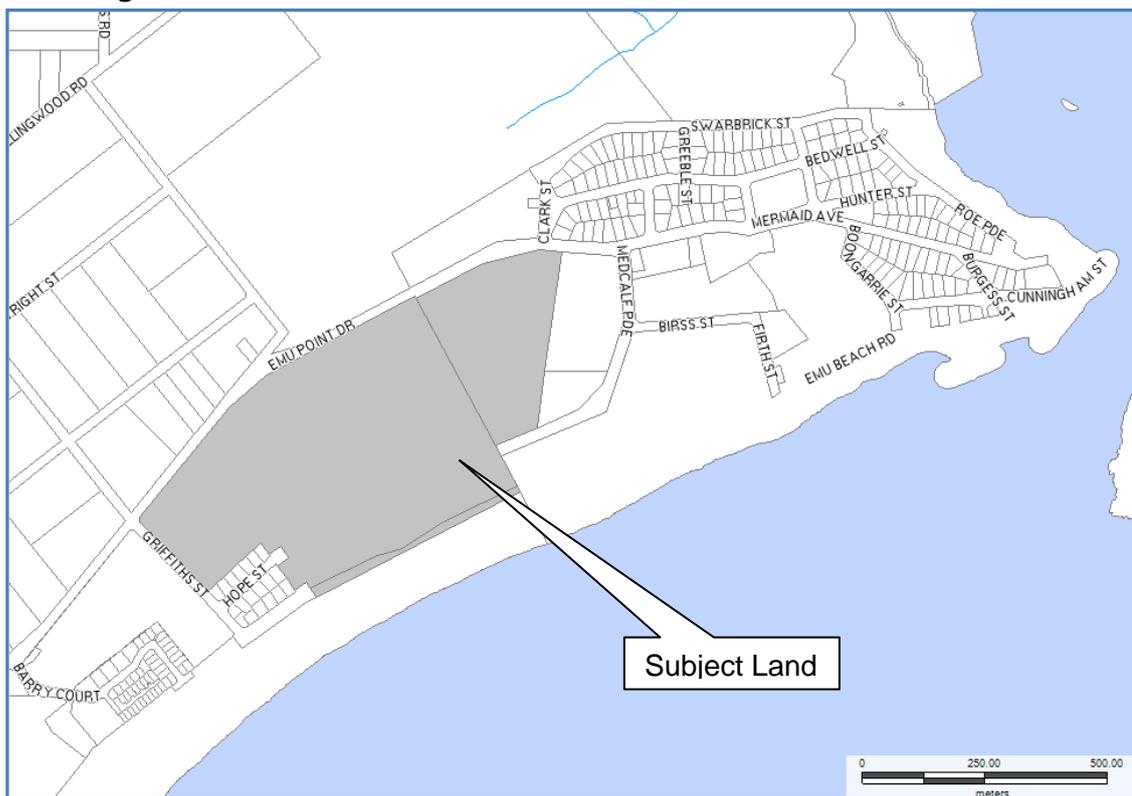


**2.9: INITIATION OF AMENDMENT – LOT 3000 EMU POINT DRIVE, COLLINGWOOD PARK, LOT 3001 ON DEPOSITED PLAN 51548 & LOT 1523 EMU POINT DRIVE, EMU POINT VERSION TWO**

- Land Description** : Lot 3000 Emu Point Drive, Collingwood Park, Lot 3001 on Deposited Plan 51548 & Lot 1523 Emu Point Drive, Emu Point
- Proponent** : Harley Global
- Owner/s** : Western Australian Land Authority & City of Albany (vested Crown Land)
- Business Entity Name** : Western Australian Land Authority & City of Albany
- Attachment(s)** : Structure Plan (map only)
- Councillor Workstation** : Amendment Document (AMD177)  
: Copy of OCM 17/08/10 – Item 1.9 (ODP008)
- Responsible Officer(s)** : Acting Executive Director Planning and Development Services (S Lenton)

**Maps and Diagrams:**



**IN BRIEF**

- To initiate a proposed scheme amendment to reserve a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 and a portion of Lot 1523 Emu Point Drive, Emu Point for 'Parks and Recreation'.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER</b>
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**ITEM 2.9: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT:SIMPLE MAJORITY**

**THAT Council:**

- 1. In pursuance of section 75 of the Planning and Development Act 2005 RESOLVES to initiate Amendment No. 177 to Town Planning Scheme No. 1A with modification for the purposes of**
  - a) Reserving a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 (currently zoned 'Future Urban') and a portion of Lot 1523 Emu Point Drive, Emu Point (currently zoned 'Residential') for 'Parks and Recreation'; and**
  - b) Amending the Scheme Maps accordingly.**
- 2. When referring the scheme amendment to adjoining owners, community members and government agencies for comment and when placing advertisements in local newspapers, in accordance with the Planning and Development Act 2005, include a notation that the 16.3 ha of the site subjected to the amendment is to be transferred to the Department of Environment and Conservation in perpetuity for conservation purposes.**

