertake Works within the Road Reserves Managed by Main roads WA*.

15. It is recommended that points (a), (b), (c) and (e) be incorporated into Schedule 2 of the Scheme. Points (d), (f) and (g) are advisory in nature and will be assessed by Main Roads WA at the development application stage.

STATUTORY IMPLICATIONS

16. The subject site is zoned ‘Special Industry (Elizabeth Street)’ under the provisions of the City of Albany Town Planning Scheme No.3 (TPS3).

17. The proposal complies with the Objectives listed for the zone as indicated below:

Objectives	Compliance
Provide sites for industries which are low impact and require large lots.	The nature of the proposed development requires a large area to cater for the movements and manoeuvrability of large commercial vehicles and tankers.
Provide sites for industries which are transport orientated, such as trucking depots and warehouses.	The future use and development on the site will provide for the retail sale of fuel and convenience goods to large commercial vehicles and trucks. Therefore, the nature of the use is predominantly transport orientated.

Objectives	Compliance
Provide sites for industries which do not have significant effluent or waste disposal requirements.	The proposed development will generate minimal demand for effluent and waste disposal services. The development will be required to manage effluent in accordance with environmental standards.
Provide sites for industries which shall be set aside for industries that require no more than a 200 metre buffer.	The proposal provides for fuelling facilities and combustible and flammable storage facilities on the subject site which necessitate the requirement for safety setbacks. The proposed fuel storage facilities are proposed to be setback appropriately within the subject site to avoid potential conflict with abutting properties. As defined in the Environmental Protection Authority Guidance Statement 3, the uses proposed do not require a buffer of more than 200 metres.

STRATEGIC IMPLICATIONS

18. The subject land is located within an existing industrial estate and adjacent to the intersection of Chester Pass Road and Menang Road and therefore the additional uses contemplated under this amendment is consistent with Section 5.3 of the ALPS, namely *“To maintain an adequate supply and range of serviced industrial land in appropriate locations.”*

FINANCIAL IMPLICATIONS

19. The proponent has paid the appropriate fee as per the Planning Fees Schedule adopted by Council.

POLICY IMPLICATIONS

20. There is no specific town planning policy which affects the proposal.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

21. Council has the following options in relation to this item, which are:
- To resolve to finally adopt the Scheme Amendment without modifications;
 - To resolve to finally adopt the Scheme Amendment with modifications; or
 - To resolve not to finally adopt the Scheme Amendment.

SUMMARY CONCLUSION

22. The proposal seeks to amend the TPS3 to allow the additional uses of petrol filling station and shop (incidental to the petrol filling station) for Lot 90 Menang Drive Willyung.
23. The proposed uses are in keeping with the objectives of the zone and the predominant transport orientated uses currently in operation within the locality.
24. The proposed uses are not expected to create any land-use conflict and with appropriate development controls being implemented in accordance with the requirements stipulated for the Special Industry zone and Schedule 2 of Scheme 3, the proposed development is capable of being made safe and visually and environmentally acceptable.
25. The proposal is considered to be consistent with the aims of the TPS3, and therefore it is recommended that the scheme amendment be finally adopted with conditions added to Schedule 2.

Consulted References	EPA Guidance Statement No. 3
File Number (Name of Ward)	AMD 306 (Kalgan Ward)
Previous Reference	OCM 16/11/10 - Item No. 1.6