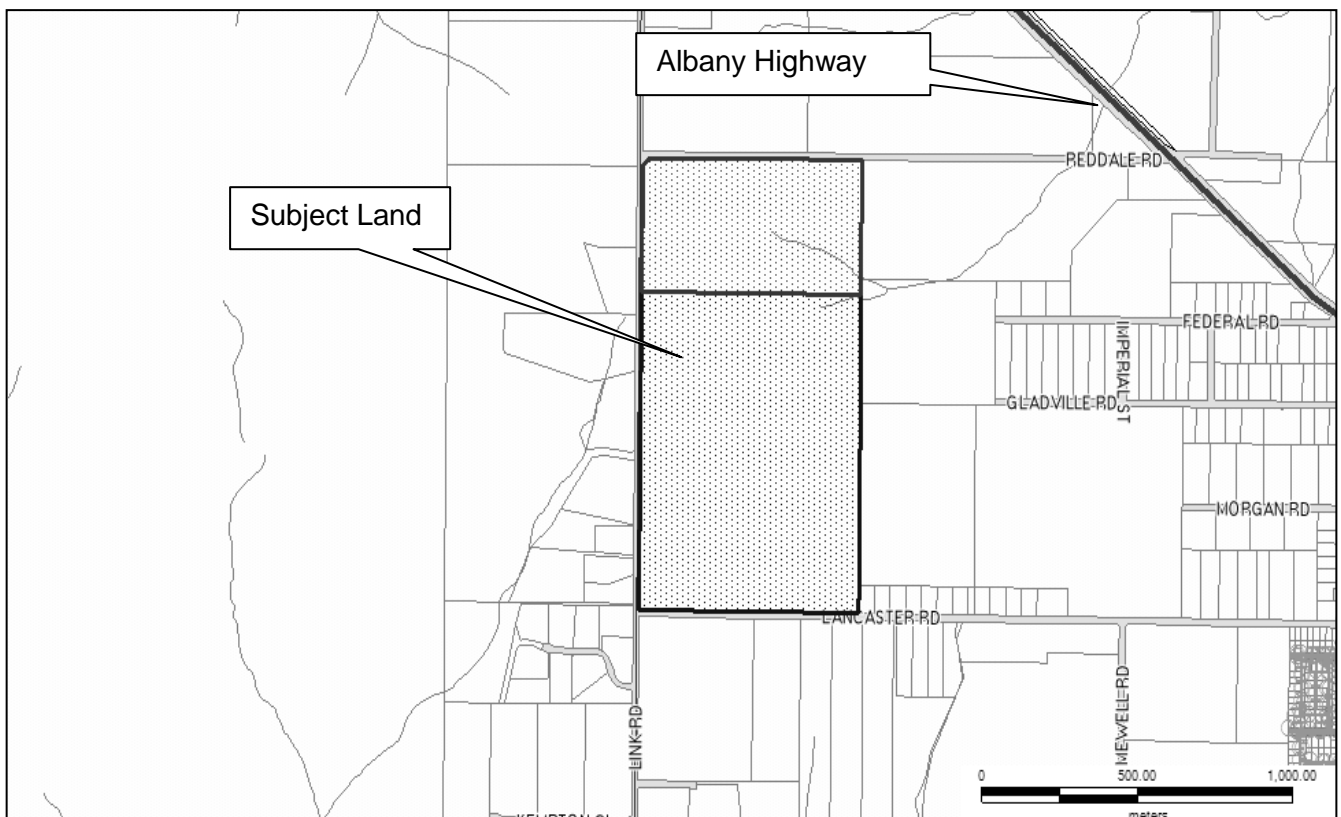


**2.13: SCHEME AMENDMENT REQUEST – LOT 11 REDDALE ROAD & LOT 1918 LANCASTER ROAD, MCKAIL**

<b>Land Description</b>	: Lot 11 Reddale Road & Lot 1918 Lancaster Road, Mckail
<b>Proponent</b>	: Ayton Baesjou Planning
<b>Owner/s</b>	: L Hayward and G & T Walker
<b>Business Entity Name</b>	: Nil
<b>Attachments</b>	: Copies of Submissions from government agencies
<b>Appendices</b>	: Supplementary Report Notes – December 2011 Copy of Submissions
<b>Councillor Workstation</b>	: Scheme Amendment Request document (SAR151)
<b>Responsible Officer(s)</b>	: E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



**IN BRIEF**

- Consider the proposed scheme amendment request that deals with future rezoning of Lot 11 Reddale Road & Lot 1918 Lancaster Road, Mckail from the 'Rural' zone to the 'Residential Development' zone.