**BACKGROUND**

1. Amendment 177 proposes to amend Town Planning Scheme (TPS) No. 1A by reserving a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 (currently zoned 'Future Urban') and a portion of Lot 1523 Emu Point Drive, Emu Point (currently zoned 'Residential') for 'Parks and Recreation'.
2. A Structure Plan (ODP008) over the subject land was lodged with Council in 2010 to guide subdivision and development of the land, as required by clause 4.36 (Future Urban Provisions) of TPS 1A, which states that:

*"Land included in the Future Urban zone is recognised by the Council as being suitable for urban purposes in the future. Council shall allow for development and promote subdivision proposals where the subdivision and/or development proposal put forward is in accordance, or will not conflict with, a Local Structure Plan approved by Council and endorsed by the Western Australian Planning Commission, and submitted in a form consistent with Western Australian Planning Commission Guidelines."*
3. Council considered ODP008 at its Ordinary Meeting on 17 August 2010 and reached the following resolution:
  - "1. ADOPT the Emu Point Outline Development Plan (ODP 008) and associated Design Guidelines / Detailed Area Plans for the purpose of initiating public advertising subject to the following modifications:*

- A. *The sections in the ODP report relating to 'Land use and Development Control' to be amended to recognise the existing Scheme provisions (ie that land uses proposed for the Village centre such as shop and office are currently "X" uses), that an amendment to the Scheme is required to address permissible land uses for Emu Point, and that it is proposed to restrict holiday accommodation as the intent is to cater for a permanent residential community base.*
- B. *The Guidelines should be expanded to include provisions for 'privacy and overlooking' and 'overshadowing'.*
- C. *The ODP report to clarify (through Landcorp) the mechanism to be employed to implement the dual approval process and Landcorp approval (whether it be through covenants on title, conditions on contract for sale etc) and whether Landcorp approvals will be required for the life of the subdivision or if they only intend to implement approvals for a set time period or number of stages. This has implications for the City's resources.*
- D. *The Village Centre guidelines/Detailed Area Plan should;*
- v. *Re-iterate that the fourth floor of any building shall comprise a maximum of 60% of the footprint of lower floors (Village Centre) as per the City of Albany Residential Design Code Policy.*
  - vi. *Clearly note that building envelopes and floor areas are contingent on adequate provision of on-site car parking in accordance with the Residential Design Codes and Appendix III of the Scheme for commercial development.*
  - vii. *Require an overall car parking plan and car parking analysis to be approved by the City of Albany for each street block in the Village Centre to ensure a co-ordinated approach.*
  - viii. *Include a notation that roundabouts will be provided at the intersection of the new road with Griffiths Street and Emu Point Drive subject to the City securing the land needed to accommodate road widening. This should be acknowledged in the ODP report text and on the plan.*
- E. *Advise the applicant as follows:*
- i. *The City notes that some street parking has been nominally shown on the ODP as requested by the City's Engineering Department. The applicant is requested to further review/address car parking for the cluster development sites where four or more dwellings are serviced by a common driveway (Clause 6.5.1 A1 – R Codes).*
  - ii. *Further consideration should be given to providing more street parking as visitor bays where required in consultation with the City's Planning and Engineering Department.*
  - iii. *It should be noted that option to have the cluster sites as survey strata lots (with common property) may be limited if visitor car parking is not provided.*
  - iv. *The City has liaised with the Western Australian Planning Commission and proposed provisions in the ODP report cannot override the zoning table in the City of Albany Town Planning Scheme No. 1. An amendment will therefore be required to facilitate the propose land uses for the Village Centre.*
  - v. *The documents need to be modified prior to formal advertising.*
  - vi. *The City will require advice from the EPA on the PER process and any environmental issues that may impact on the ODP design prior to any consideration for final adoption. The City does not seek to pre-empt the PER process however considers advertising may proceed concurrently.*

- vii. *A portion of the development (R20 cluster lots) is within Lot 1523 which is zoned 'Residential' with an R12.5 density Code. The applicant should note that development at a higher density above R12.5 is only permissible under the Scheme for grouped dwellings (and not green title subdivision) unless it is amended.*
- viii. *As part of the advertising process the City would like to hold a public forum inviting the applicant and public to address Council."*

4. The ODP was also being assessed concurrently by the Environmental Protection Authority (EPA) under the Public Environmental Review process, which identifies any environmental issues that may impact on the ODP proposal.
5. **In April 2011**, the City recently received draft conditions from the EPA pertaining to the proposal, which included the following condition 5.3:

"The proponent shall submit a rezoning application under the City of Albany Town Planning Scheme for the portions of Lots 1523 and 3000 located outside of the development envelope shown in Figure 1 as 'Parks and Recreation' prior to approval of a subdivision diagram of survey."

