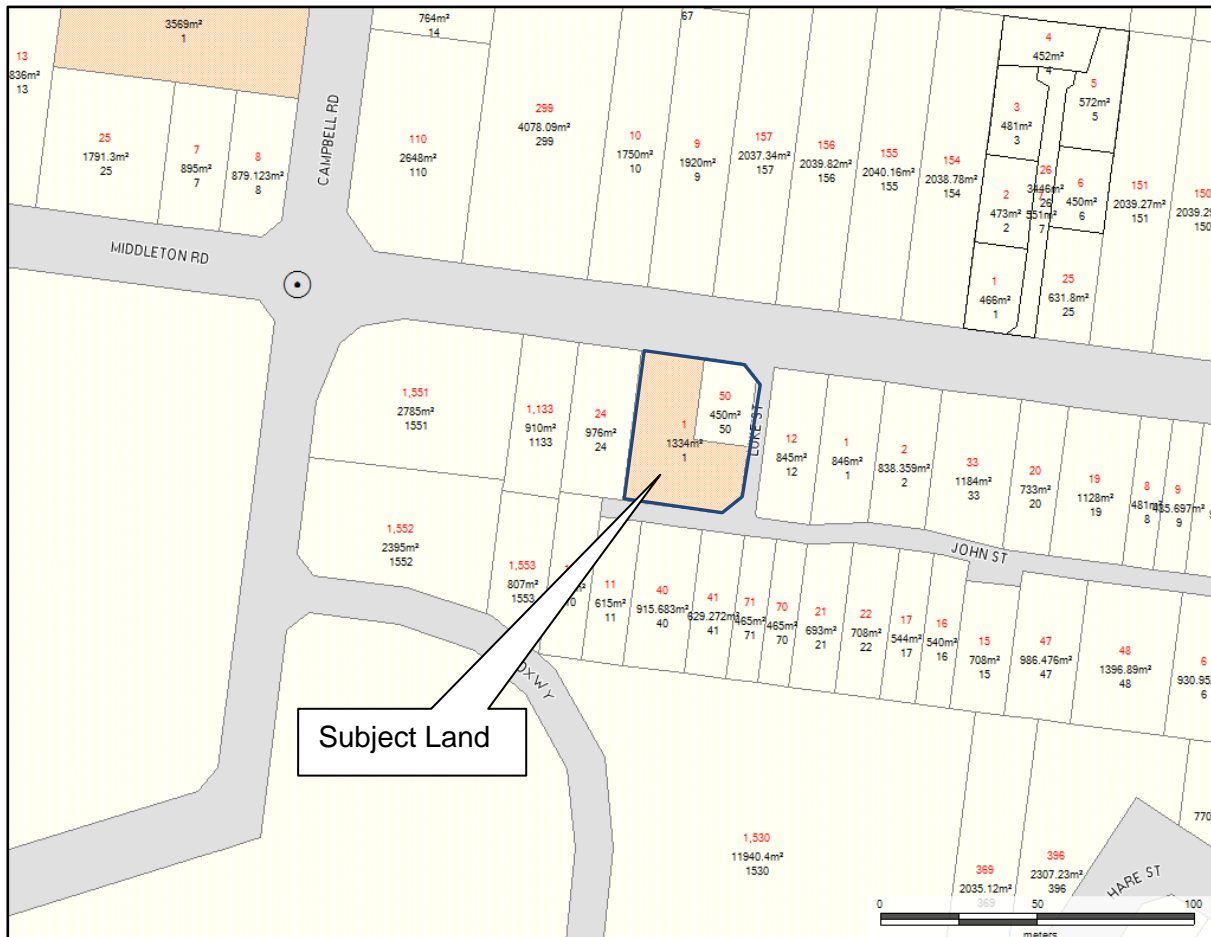


2.10: INITIATION OF AMENDMENT – LOTS 50 & 51 MIDDLETON ROAD, MT CLARENCE

| | |
|-------------------------------|--|
| Land Description | : Lots 50 & 51 Middleton Road, Mt Clarence |
| Proponent | : Ayton Baesjou Planning |
| Owner/s | : Kendi Nominees Pty Ltd ATF And The Darcy Smith Family Trust, Trading as The Hillside Family Practice |
| Business Entity Name | : Kendi Nominees Pty Ltd |
| Directors | : Darcy Peter Smith |
| Councillor Workstation | : Amendment Document (AMD178) |
| Responsible Officer(s) | : Acting Executive Director Planning and Development Services (S Lenton) |

Maps and Diagrams:



IN BRIEF

- Determine whether to initiate the proposed Scheme Amendment to rezone Lots 50 & 51 Middleton Road, Mt Clarence as a 'Special Site' with the additional use 'Medical Clinic'.

