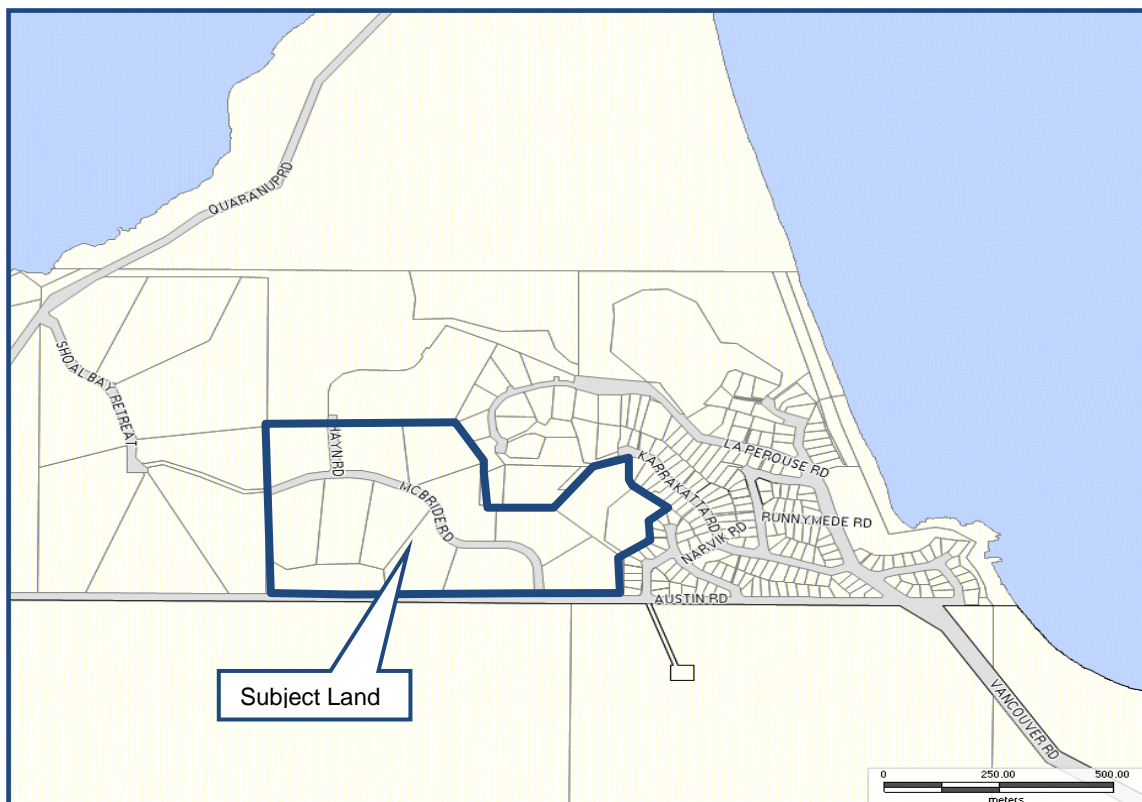


**2.3 INITIATION OF SCHEME AMENDMENT – LOTS 6, 7, 8, 9, 10 AND 11
MCBRIDE ROAD, GOODE BEACH**

- Land Description** : Lots 6, 7, 8, 9, 10 & 11 McBride Road, Goode Beach
Proponent : Ayton Baesjou Planning
Owner : Mr John Bates & Ms SA Swift ,J Bell ,Shelley Mettam, WF & FD Beard, B & L Campbell, AW & GM Hogstrom
Business Entity Name : N/A
Directors of Owner Company : N/A
Attachment(s) : Subdivision Guide Plan from amendment
Appendices : Amendment Document (AMD 293) without attachments 2, 3 and 4
Councillor Workstation : Amendment Document (AMD 293) including:
Attachment 1 - Special Provisions.
Attachment 2 - Land Capability, Geotechnical Assessment and Flora and Fauna Assessment.
Attachment 3 - Fire Management Plan.
Attachment 4 - Visual Impact Assessment.
Responsible Officer : E/Director Planning and Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Council is requested to consider a Scheme Amendment to Town Planning Scheme No. 3, proposing modifications to the scheme provisions and the subdivision guide plan for “Special Rural Area” No 5.
- The proposal is consistent with the Albany Local Planning Strategy and it is recommended that the amendment be initiated by Council.

ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 25(1)(c) of the Town Planning Regulations 1967 resolves to INITIATE Amendment No. 293 to Town Planning Scheme No. 3 for the purpose of:

- i) Modifying the Plan of Subdivision and associated special provisions for “Special Rural” Zone No. 5 - McBride Road, Goode Beach.*

ITEM 2.3: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

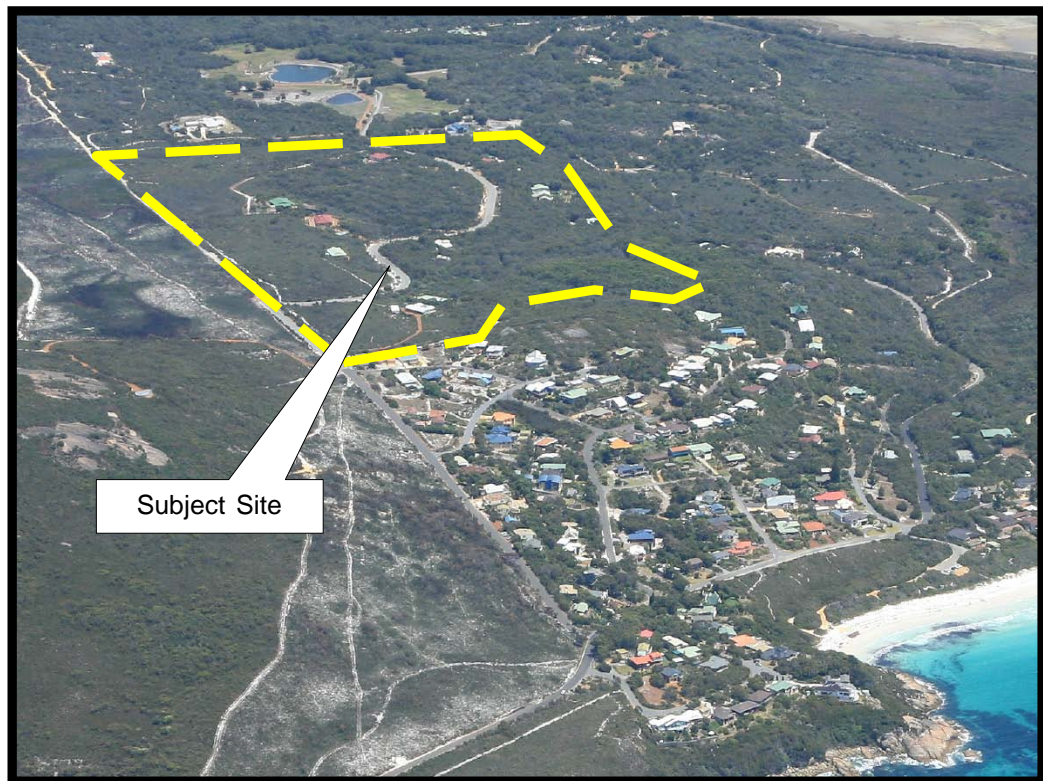
CARRIED 11-0

BACKGROUND

1. The City has received an application from Ayton Baesjou Planning (planning consultants) seeking to amend Town Planning Scheme No. 3 by amending the scheme provisions and the subdivision guide plan for “Special Rural Area Zone” No 5.
2. The land is currently zoned “Special Rural” (Special Rural Zone No. 5) in Town Planning Scheme 3.
3. The current subdivision guide plan contains 12 lots of approximately 2 hectares each.
4. By amending the scheme provisions and the subdivision guide plan for “Special Rural Zone” No. 5, the subject area could be developed at a higher density with lot sizes not smaller than 1 hectare.
5. The amendment will potentially result in the creation of 6 additional lots through the subdivision of Lots 6, 7, 8, 9, 10 and 11 McBride Road, Goode Beach.
6. A Scheme Amendment Request (SAR) was considered and supported at Council’s Ordinary Council Meeting of 18 March 2008.

DISCUSSION

7. The subject site area is identified within the Albany Local Planning Strategy (ALPS) as 'Rural Residential' (which reflects the current zoning of the land).
8. At its Ordinary Meeting of 18 March 2008 Council resolved to support the submission of a formal scheme amendment application for Lots 6, 7, 8, 9, 10 & 11 McBride Road, on condition that the following matters be addressed:
 - i) The development of a visual impact assessment report for the area and additional recommended landscape protection measures;
 - ii) a vegetation study and protection plan;
 - iii) a land capability study;
 - iv) a fire management Plan; and
 - v) The Subdivision Guide Plan to be amended with lot sizes not being smaller than 1 hectare, were supported by the land capability study.
9. The amendment document discusses and includes:
 - i) a visual impact assessment report;
 - ii) an initial fauna and flora assessment;
 - iii) a land capability & geotechnical assessment with recommendations prepared by Landform Research consultants in October 2009 (included as an appendix to the document);
 - iv) a fire management plan; and
 - v) a proposed subdivision guide plan with all proposed lot sizes being larger than 1 hectare.
10. The proposed rezoning is considered an opportunity to allow for limited 'infill development' into existing special rural zoned and developed land.
11. The proposal is within an area identified for rural residential purposes and is consistent with the strategic direction of the City as documented in the ALPS. The ALPS recommends increased densification and infill of developed areas.
12. Whilst the amendment is consistent with the strategic intent of the City, the proposal will involve the removal and or disturbance of remnant vegetation to cater for new dwellings, fence lines, driveways and building protection zones.
13. The fire management plan (Attachment 3 of the amendment document) highlights the extent of vegetation that will be affected by the proposal, which is also identified on the attached subdivision guide plan.