Council is asked to initiate a scheme amendment to address this condition.

6. **Councillors should also note that discussions have taken place between Land Corp and the EPA regarding the ongoing maintenance of the reserved land. It has been agreed that owing to its biodiversity and ecological values, which are of high significance and require protection (Section 3.1.2), the 16.3ha of reserved land will be ceded to the Crown and vested with the Department of Environment and Conservation (DEC), who will manage it for 'conservation purposes' in perpetuity (Section 4.1). Additionally, Section 2.5 of the amending document notes that the DEC will be required to assume the ongoing management of the fire risk on the reserved land. This decision brings an additional benefit to the City, in that it places the maintenance burden and associated costs of managing the reserve on the DEC.**
7. **The original ODP document notes that some walking trails will be provided through the retained bushland for passive recreation purposes. The ODP document also indicates that retained bushland will be fenced with permeable rural-type fencing, in order to allow for fauna movements, while minimising intrusion by humans and domestic animals. It is considered important that the community is made aware from the outset that access may be restricted and more stringent management practices implemented over this section of the coastal reserve.**
8. **It should also be noted that the final boundaries of the area to be reserved are as yet unknown, pending a formal response from the EPA, which is why the scheme amendment document does not contain a zoning map. However, it is anticipated that the boundaries will be as per the ODP008 plan and that they will be finalised prior to Council's consideration of the amendment for final approval.**

## **DISCUSSION**

9. The subject land is located approximately 5km north-east of Albany town centre and has a total area of 33.8ha, with Lot 3000 being 25.9ha, Lot 15223 being 7.2ha and Lot 3001 being 7,566m<sup>2</sup> in area.
10. It is an area of coastal heath over an old dune system and is bounded by Griffiths Street and an the residential area around Hope Street to the south west, Middleton Beach to the south, tourist development and residential development to the north east, and Emu Point Drive to the north.
11. It has been identified partly as 'Existing Urban' and partly as being suitable for 'Future Urban' development, with a priority 2 coding, in the Albany Local Planning Strategy (ALPS) and its proposed development in accordance with ODP008 would be broadly consistent with the objectives of Sections 8.3.1 and 8.3.2 of the Albany Local Planning Strategy.
12. Given that the proposal is complimentary to ODP008 and consistent with the objectives of the Albany Local Planning Strategy, staff recommend that Council initiate Amendment No. 177 **with modification**.

## **GOVERNMENT CONSULTATION**

13. 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 assessment and comment.

## **PUBLIC CONSULTATION / ENGAGEMENT**

14. Should Council initiate the Amendment and the EPA decides not to assess the proposal, the Amendment will be publically advertised and specific notice will be given to all affected and surrounding landowners.
15. 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.

## **STATUTORY IMPLICATIONS**

16. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
17. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
18. An Amendment to a Town Planning Scheme adopted by resolution of a Local Government must then be referred to the EPA for assessment.

## **STRATEGIC IMPLICATIONS**

19. 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.

20. 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.*

21. Section 8.3.2 – *Urban Lot Consolidation and Staged Incremental Development* sets the following Strategic Objective:

*“Support the consolidation of serviced urban areas and facilitate staged fully-serviced incremental-development nodes.”*

The Albany Local Planning Strategy states that *“the benefits of incrementally-staged urban development are that it will:*

- *Establish a more sustainable urban form by minimising the development footprint and better protecting the environment.*
- *Manage growth to make it continuous, minimising urban sprawl or creation of disjointed communities.*
- *Retain agricultural land for productive uses.*
- *Maximise the use of existing infrastructure, services and facilities.*
- *Minimise distances and travel time between homes and education, retail, community and recreation services.*
- *Retain the current high levels of accessibility to the Albany City Centre.*
- *Promote greater participation in public and alternate transport options.*

*The ALPS supports incrementally-staged urban expansion based on comprehensive precinct and structure planning. The progressive development of the Future Urban areas has been classified into five Development Priority stages. The extent to which Future Urban areas are developed within the lifetime of the ALPS will be determined largely by population growth,*

*employment opportunities, availability of infrastructure to service growth and the ability of the development and housing industry to satisfy market demand.*

*Priority 3 areas are logical extensions of the Priority 2 locations and/or existing urban areas and include parts of McKail, Gledhow, Warrenup, Walmsley and Big Grove. Priority 3 areas are expected to be rezoned with local structure planning undertaken in the near future. These areas are capable of producing lots within the medium-term”.*

22. The rezoning proposal in itself does not promote sustainable consolidated settlement growth, as identified in Section 8.3.1 and 8.3.2 of the ALPS, but rather compliments ODP008, which has been prepared over the land and takes the above matters into account to ensure a coordinated development.

