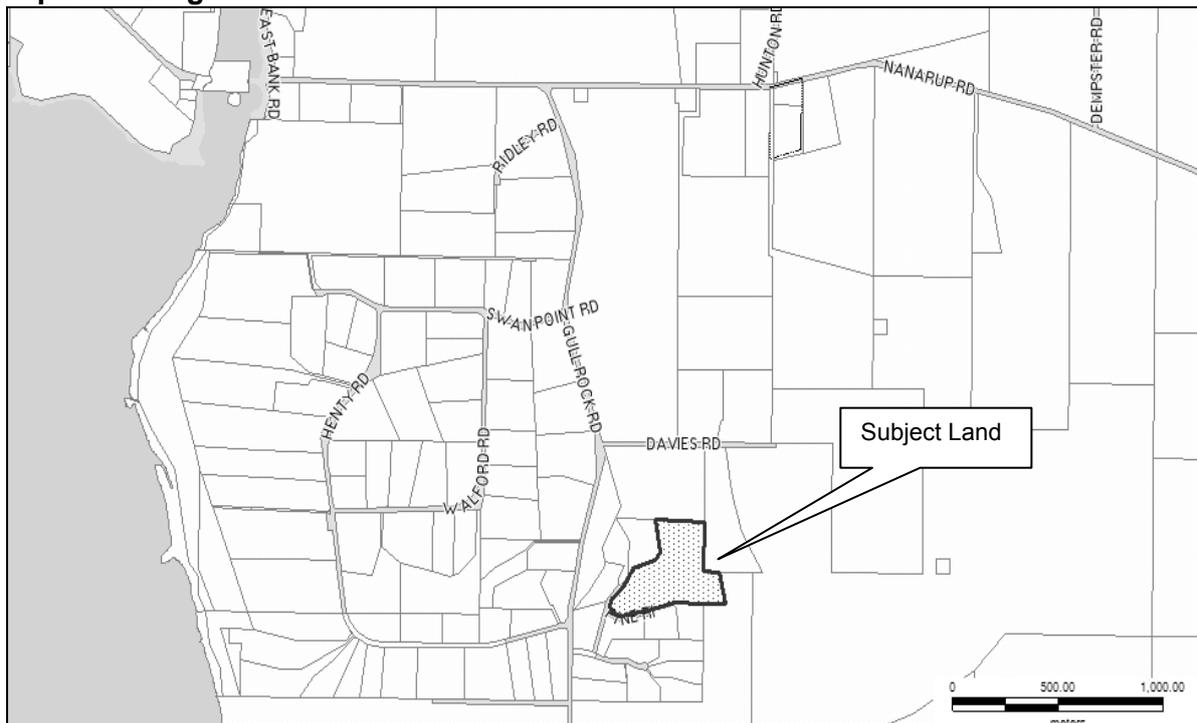


1.2: INITIATION OF SCHEME AMENDMENT - LOT 600 PINE RISE, KALGAN

Councillor Hammond declared a financial interest and left the Chamber at 7.54PM.

File Number (Name of Ward)	: AMD 275 (Kalgan Ward)
Land Description	: Lot 600 Pine Rise, Kalgan
Disclosure of Interest	: Nil
Proponent	: Harley Global
Owner	: P & S Liddiard
Business Entity Name	: Nil
Previous Reference	: Nil
Attachment(s)	: Subdivision Guide Plan (with recommended modifications)
Appendices	: Scheme Amendment document (AMD 275)
Consulted References	: Albany Local Planning Strategy
Reporting Officer(s)	: Assistant Planning Officer (T Gunn)
Responsible Officer	: E/Director Planning and Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Council is requested to consider a Scheme Amendment to rezone Lot 600 Pine Rise, Kalgan from the 'Special Use' and 'Rural' zones to the 'Special Rural' zone.
- The proposal is consistent with the Albany Local Planning Strategy and it is recommended that the amendment be initiated by Council.