**CEO:**

**RESPONSIBLE OFFICER:**

**ITEM 2.13: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council advise the proponent that it is prepared to consider a formal scheme amendment to rezone Lot 11 Reddale Road & Lot 1918 Lancaster Road, Mckail from the 'Rural' zone to the 'Residential Development' zone, subject to the following matters being addressed and/or included as part of that formal amendment application:**

- i) An outline development plan, in the form of an opportunities and constraints plan, showing both the land's connection to the existing urban front.**
- ii) A Transport Study and road network and layout information to be prepared by a suitably qualified transport engineer is to be developed in consultation with Main Roads WA and the City.**
- iii) The above mentioned plans should also clearly include/demonstrate how the interface between the transport link and residential zone would be managed to protect the amenity of the area.**

**BACKGROUND**

1. Scheme Amendment Request (SAR) 151 has been submitted to Council to assess the appropriateness and potential to rezone Lot 11 Reddale Road & Lot 1918 Lancaster Road, Mckail from the 'Rural' zone to the 'Residential Development' zone.
2. The subject lots are zoned 'Rural' and have a total combined land area of approximately 91.96 hectares.
3. A previous SAR to rezone the adjacent lots 300, 507 and 526 Lancaster Road from the 'Rural' and 'Special Rural' zones to the 'Residential Development' zone was considered by Council on 21 November 2006. A formal Amendment (No. 277) was subsequently received to rezone the above lots which also now included the subject land (Lot 11 Reddale Road & Lot 1918 Lancaster Road).
4. During the amendment process (AMD 277), the City's Albany Local Planning Strategy (ALPS) was being finalised. Prior to final approval, the site was designated for 'future urban', however before final endorsement of the ALPS the future urban classification was removed and the site was designated for 'rural residential' classification at the request of the Western Australian Planning Commission (WAPC) and the Main Roads WA (MRWA).
5. The reason for the modification was to reduce the density of development and also the associated impacts on the efficient operation of the proposed future Albany Ring Road.
6. The City and landowners opposed the reclassification stating that the planning process allows for the aims and function of the proposed Ring Road to be protected by, for instance directing traffic away from the Road, restricting direct access on to the road and carefully designing the land use interface and providing appropriate setbacks and buffers.
7. A history and background of the modifications to the ALPS, Council determinations and previous planning decisions relating to the land is as follows (paragraphs 8 to 12).

8. WAPC requested a number of modifications to the ALPS in its correspondence dated 30 April 2008. Modification 8 of this correspondence is specifically relevant to this application which stated:

*"ISSUE*

*Delete from ALPS the identification of land adjacent to the ring road as Future Urban and reinstate the rural living category as indicated on the advertised version of ALPS.*

*COMMENT*

*The development of urban residential land adjacent to the ring road may compromise the efficient function of the ring road as a priority heavy freight route to the Albany Port."*

9. City did not support the modification as ALPS makes the case that the City has an oversupply of land zoned for rural living purposes. It was considered that designating the land for 'Future Urban' development was the highest and best use of the land, and that the road design to direct traffic away from the ring road as part of the structure planning process could be undertaken to protect its function as a priority freight route. At its meeting dated 16 August 2008, Council resolved:

*"THAT Council:*

- (a) Receives the Schedule of Modifications from the Western Australian Planning Commission;*
- (b) Supports the staff recommendation contained within the attached Schedule of Submissions;*
- (c) Requests the Western Australian Planning Commission reconsider modifications **8**, 11(a), 11(b) and 11(d); and*
- (d) In the event that the Western Australian Planning Commission accepts Council's position in relation to Point 3 above, agrees to re-advertise the revised Albany Local Planning Strategy for a period of 42 days."*

10. The WAPC reviewed Council's request in its correspondence dated 29 January 2009 in relation to Modification 8 and advised the following:

*"Council's position is not supported. The analysis of the amount of rural residential land to be allocated within the City was contained within the advertised version of the draft ALPS which, in consideration of this analysis, included this land in the Rural Living designation. There is adequate land in the city to provide for the development of urban residential land in the future. The Commission strongly considers it a priority that the function of the future ring road when constructed is ensured. The Commission's decision is strongly reiterated."*

11. Council at its meeting dated 21 April 2009 considered WAPC's position and resolved:

*"THAT the Council SUPPORT the 'WAPC Resolution' of January 2009 and, upon the completion of the Retail Development Strategy make changes to the Albany Local Planning Strategy in accordance with the adopted recommendations."*

12. As background to the above Council resolution, as per the minutes of the PESP Committee of 4 March 2009 (attached to the April 2009 Council Meeting), staff reported:

*"In regards to the outstanding 'Issue No. 8', staff consider that there is no benefit in undertaking a protracted argument with the WAPC. Considering an abundance in the allocation of land for 'Future Urban' purposes, the allocation of the land east of the 'Ring Road' as 'Rural Residential' is not expected to impact on the availability of land for living purposes".*

13. Given the modifications to ALPS prior to AMD 277 being finalised the Minister for Planning advised that he was not willing to approve AMD 277 until Lot 11 Reddale Road & Lot 1918 Lancaster Road were deleted from amendment. This modification was accepted by the City to allow AMD 277 to be finalised.

## **DISCUSSION**

14. The land is flat to undulating and currently has several pockets of vegetation mainly in the south-west corner of Lot 1918; however the majority of the land is cleared (pasture). The subject site is on the ridge line of two catchment areas, Willyung Creek, draining to Oyster harbour and Five Mile Creek, draining to Torbay Inlet. A minor draining line, draining towards Willyung Creek is located in the northern parts of the land. There are also 5 dams scattered on the land.
15. The lots are currently used for low scale rural activities, principally grazing and hay production. Lot 1918 consists of a dwelling located approximately 140m from the southern boundary (Lancaster Road) and 180m from the western boundary (Link Road). There are also several outbuildings located in close proximity around the periphery of the dwelling. There are no permanent structures on Lot 11.
16. Service infrastructure facilities such as sewer, wastewater, water supply, gas, power etc will have to be upgraded and or constructed to accommodate any future development on the lots.
17. The land is surrounded by the following zones and uses:
- Special Rural lots varying in size to the south and west of the land.
  - Residential Development zoned land to the east (as part of AMD 277).
  - Rural land to the north used for small scale agricultural activities.
  - Private Clubs and Institutions zoning to the north east of the land, which consists of the Albany Speedway.
18. Given the location to the Albany Speedway, the land also falls within the 'Albany Speedway – Attwell Park' noise buffer area, this is discussed in further detail in the Policy Implications section below.
19. The overriding issue in relation to this application is the concerns relating to the Ring Road. Main Roads have requested a 800m – 1km buffer zone were only less efficient larger lots typically associated with "Special Rural / Rural Residential" and "Rural Smallholdings" zones can be located in this area.

20. A traffic study will have to be provided as part of the amending documentation if a Scheme Amendment is subsequently lodged with the City. This study will need to demonstrate how the interface with the Ring Road can be managed to ensure traffic is directed away from the Ring Road and its intersections.
21. Further considerations such as land use, lot size, layout and alternative ways of noise mitigation will also need to be considered to ensure the amenity of future residences is not detrimentally affected.
22. An appropriate lot layout can also ensure a minimal disturbance on the functioning of the Ring Road. This could in theory be achieved by having a larger lots (like 'Special Rural') or alternative uses on the western portion of the land abutting the Ring Road and a higher density to the east.
23. The future rezoning, mixture of land use, density and zoning will only be determined in future planning stages with ongoing consultation and agreement between MRWA the Department of Planning, the City and other key agencies.
24. Despite the proposal being inconsistent with some of the Strategic objectives set out in the ALPS, it is consistent with a number of others. It is also broadly consistent with the key policy objectives of SPP 2.5 – Agricultural and Rural Land Use Planning. It is considered that the land is suitable for residential development, provided that concerns regarding infrastructure, existing vegetation, waterways and the impact of the development can be adequately addressed.