CEO:

RESPONSIBLE OFFICER:

**ITEM 2.10: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 13(1)* of the *Town Planning Regulations 1967* resolves TO INITIATE Amendment No.178 to Town Planning Scheme No.1A without modification for the purposes of:

- 1) Designating Lots 50 & 51 Middleton Road, Mt Clarence as a ‘Special additional use Site’ S47.
- 2) Amending Appendix II – ‘Schedule of Special Sites’ to include the following:

| | CODE NO. | PARTICULARS OF LAND | BASE ZONE | ADDITIONAL USE | CONDITIONS |
|-----|----------|-----------------------------|-------------|----------------|---|
| S47 | 47 | Lots 50 & 51 Middleton Road | Residential | Medical Clinic | On site car parking to be Provided in accordance with Council’s car parking requirements. |

- 3) Amending the Scheme Maps accordingly.

BACKGROUND

1. An application has been received from Ayton Baesjou Planning (planning consultants) seeking to amend Town Planning Scheme No. 1A by including a “Special Site” with the additional use of ‘Medical Clinic’ on Lots 50 & 51 Middleton Road, Mt Clarence.
2. The subject site is currently zoned “Residential” with an applicable R-code density of R20.
3. The surrounding land is zoned “Residential (R20)”.
4. The subject site is located approximately 1.5 km from the Albany CBD via Middleton Road.
5. The subject site has been operating as The Hillside Family Practice for more than 15 years.
6. The current use was originally approved as ‘consulting rooms’ which only allows for a maximum of two medical practitioners.
7. The Hillside Family Practice would like to expand and provide a more comprehensive service; they therefore need to rezone the subject land to enable an additional use of ‘Medical Clinic’ in order for the City to allow the practice to accommodate more than two medical practitioners.
8. Lot 51 is 1334m² in area and has been strata titled into two lots, Pt 1 being 389m² and used as a residence and Pt 2 being 945m² and used for ‘Consulting Rooms’.
9. Lot 50 is 450m² in area and contains an existing residence. The property was acquired to facilitate expansion of the practice, particularly in relation to provision of car parking. The

residence is currently used to house locums who work for the practice when doctors are on leave.

DISCUSSION

10. The use 'Medical Clinic' would allow for more than two medical practitioners to operate from the site.
11. The proposed rezoning will facilitate the development and use of the entire building on lot 51 to include space for six consulting rooms, reception, administration, nurses' room, allied health, pathology collection, common room/staff room and waiting room.
12. Access to the subject lot is currently from Middleton Road and Luke Street and is considered adequate for the proposed zoning and future use as proposed.
13. The subject lot is currently connected to all the necessary services and it is not anticipated that any major upgrades would be required.
14. Parking requirements for the subject lot and proposed special site use would have to be in accordance with section 13.2.1 of the City of Albany adopted Policy Manual – LPP7.
15. According to the policy for a medical clinic, six bays per consultant are required for the first two consultants plus two bays for each additional consultant.
16. A total of 28 car bays are currently provided with 18 plus a disabled car bay on Lot 51 and 9 on Lot 50. The car parking on Lot 50 is reserved for staff parking with public parking confined to Lot 51. The parking provided is considered sufficient to cater for six medical practitioners.
17. The Albany Local Planning Strategy earmarks the area for existing urban use.
18. The Strategy also recommends that smaller offices and consulting rooms be located as incremental extensions on the periphery of the CBD to reduce strip development along Middleton Road; and encourage thorough precinct and structure plans in the LPS1 development of smaller offices and consulting rooms within neighbourhood centres.
19. The proposed amendment is therefore not in line with the strategic direction included in Albany Local Planning Strategy.
20. The proposed special site zoning and use 'Medical Clinic' to allow for the limited expansion of the established use is however considered appropriate for the locality and as it is not likely to have an adverse impact on the area and adjoining land uses.

GOVERNMENT CONSULTATION

21. Should Council initiate the Amendment and the Environmental Protection Authority (EPA) decides not to assess the proposal, the Amendment will be referred to all relevant Government agencies for assessment and comment.

