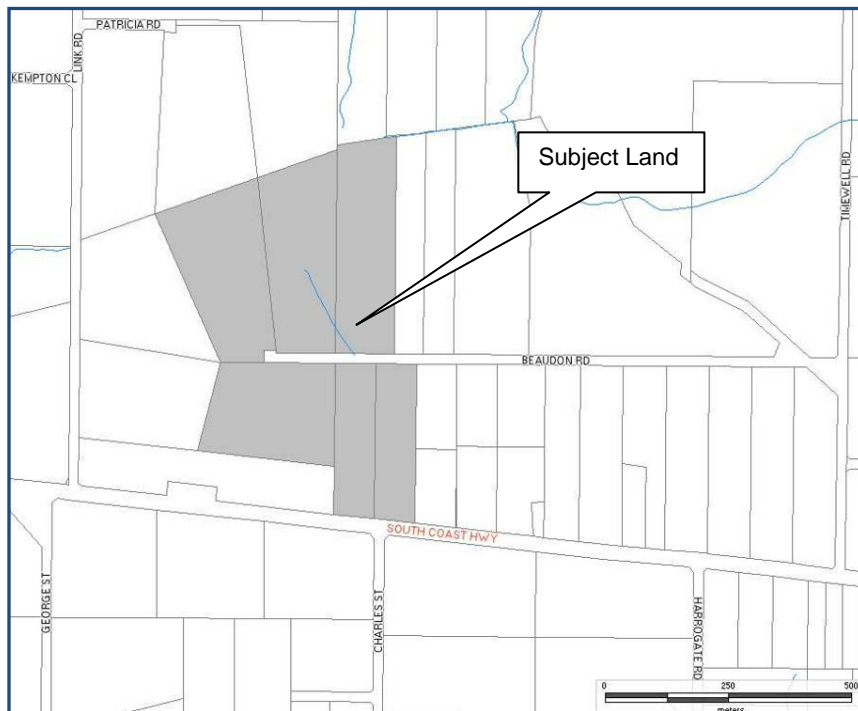


1.5: FINAL APPROVAL OF AMENDMENT – LOTS 1 AND 2 SOUTH COAST HIGHWAY AND LOTS 4, 5, 8 AND 17 BEAUDON ROAD, MCKAIL

- Land Description** : Lots 1 and 2 South Coast Highway and Lots 4, 5, 8 and 17 Beaudon Road, McKail
- Proponent** : Harley Global
- Owner/s** : M & F D’Addario; M & A D’Addario; DP & MA Reynolds; A & P Genovese; KG & JL Marshall; R & C Griffiths;
- Business Entity Name** : N/A
- Attachment(s)** : Modified Subdivision Guide Plan
: Schedule of Submissions
- Councillor Workstation** : Copy of OCM 15/08/06 – Item 11.3.1 (SAR 097)
: Copy of OCM 16/03/10 – Item 13.2.1
Amendment Document (AMD261)
Copy of Submissions
- Responsible Officer(s)** : E/Director Planning and Development Services (G Bride)

Maps and Diagrams:



CEO:	RESPONSIBLE OFFICER:
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IN BRIEF

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed Scheme Amendment to rezone Lots 1 and 2 South Coast Highway and Lots 4, 5, 8 and 17 Beaudon Road from the 'Rural' zone to the 'Special Rural' zone.
- It is recommended that the amendment be adopted for final approval with modifications.

ITEM 1.5: 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. 261 to Town Planning Scheme No. 3 by:
 - i) Rezoning Lot 1 South Coast Highway and Lots 2, 4, 5, 8 and 17 Beaudon Road, McKail from Rural to Special Rural and amending the Scheme Maps accordingly.
 - ii) Amending Schedule 1 – “Special Rural Zones – Provisions Relating to Specified Areas” by inserting special provisions for Special Rural Area No. 40.
- 2) **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

ITEM 1.5: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR MATLA

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

BACKGROUND

1. Amendment 261 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lots 1 and 2 South Coast Highway and Lots 4, 5, 8 and 17 Beaudon Road from the 'Rural' zone to the 'Special Rural' zone.
2. A Scheme Amendment Request (SAR 097) was considered at the August 2006 Council Meeting, whereby it was resolved:

*“**THAT** Council advises the proponent that it is prepared to entertain the submission of a formal application for rezoning Lot 1 South Coast Highway and Lot 8 Beaudon Road from the 'Rural' zone to the 'Special Rural' zone subject to the following matters being addressed to the satisfaction of Council:*

- i) *amendment documentation which includes a detailed land capability report assessing soil characteristics and groundwater levels on the site; and*

- ii) *a set of scheme provisions for the area which includes a provision for a contribution to the upgrading of Beaudon Road.”*
3. The matters outlined above were adequately addressed in the amending document and the detailed land capability report, which was prepared by Opus International Consultants. A provision requiring contributions to the upgrading of Beaudon Road was not incorporated into the proposed Special Provisions; the road has been sealed since the SAR was considered by Council. Despite this improvement further upgrading may be required and contributions can be sought at the subdivision stage.
 4. The proposed Scheme Amendment was subsequently initiated at the Ordinary Meeting of Council on 16 March 2010.
 5. Successful completion of the Amendment will allow the subdivision of the subject land to create ‘Special Rural’ lots of approximately 1ha in size.

DISCUSSION

6. The subject lots cover an area of approximately 26.4ha and lie to the north of South Coast Highway, approximately 7km north-west of Albany town centre. The land generally slopes upward to the south-east, before briefly levelling out and falling downward to South Coast Highway. Much of the land has been cleared for agricultural purposes in the past, although some vegetation remains along lot boundaries and at the northernmost extent of Lots 4, 5 and 6 Beaudon Road. Land uses are of a rural residential nature, with a dwelling and associated outbuildings situated at the southern end, or south-eastern corner, of each lot and the remainder of the land used for some limited grazing and horticultural activities.
7. All of the surrounding land is covered by the ‘Rural’ zoning, although Special Rural Area No. 25 lies approximately 200m to the north-west of the subject lots and Special Rural Area No. 22 approximately 200m to the south. The area has been identified as being suitable for ‘Rural Residential’ development in the Albany Local Planning Strategy (ALPS). This has been largely influenced by the proximity of the land to Link Road, which it is intended will become the route of the proposed Albany Ring Road. The proposed rezoning to ‘Special Rural’ is broadly in keeping with the objectives of Section 8.3.5 of the ALPS.
8. The proposal was referred to various government agencies and utility providers in accordance with established practice. Responses were received from:
 - Main Roads WA;
 - Western Power;
 - Department of Health;
 - Department of Environment and Conservation; and
 - Department of Water.
9. No objections were received during the public consultation period, merely advice from State Government agencies, primarily in relation to conservation issues. These submissions are dealt with in detail in the attached Schedule of Submissions.

10. Overall, the proposal is considered to be consistent with State Planning Policy and the strategic planning direction set by the ALPS. It is recommended that the Amendment be adopted for final approval, subject to modifications.

PUBLIC CONSULTATION/ENGAGEMENT

11. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 7 October 2010 to 18 November 2010 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
12. A total of six 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

13. Main Roads WA have raised the likely need for the City to establish a new north-south connector road in this locality, should the proposed Albany Ring Road be constructed and further urban development take place. The City's draft Traffic Model currently shows indicative north-south connectors, including an alignment from Lancaster Road, to the north of the subject land, to South Coast Highway and Charles Street to the south.
14. It is therefore recommended that a 'Development Exclusion Area' with a width of 42m be designated on the SGP, which will allow for the provision of a new road at some stage in the future, while maintaining appropriate building setbacks (the figure of 42m is based on the need for a 30m road reserve and a 6m building setback requirement, which is typical of urban areas). The proposed alignment, while slightly offset from Charles Street, has been chosen as it runs over the proposed Water Corporation easement and internal cul-de-sac shown on the SGP and will not affect the expected lot yield. It should be noted that this 'Development Exclusion Area' will only apply to habitable buildings and will not restrict the use of the affected land or the erection of structures that are seen as being of a more 'temporary' nature, such as sheds, water tanks, etc.
15. It should also be noted that the existing houses on the subject lots are all positioned in such a way that they will not be affected by the proposed 'Development Exclusion Area'.

STATUTORY IMPLICATIONS

16. 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

17. In the long term future when the north-south road connector is required (expected to be 20 years plus), Council at that time will need to either negotiate with landowners to secure the land for the purposes of a road reserve or receive the required land when the lots are further subdivided as a condition of subdivision approval.