## **GOVERNMENT CONSULTATION**

25. The SAR was referred to the Department of Planning, WA Gas Networks Pty Ltd, Telstra, Water Corporation, Western Power, the Department of Agriculture and Food, the Department of Health, the Department of Water, the Department of Environment and Conservation, the Department of Education and Training and Main Roads WA. Responses were received from the Water Corporation, Department of Water, the Department of Environment and Conservation, the Department of Education and Training, Main Roads, Department of Health, Department of Planning, and Western Power, a summary of their comments is below:

### **Water Corporation:**

26. By estimation the Watercorp notes that the lots produced may be over 1000. The Water Corporation does not object to nor support the proposal, however the following should be noted in considering the required servicing which may delay servicing of the development:
  - o Water Supply – The current Albany Town Water Supply Plan has not considered this level of development and therefore requires a review. A DN200 and DN100 water main exists in Lancaster Road. A DN100 exists in a portion of Link Road. The DN100 needs to be upgraded to a DN250 up to Link Road. A proposed future DN250 (to be confirmed) will be required in Link Road to connect to mains in South Coast and Albany Highways.

- Wastewater – The proposed development is within the Willyung SD259 Wastewater Scheme Plan area, and based on the proposal will need review. The current Scheme shows the requirement for two pumping stations and two gravity systems, one to the south in Lancaster Road, and one to the north-east gravitating towards Albany Highway through an adjoining landholding. The northern system requires two additional ultimate pump stations. Depending on the time of development, if this is a severe constraint, the Corporation may consider a temporary arrangement of pumping into the southern network, until future development provides an outfall to the north-east.
- Funding – The works required are not on the Corporations capital investment program. It is the developer's responsibility to advise the Corporation of the estimated timing of development. Temporary works are to be fully funded by the developer. Reticulation works (piplines under DN300) are to be funded by the developer.

**Department of Water:**

27. A Local Water Management Strategy is required to support a town planning scheme amendment which should include the following information:
- Land capability assessment.
  - Identification and mapping of waterways and wetland areas.
  - Conceptual storm water management plan – which considers such things as land required to cater for stormwater infrastructure and treatment of stormwater.
  - Water efficiency measures.
28. Given the waterways located on site the developer will need to demonstrate that the land intensification process will not have a detrimental impact on the receiving waterways. Management of the waterway should be detailed in the Local Water Management Strategy.

**Department of Environment and Conservation:**

29. The Department of Environment and Conservation provided advice to the City with regard to the subject land and/or adjoining land on the 1 May 2001 for AMD 277 and AMD 267.
30. Department of Environment and Conservation have previously made comment regarding small areas of native vegetation within the NW and SW corners of Lot 1918 and regarding speedway noise management issues (bund constructions and re-vegetation proposals). The latter issues were in the context of potential impacts upon the adjoining uncleared Reserve No 23290 which appears to have native vegetation in *Very Good to Excellent Condition* in its western third adjoining the subject land.
31. Department of Environment and Conservation also note the new Ring Road may place additional constraints on residential development and road access design. In view of the conservation values of the adjoining Reserve 23290 noted above, Department of Environment and Conservation will be seeking to ensure that lots along the eastern boundary of the subject land are sufficiently large so as to allow adequate house off set distance from the reserve boundary. This should ensure that they can be totally self sufficient with regard to

fire protection requirements, and may require building to be constructed to a higher level bushfire protection standard under AS 3959 (Buildings in Bushfire Prone Areas).

**Department of Education and Training:**

32. The Department of Education has no objections to the proposal as the proposed McKail North primary school site should accommodate the future residential development.

**Western Power:**

33. Western Power has no objections to the proposal, however there are overhead powerlines and/or underground cables adjacent to or traversing the property. Western Power advise that all work must comply with Work safe Regulation 3.64 – *Guidelines for Work in the Vicinity of Overhead Power Lines*.

**Department of Health**

34. Department of Health has reviewed the proposal and has no objections to the proposal, subject to all developments complying with the provisions of the draft Country Sewerage Policy.