PUBLIC CONSULTATION / ENGAGEMENT

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

STATUTORY IMPLICATIONS

24. All Scheme Amendments undergo a statutory process in accordance with the Planning and Development Act 2005 and Town Planning Regulations 1967.
25. Council's resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
26. 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

27. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy as the principal land use planning strategy for the City.
28. Section 8.5 Economic Strategy ,sub Section 8.5.2 – **Commerce** sets the following Strategic Objective:

“Promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern.” ; and

“Retain existing and develop new staged neighbourhood and local centres incorporating retailing as a primary focus.”

The strategy further states;

5.2.2 Other Business Activity

Planning Objective:

“Provide appropriate locations for establishing and growing business activity.

There is a significant amount of what is termed “other business activity” within the City in the form of bulky-goods outlets, office developments, consulting rooms and home-based businesses....

The Activity Centres Planning Strategy expects most future office development to be in the City centre, mainly in the York Street precinct, to be accompanied by a mix of shopping,

commercial and residential development. There has been a trend in recent years of small offices and consulting rooms replacing residential use in homes on the fringe of the City centre, notably on Aberdeen Street, Albany Highway and Middleton Road. This has created issues over the impact of street parking and access and compatibility with adjoining uses. Although this trend is concentrated in the CBD, it is spreading out on both sides of Middleton Road past the cemetery...

ALPS proposes the following relevant actions

“Locate smaller offices and consulting rooms as incremental extensions on the periphery of the CBD to reduce strip developments along Middleton Road (CoA).”

6.4.5 Health

Planning Objective:

“To provide and promote health care facilities to cater for community needs and be located within or near major centres and connected to a major public transport system.”

Action - Undertake structure/precinct planning and develop policies to promote the dispersal of general medical facilities into suburban locations to be co-located with other community services (CoA, WAPC, HDWA).

“Encourage through precinct and structure plans in the LPS1 development of smaller offices and consulting rooms within neighbourhood centres (CoA).”

29. The proposed amendment is generally not in accordance with the strategic direction included in Albany Local Planning Strategy, it is however an existing use and it is unlikely that the limited expansion as proposed will detrimentally affect the strategic direction included in Albany Local Planning Strategy.

POLICY IMPLICATIONS

30. 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.

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 policy objectives in SPP 3 that are relevant to this proposal are as follows:

- *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 coordinate new development with the efficient, economic and timely provision of infrastructure and services.*

It is considered that the proposal will achieve the above objectives.

RISK IDENTIFICATION & MITIGATION

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-------------------|--------------------|----------------------|--|
| Land use conflict resulting from having a non-residential land use adjacent to existing residential properties. | Unlikely | Minor | Low | By following the formal statutory scheme amendment process which includes consultation with public and government agencies |
| A possible increase in traffic as a result of the intensification of the use. | unlikely | Minor | Low | Ensure that sufficient parking spaces are provided and traffic access to the site is safe. |

FINANCIAL IMPLICATIONS

31. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

32. Regulation 13(1) of the *Town Planning Regulations 1967* (as amended), requires that Council pass a resolution either:

- a) To proceed with the Scheme, adopt the proposed Scheme in accordance with the Act; or
- b) Not to proceed with the Scheme, notify the Commission in writing of that resolution.

33. Council must therefore pass a clear resolution in accordance with regulation 13 (1) and if it resolves not to proceed with the Scheme Amendment under regulation 13(1)(b), it is required to notify the Commission in writing of that resolution.

ALTERNATE OPTIONS

34. 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.

35. Should Council determine not to initiate the proposed Scheme amendment it is recommended that the following recommendation be included after the refusal recommendation:

THAT Council NOTES that the Chief Executive Officer, who is delegated by Council to issue planning enforcement notices, will issue such a Notice under the Planning and Development Act 2005 to the proponent to cease the existing unlawful use of having more than two practitioners operating from the subject lot at any one point in time within a period of 30 days from the date of the notice.

SUMMARY CONCLUSION

36. Although the proposed amendment is not in line with the strategic direction included in ALPS, the zoning and resultant limited intensification of the current use is not likely to have an adverse impact on the area and adjoining land uses it and can be supported.

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|-----------------------------------|--|
| Consulted References | WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3 |
| File Number (Name of Ward) | AMD178 (Frederickstown Ward) |
| Previous References | Nil |