BACKGROUND

1. Amendment No. 275 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lot 600 Pine Rise, Kalgan from the 'Special Use' and 'Rural' zone to the 'Special Rural' zone. Under the proposal the subject lot will be added to adjacent Special Rural Zone No. 6, which provides for a range of development and land use controls over the area known as Swan Point.
2. The document includes a subdivision guide plan that proposes to subdivide the subject land into three lots, with all lots meeting the minimum lot size requirement of 2 hectares as per the provisions of Special Rural Area No. 6.
3. The lot is just over 12.7 hectares in area, and is located approximately 12 km north-east of the Albany City Centre. The lot is currently accessed via Nanarup and Gull Rock Roads.
4. The lot is mostly surrounded by Special Rural lots that form part of Special Rural Area No.6. The lot is also bordered by two agricultural rural lots, with the northern rural lot currently being used for a turf farm. An 'A' Class Reserve (Reserve 28690) set aside for the purposes of "*Conservation of Flora*" is also located to the east of the site.

DISCUSSION

5. The lot includes a valley with an associated watercourse which feeds a total of three dams. The land slopes upward to the north-east, gradually getting steeper as it reaches the corner of the northern and eastern boundaries.
6. The majority of the site is currently zoned 'Special Use' Area No.14, which allows for the following additional tourist uses;
 - Freshwater fish production and sale.
 - Holiday Chalets – short stay accommodation.
 - Restaurant.
 - Cultural use.
 - Private Recreation.
 - Shop and Office incidental to the primary uses.
 - Dwellings for manager and staff; and
 - Ancillary tourist facilities.
7. A dwelling stands along the south-eastern corner of the lot, with a chalet located on proposed Lot B and several other outbuildings also located on the property. The limited tourist related uses on the site have ceased; the proponent has stated that these uses are not viable or sustainable due to the lack of exposure to a main tourist route and the surrounding development and land uses.

8. The site currently has a dual zoning as there is a 1 hectare pocket of land located in the south-eastern corner of the site which is zoned rural, and the Scheme Amendment proposes to rectify this anomaly.
9. The subject site is currently connected to power and telecommunications services. Reticulated water and sewer is not available and an effluent disposal system will need to be provided on site which is similar to surrounding properties.
10. In terms of vehicular access, proposed Lot A will be accessed via a battleaxe driveway from Valley Pond Heights. Access to Lot B will be via the existing crossover that services the Valley Ponds homestead and access to Lot C will be via a new crossover at the end of the cul-de-sac of Pine Rise.
11. There are two main strips of vegetation on the site, one is the native vegetation belt which runs from south-west to north-east on the top half of the site, with the other being the introduced pine tree belt that follows the southern boundary line. There is also native vegetation loosely scattered across the site. Given the vegetation that currently exists on site and to ensure adequate fire safety measures are in place it would be a requirement that any buildings constructed on proposed Lot A would be built to the requirements of AS 3959-2009 '*Construction of Buildings in Bushfire Prone Areas*'. This has been proposed through the insertion of a new clause, being Clause 10.8 within Special Rural Area No. 6.
12. There has been some discussion in relation to the location of the strategic firebreak (SFB) which had been identified inside the adjacent reserve. This proposal would rely on the DEC and surrounding landowner to maintain fire safety measures for this development, which is not considered appropriate. In discussions with the proponent and Council's Emergency Services Coordinator a more acceptable location would be to have the SFB on the subject lot, running along the eastern and northern boundary lines and following the driveways of proposed Lots A and C through to Valley Pond Heights and Pine Rise. It is recommended that the SFB be modified as per the attachment at the rear of this report.
13. Directly to the north of the site is a rural property and the land is currently used as a turf farm. Although the ALPS designates the site for rural residential purposes in the future, there may be a land use conflict between proposed Lot A and the turf farm in terms of noise, odours, dust etc, from the farming practises (pesticides and machinery) in the interim period. It is therefore recommended that a new clause be inserted into the special provisions for Special Rural Area No. 6 requiring the placement of a Section 70A Notification on the title at the time of subdivision for the subject land to make potential purchasers of Lot A aware that they may be affected by emissions associated with the rural activity on Lot 21 Davies Road, Kalgan.
14. The area has been identified as being suitable for 'Rural Residential' development in the Albany Local Planning Strategy (ALPS). The proposal seeks to rezone the lot to create an extension to Special Rural Area No.6, in keeping with the objectives of Section 8.3.5 of the ALPS.