**Department of Planning**

35. The land is designated within the WAPC endorsed 2010 ALPS as Rural; Residential. This designated was required by the Minister for Planning to ensure that land uses adjacent to the Albany Ring Road did not generate additional traffic movements on the Ring Road as to jeopardize its function as a priority heavy haulage route to the Albany Port. Discussions with the City, MRWA supported this change as a means of limiting vehicle movements and access points to the future Ring Road that runs along the western boundary of the lots.
36. The ALPS identifies concerns regarding the traffic management problems that have resulted from freight on Albany Highway. It is proposed that this issue will be solved by the completion of the Albany Ring Road. It states that the Albany Ring Road (Menang Drive) is an integral part of the City's urban transport plan and it is hoped that it will be developed with minimal access points and no intersection restrictions to streamline traffic flow.
37. The proposed rezoning directly abuts Stage Two of the Albany Ring Road. The WAPC previously considered that the rezoning of these lots for urban residential development would be inconsistent with the Albany Local Planning Strategy's objective of limiting access and not jeopardize future traffic flow on the Albany Ring Road.
38. To investigate the potential impact on the Albany Ring Road it is necessary to consider the potential impacts should all land adjacent to the Ring Road be developed to urban residential densities whilst still maintaining minimal access points to the Ring Road.
39. It is suggested that prior to consideration of an any amendment to the ALPS or scheme amendment in this locality the following be investigated:

- A traffic study for the locality demonstrating if the traffic generated from the proposed urban residential land uses can be managed to ensure traffic is directed away the proposed Ring Road to ensure its streamlined traffic flow;
- Suitable arrangements being made with the City of Albany and Main Roads Western Australia to ensure development would meet state and citywide strategic directions and statutory guidelines;
- Demonstration as to how the interface between the transport link and residential zone would be managed to protect the amenity of the area; and
- Justification for any land use other than residential land use proposed.

**Main Roads:**

40. MRWA undertook a traffic demand assessment as part of the Albany Ring Road design. This assessment has shown that local traffic demand as a result of proposed residential development adjacent to the Ring Road as envisage in the City of Albany's recent version of the ALPS, has the potential to prevent the Ring Road from fulfilling its intended primary function as an interrupted heavy transport route to the Port of Albany, instead becoming a congested urban distributor road.
41. Modifications required by the WAPC to the then Draft ALPS required land within approximately 800m – 1km of the Ring Road alignment to be retained as Rural Living as shown on the advertised version of ALPS. This would discourage excessive use of the Ring Road by urban commuter traffic, thereby retaining the Ring Road's primary function as a priority freight route to the Albany Port. The land within this 800m – 1km buffer zone was to be designated as "Special Rural / Rural Residential" and "Rural Smallholdings". Main Roads will oppose development proposals which do not reflect this requirement.

**PUBLIC CONSULTATION / ENGAGEMENT**

42. No public consultation has been undertaken at this stage, however should a formal Amendment be received the proposal will be advertised in accordance with the requirements of the *Town Planning Regulations 1967*.

**STATUTORY IMPLICATIONS**

43. A SAR is not a statutory process under the *Planning and Development Act 2005*. The purpose of the SAR process is to given an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
44. If an applicant decides to pursue a Scheme Amendment, Council will be required to formally consider that request.

**STRATEGIC IMPLICATIONS**

45. Council's decision on the SAR should be consistent with the objectives of the ALPS as the principal land use planning strategy for the City.