STRATEGIC IMPLICATIONS

18. Council's decision on the Scheme Amendment should be consistent with the objectives of the ALPS as the principal land use planning strategy for the City.
19. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”.

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

- *Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.*
- *Minimising the development footprint on the landscape to help protect biodiversity and the environment.*
- *Promoting energy conservation.*
- *Providing greater housing choice.*
- *Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*
- *Reducing government expenditure on servicing current and future populations.*

20. Section 8.3.5 – *Rural Living* sets the following Strategic Objective:

“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”

The ALPS expands on this by stating that:

“The strategy's objectives for Rural Living areas are to:

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

Existing Rural Residential areas in the ALPS are mainly on the fringe of the proposed Future Urban area.

Existing Special Rural and Special Residential zones in the City's current Town Planning Scheme are fragmented and located within or next to rural areas on the periphery of the Albany urban area, along the King and Kalgan Rivers and around Princess Royal and Oyster Harbours. These zones are at different stages of development and not required to be connected to reticulated sewerage. Some of the outer areas, such as Millbrook and most of Gull Rock, are not connected to reticulated water”.

21. The proposal is considered to be consistent with the various Strategic Objectives and aims set out in the ALPS, particularly those contained within Section 8.3.5 – *Rural Living*, while the subject land has been identified on the ALPS map as suitable for ‘Special Rural’ development.
22. However, the Strategic Objectives and aims set out in ALPS Section 8.3.4 – *Protection of Future Urban Land* (outlined below) should also be taken into consideration, given the proximity of the subject lots to the existing urban front and the likely need for a local road between Lancaster Road to the north and South Coast Highway to the south at a future time.
23. Section 8.3.4 – *Protection of Future Urban Land* sets the following Strategic Objective:

“Protect areas designated as future fully-serviced urban areas from inappropriate land uses, subdivision and development”.

The ALPS further states that:

“Future fully-serviced urban areas of Albany must be protected. Planning for these areas needs to accommodate urban growth within, and hopefully beyond, the timeframe of this strategy or to facilitate urban growth above current estimates. These areas have been identified in the ALPS as Future Urban Priority Development areas.

Urban growth must be planned for beyond the existing major development fronts (Priority 1 areas) in McKail, Yakamia and Bayonet Head. Apart from more detailed planning, measures need to be put in place to retain potential urban development areas as large landholdings and prevent inappropriate land uses, subdivision and development.

The main statutory mechanism the City has to protect Future Urban areas is the zoning of land for rural purposes in the LPS1 with appropriate controls on land uses, subdivision and development until it is required to be developed for urban uses.

All Future Urban growth areas will be subject to district structure, policy, precinct and local structure planning”.

24. As discussed above and in the Schedule of Submissions, Main Roads WA has raised the likely need for the City to establish a new north-south connector road in this locality, should the proposed Albany Ring Road be constructed and further urban development take place.

The City's draft Traffic Model currently shows indicative north-south connectors, including an alignment from Lancaster Road, to the north of the subject land, to South Coast Highway and Charles Street to the south. It is important from a long-term strategic planning perspective that the City's future transport needs are not compromised by inappropriate development or subdivision, hence the need for the proposed 'Development Exclusion Area' to protect this future local road alignment.

POLICY IMPLICATIONS

25. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the Town Planning Scheme will be assessed by the Western Australian Planning Commission to ensure consistency with the following State and Regional Policies.

26. SPP 1 – State Planning Framework

The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.

The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and therefore complies with the principles of SPP1.

27. SPP 3 – Urban Growth and Settlement

SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The key policy objectives in SPP 3 are as follows:

- *To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.*

The Amendment proposal is consistent with the key policy measures identified in SPP 3.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

- *To seek final approval to the scheme amendment without modification;*
- *To seek final approval to the scheme amendment with modifications; or*
- *To not seek final approval to the scheme amendment.*

29. 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

30. The proposed re-zoning will allow subdivision of the subject land to create 'Special Rural' lots of approximately 1ha, without prejudicing its future development potential to a full urban standard. Staff therefore recommend that the proposed Scheme Amendment be adopted for final approval, subject to modification.

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	AMD261 (West Ward))
Previous References	OCM 15/08/06 – Item 11.3.1 (SAR 097) OCM 16/03/10 – Item 13.2.1