14. The amount of clearing involved will be reduced by increasing lot sizes above 1 hectare, placing building envelopes close to roads and through the sharing of building protection zones.
15. The loss of vegetation is unlikely to affect visual amenity as per the consultant's visual assessment, but the proposal will nevertheless still have an impact on vegetation.
16. The Bush Fire Attack Level (BAL) is identified as BAL 19 in accordance with the Planning for Bushfire Protection Guidelines (2010) and is addressed in more detail in the fire management plan.
17. The special provisions and the guide plan includes a requirement for all new dwellings to be constructed to the appropriate Australian Standard for dwellings in bushfire prone areas (AS3959 – 2009) as recommended in the fire management plan.

PUBLIC CONSULTATION / ENGAGEMENT

18. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be advertised to all affected and surrounding landowners.

GOVERNMENT CONSULTATION

19. Should Council initiate the amendment, it will be referred to all relevant government agencies for comment.

STATUTORY IMPLICATIONS

20. All scheme amendments undergo a statutory process in accordance with the Planning and Development Act 2005 and Town Planning Regulations 1967.
21. Council's resolution under Regulation 25(i)(c) of the Town Planning Regulations 1967 is required to amend the Scheme.
22. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
23. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
24. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

STRATEGIC IMPLICATIONS

25. The Western Australian 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 as detailed below:

“Rural residential development should be consolidated in local planning strategies and located close to existing settlements rather than being randomly dispersed throughout rural areas.”

The proposed rezoning will facilitate the densification of land adjacent to an existing *settlement* it is therefore considered to be in line with the LGSS recommendations. As the proposal results in the creation of 6 additional lots the extent of infill however is limited.

26. The subject area is located within an area shown for rural residential uses within the Albany Local Planning Strategy (ALPS) adopted by Council.
27. The proposal is in accordance with the strategic direction of the City as documented in the ALPS which promotes the densification and infill of developed areas, as detailed below:

“ALPS recommends not supporting further subdivision of “greenfield” (undeveloped) rural land for rural residential development and that any subdivision of that type should be restricted to existing rural residential areas (infill development) and around townsites with suitable services.”

8.3.5 Rural Living

The ALPS supports the infill development and subdivision of existing zoning and Council-initiated rezoning of Special Residential and Special Rural land in the City's current Town Planning Schemes.”

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

29. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. Any amendment to the planning scheme will be assessed by the WAPC to ensure consistency with the following State and regional policies.
30. This item is not subject to the changes made to the Planning Processes Guidelines at the Ordinary Council Meeting held on 19 April 2011, in particular the Public Consultation process with regard to R Codes.
31. The formal prescribed process will be followed for this application.

SPP 1 – State Planning Framework

32. 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.
33. The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and is therefore in line with SPP1.

SPP 2 – Environment and Natural Resources Policy

34. SPP2 refines the principles of the State Planning Strategy and incorporates the recommendations of the Western Australian State Sustainability Strategy (2002) to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.
35. The objectives of SPP 2 are:
- To integrate environment and natural resource management within broader land use planning and decision-making;
 - To protect, conserve and enhance the natural environment; and
 - To promote and assist in the wise and sustainable use and management of natural resources.
36. The proposal includes environmental information and a draft subdivision guide plan, however the extent to which the proposal conserves the natural environment is debatable. The amendment will be forwarded to the Environmental Protection Agency and the Department of Environment and Conservation for comment and advice, should the amendment be initiated.

SPP 3 – Urban Growth and Settlement

- 37. SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.
- 38. The key policy measures in SPP 3 that apply to this proposal are:
 - Managing rural residential growth such that it is located and designed in a sustainable manner which integrates with an overall pattern of settlement and reduces any potential negative impacts such as conflict with traditional rural uses, ensures services can be provided economically and does not occupy areas suitable for urban developments.
- 39. The amendment proposal is consistent with the key policy measures identified in SPP 3. The subject area is located within an area shown for Rural Residential purposes within the draft Albany Local Planning Strategy (ALPS) adopted by Council the proposal is therefore consistent with the objectives or outcomes of the strategy.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

- 40. Council has the following options in relation to this item, which are:
 - To resolve to initiate the scheme amendment (with or without modifications);
 - To resolve to not initiate the scheme amendment.
- 41. A Town Planning Scheme initiated by resolution of Council is to be referred to the Environmental Protection Authority (EPA) for assessment of its environmental impacts.
- 42. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.

SUMMARY CONCLUSION

- 43. It is recommended that the proposed scheme amendment be initiated by Council on the basis that the rezoning will facilitate the densification/infill development of an existing “Special Rural” zone and therefore result in the more efficient use of land already developed.
- 44. This densification is also considered consistent with the actions and objectives associated with the ALPS and the LGSS.

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1; SPP2 and SPP 3 Lower Great Southern Strategy Albany Local Planning Strategy
File Number (Name of Ward)	AMD 293 (Vancouver Ward)
Previous Reference	OCM 18/03/08 Item 11.3.2 SAR 129