15. Overall, the proposal is considered to be consistent with State Planning Policy and the strategic planning direction set by the ALPS.

PUBLIC CONSULTATION/ENGAGEMENT

16. Should Council initiate the amendment and the Environmental Protection Authority (EPA) decides not to assess the proposal, the Amendment will be advertised to all affected and surrounding landowners.

GOVERNMENT CONSULTATION

17. Should Council initiate the Amendment and the EPA decides not to assess the proposal, the Amendment will be referred to all relevant Government agencies for comment, including the Department of Water (DOW) for a formal response.

STATUTORY IMPLICATIONS

18. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
19. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
20. An Amendment to a Town Planning Scheme adopted by resolution of a Local Government must then be referred to the EPA for assessment.
21. 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.
22. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

24. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
25. 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.*

26. 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 also not connected to reticulated water”.

27. Overall, the proposal is considered to be consistent with the ALPS on the basis that:

- The proposal will not create additional rural town sites;
- The subject land is not productive agricultural land, does not have known regionally significant natural resources, and although the property is adjacent to a vegetated reserve the proponent has undertaken an analysis of the fire risk relevant to the proposal (which is acceptable as long as the future building is constructed to AS3959);
- The proposal seeks to add one additional dwelling over the subject land which will be on the higher portion of the lot where sufficient clearance from the water table has been observed;
- The proposal is designated in the ALPS as Rural Residential.

POLICY IMPLICATIONS

28. There are no policy implications related to this item.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

29. Council has the following options in relation to this item, which are:
- To resolve to initiate the Scheme Amendment without modifications;
 - To resolve to initiate the Scheme Amendment with modifications; or
 - To resolve not initiate the Scheme Amendment.
30. A resolution to initiate an Amendment to a Town Planning Scheme adopted by resolution of a Local Government must be referred to the Environmental Protection Authority (EPA) for assessment.
31. 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

32. The proposal seeks to rezone the lot from the 'Special Use' and 'Rural' zone to the 'Special Rural' zone which will be a small addition to existing Special Rural Area No. 6. It is considered that this would remove uses of the land that are poorly planned and undefined in the Scheme, and will allow the consolidation of existing Special Rural development in the area, which is considered to be in keeping with the objectives of Section 8.3.5 of the ALPS.
33. Staff recommend that the Scheme Amendment be initiated subject to the following modifications:
- A. The realignment of the strategic firebreak as shown on the attachment to the rear of this report.

- B. A new clause being added into Special Rural Area No. 6 requiring the lodgement of a Section 70A notification at the time of subdivision advising potential purchasers of Lot A that they may be affected by emissions associated with the rural activity on Lot 21 Davies Road, Kalgan.

ITEM 1.2: 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. 275 to Town Planning Scheme No. 3, subject to the modifications as detailed in Paragraph 33 of the above report, for the purposes of:

- 1) Rezoning Lot 600 Pine Rise, Kalgan from the 'Special Use' and 'Rural' zones to the 'Special Rural' zone;
- 2) Remove 'Special Use Zone No.14' from Schedule III of the Scheme Text;
- 3) Modifying Schedule I – Special Rural Zones – to include reference to Lot 600 Pine Rise, Kalgan in 'Special Rural' Area No. 6; and
- 4) Amending the Scheme Maps accordingly.

ITEM 1.2: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR LEAVESLEY
SECONDED: COUNCILLOR SUTTON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

Councillor Hammond left the chamber and did not participate in the discussion or vote, having declared a financial interest.

Councillor Hammond returned to the chamber at 7.55PM.