### **POLICY IMPLICATIONS**

23. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy 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.

24. **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.

SPP1 describes the factors which represent good and responsible decision-making in land use planning:

**“Environment**

*The protection of environmental assets and the wise use and management of resources are essential to encourage more ecologically sustainable land use and development. Planning should contribute to a more sustainable future by:*

- i. *promoting the conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;*
- ii. *State Planning Framework Policy 5*
- iii. *assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;*
- iv. *protecting areas and sites with significant historic, architectural, aesthetic, scientific and cultural values from inappropriate land use and development;*
- v. *adopting a risk-management approach which aims to avoid or minimise environmental degradation and hazards; and*
- vi. *preventing environmental problems which might arise as a result of siting incompatible land uses close together.*

### **Community**

*Planning anticipates and responds to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities. Planning should recognise the need for and, as far as practicable, contribute towards more sustainable communities by:*

- i. accommodating future population growth and providing housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;*
- ii. providing land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;*
- iii. integrating land use and transport planning and promoting patterns of land use which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars;*
- iv. encouraging safe environments, high standards of urban design and a sense of neighbourhood and community identity;*
- v. promoting commercial areas as the focus for shopping, employment and community activities at the local, district and regional levels; and*
- vi. providing effective systems of community consultation at appropriate stages in the planning and development process.*

### **Economy**

*Planning should contribute to the economic well-being of the State, regions and local communities by supporting economic development through the provision of land, facilitating decisions and resolving land use conflicts. In particular, planning should provide for economic development by:*

- i. providing suitable zoned and serviced land for industry, business and other employment and wealth generating activities;*
- ii. protecting agricultural land resources from inappropriate uses;*
- iii. avoiding land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts;*
- iv. promoting local employment opportunities in order to reduce the time and cost of travel to work;*
- v. providing sites for tourism accommodation and facilities taking account of their special location and servicing needs; and*
- vi. ensuring that plans and policies are clear and certain, decisions are made in accordance with plans and policies, and decisions are made expeditiously.*

### **Infrastructure**

*Planning should ensure that physical and community infrastructure by both public and private agencies is coordinated and provided in a way that is efficient, equitable, accessible and timely. This means:*

- i. planning for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes and essential services;*
- ii. protecting key infrastructure, including ports, airports, roads, railways and service corridors, from inappropriate land use and development;*
- iii. facilitating the efficient use of existing urban infrastructure and human services and preventing development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services; and*
- iv. encouraging consultation with providers of infrastructure, to ensure they have regard to planning policies and strategic land use planning when making their investment decisions, in order to ensure that land use and development are closely integrated with the provision of infrastructure services.”*

It is considered that the proposal in isolation will:

- provide land for accessible open space; and
- help to create a sense of neighbourhood and community identity.

However, the proposal will also allow for ODP008 to be progressed, which will:

- accommodate future population growth and provide housing choice and diversity to suit the needs of different households;
- provide land for a range of accessible community resources, places of employment, open space, education, health, cultural and community services;
- encourage safe environments, high standards of urban design and a sense of neighbourhood and community identity;
- promote commercial areas as the focus for shopping, employment and community activities at the local level;
- provide suitable zoned and serviced land for business and other employment and wealth generating activities;
- promote local employment opportunities in order to reduce the time and cost of travel to work;
- plan for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes and essential services.

## 25. **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.”*

It is considered that the proposal will achieve the following objectives:

- *“To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide...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.”*

**RISK IDENTIFICATION & MITIGATION**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Failure to support the rezoning proposal will not allow ODP008 to progress.	Possible	High	Medium	By supporting the amendment, ODP008 can be progressed and considered for final approval by Council and subsequent endorsement by the Minister for Planning.

**FINANCIAL IMPLICATIONS**

26. There are no financial implications directly relating to this item, **as the ongoing costs of maintaining the 16.3ha bush reserve will be the responsibility of the DEC.**

**LEGAL IMPLICATIONS**

27. Under Part 5 of the *Planning and Development Act 2005*, and specifically section 75, Council can amend its Local Planning Scheme.

**ALTERNATE OPTIONS**

28. Council has the following options in relation to this item, which are:
- To initiate the Scheme Amendment without modifications;
  - To initiate the Scheme Amendment with modifications; or
  - Not initiate the Scheme Amendment.

**SUMMARY CONCLUSION**

29. Council can initiate Amendment No. 177, subject to modification, on the basis that reserving of the land will satisfy the condition 5.3 of the EPA's response to the Public Environmental Review process, allowing ODP008 to be progressed.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	AMD177 (Breaksea Ward)
<b>Previous References</b>	OCM 17/08/10 – Item 1.9