46. 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.*

47. 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:*

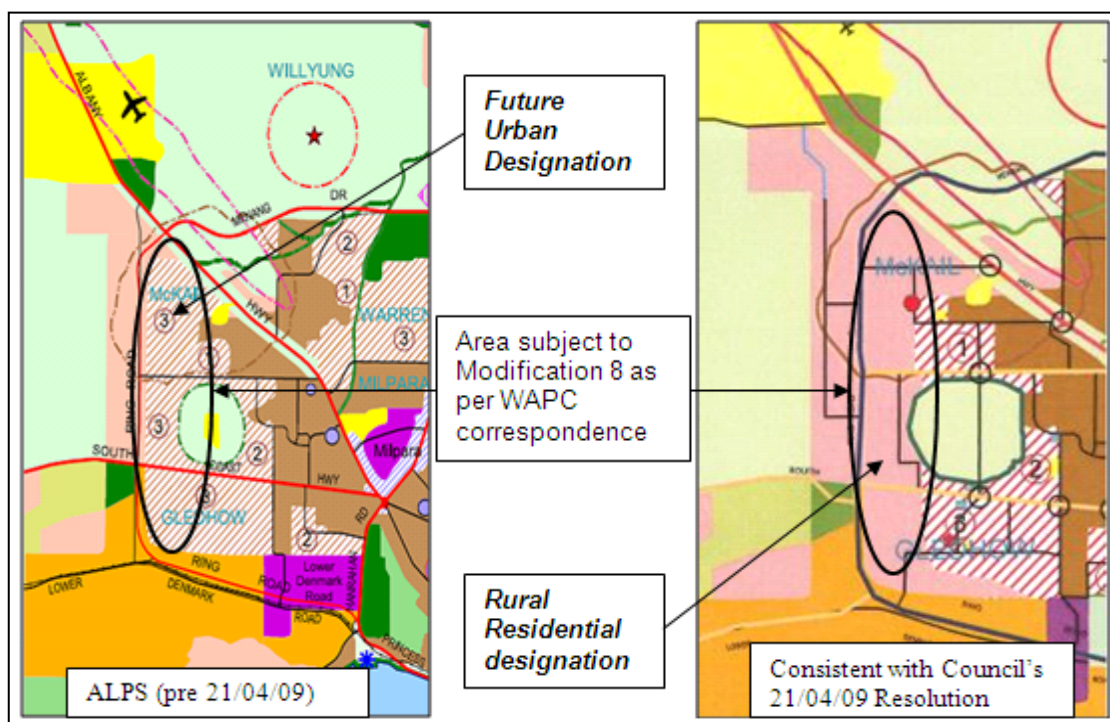
- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural 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.*

48. The ALPS outlines the importance of protecting and planning the future fully serviced urban areas of Albany in order to accommodate urban growth within and beyond its own time frame, or to facilitate urban growth above current estimates.
49. The area of land affected by the redesignation of land to ‘rural-residential’ extends 1km east of the ring road alignment (refer below maps). Staff did not support the modification as ALPS makes the case that the City has an oversupply of land zoned for rural living purposes. It was considered that designating the land for ‘Future Urban’ development was the highest and best use of the land, and that the road design to direct traffic away from the ring road as

part of the structure planning process could be undertaken to protect its function as a priority freight route.

50. City staff consider the subject land appropriate for rezoning to the 'Residential Development' Zone as this would require the preparation of a Local Structure Plan, thereby protecting it from ad-hoc development and allowing a variety of lot sizes and density codes to be allocated. The concerns expressed by Department of Planning and Infrastructure and Main Roads WA (in their previous submissions) can ultimately be overcome through detailed road design and through the application of a lower density code (to reduce traffic generation and to buffer housing from noise associated with the ring road). Such an approach will also promote co-ordinated future development. It should also be noted that the ALPS maps 9A and 9B are indicative strategic maps are not accurate zoning maps or to be used as such.



51. 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”.*

52. The proposal is inconsistent with the City of Albany’s strategic direction as it would not:

- minimise the development footprint on the landscape to help protect biodiversity and the environment;
- promote energy conservation;
- minimise journey length from home to work/school/services or encourage the use of public transport, cycling and walking; and
- reduce government expenditure on servicing current and future populations.

53. The proposal would:

- provide for growth in urban areas, rural townsites and rural living areas as designated in ALPS.
- provide greater housing choice.
- promote energy conservation.
- protect areas designated as future fully-serviced urban areas from inappropriate land uses, subdivision and development”.
- 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;
- minimise potential for generating land-use conflicts.

Although the proposal fails to comply with some of objections contained within the ALPS it is considered that there is an acceptable deviation from the rural – residential designation and the land itself is unconstrained from an environmental view point and can be readily serviced and is the most sensible expansion of the existing and planned urban areas to the south and east.

## **POLICY IMPLICATIONS**

54. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to Scheme amendments. 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.

### **55. 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:*

- promoting the conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;*
- State Planning Framework Policy 5*
- 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 will:

- assist in the conservation and management of natural resources, including waterways and water quality to support both environmental quality and sustainable development over the long term; and
- accommodate future population growth and provide housing choice and diversity to suit the needs of different households.

**56. SPP 2.5 – Agricultural and Rural Land Use Planning**

SPP 2.5 provides a comprehensive review and refinement of the previous DC Policy 3.4 Rural Land Use Planning (1989). The WAPC and Local Government are required to have regard to SPP 2.5 in planning for the development of rural areas.

The Policy advises that:

*“Agricultural production from rural areas is a significant part of the Western Australian economy. It provides essential food and fibre products, and employment and value adding opportunities. Agricultural production in Western Australia is worth nearly \$5 billion per annum. Careful planning is required to maintain these benefits to regional economies and to encourage ongoing investment in agriculture and the supporting resource base.”*

The four key objectives of SPP 2.5 are summarised as:

- *Protect significant agricultural resources within the State from inappropriate land use and development;*

- *Provide for sustainable rural settlement growth within community expectations and ensure adequate community service and infrastructure is available to support the growth;*
- *Minimise potential land use conflicts between incompatible land uses; and*
- *Manage natural resources and prevent land degradation.*

In this instance, the land is not considered to be a high quality agricultural resource area, and fringes existing residential areas.

**57. 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 is generally consistent with the key policy objectives in SPP 3.

**58. The land lies within the Albany Speedway – Attwell Park buffer policy area. The objective of the policy is to:**

- *“To protect the operation of the Albany Speedway at Attwell Park and reduce any potential impact from noise generated from the operations of the speedway on new residences constructed in the immediate vicinity.”*

In considering applications that fall within the buffer area, the City is required to consider design and construction methods / materials used in construction of habitable buildings to mitigate noise impacts. It is also a requirement that all new lots created as a result of subdivision within this area are to have a memorial placed on the Certificate of Title stating that the land may be subject to high noise levels as a result from the Speedway.

Residents are encouraged to consider the following information and methods of noise attenuation in planning the construction of new residences within the buffer area:

- The AS/NZS 2107:2000 Standard 'Acoustics – Recommended design sound levels and reverberation times for building interiors' recommends the following maximum internal noise levels (LAeq):
  - Common areas 55dB(A)
  - Living areas 45dB(A)
  - Sleeping areas 40dB(A)
- The following techniques known as 'quiet house' design and construction methods/materials should be considered to achieve practical reduction in internal noise levels in new residences:
  - Locating habitable rooms such as bedrooms on the opposite side of dwelling to speedway;
  - Locating non-habitable rooms such as laundries/bathrooms on same side of dwelling as speedway;
  - Protect main entrance from speedway noise;
  - Insulation of the dwelling including enclosed eaves, insulate roof spaces or double brick construction; and
  - The erection of internal property fences between the speedway and dwelling so that it that forms a continuous and solid barrier (recommended density is a minimum of 10kg/m<sup>2</sup>).

Acoustic assessments undertaken by Herring Storer Acoustics for the site have previously been undertaken as part of AMD 277. The report establishes a set of 'quiet house' design principles for any future development on the subject lots. Additionally, at future planning stages (structure plan), landscape features designed to attenuate noise can be incorporated into the development, however this will be looked at in more detail if/when a formal Scheme Amendment is submitted to the City.

**RISK IDENTIFICATION & MITIGATION**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Support of this proposal and future rezoning can have an adverse impact on the operation of the proposed ring road	Likely	major	High	Appropriate planning as recommended can greatly reduce the likelihood and the consequences.

**FINANCIAL IMPLICATIONS**

59. There are no financial implications directly relating to this item. However, should Council support any future Scheme Amendments, the City of Albany will ultimately be liable for maintaining the public road and verges.

## **LEGAL IMPLICATIONS**

60. There are no legal implications relating to this item.

## **ALTERNATE OPTIONS**

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

- support the SAR proposal without modifications;
- support the SAR proposal with modifications; or
- reject the SAR proposal.

62. The SAR process is not a statutory process under any planning legislation. It is used by the City (and other adjoining Local Governments in the region) as a precursor to the formal Scheme Amendment process. It is designed to provide the proponent with a simple and informal assessment of a proposal to gauge the views and comments of the City and other State Government agencies on the merits and likely supported to be expected.

63. Should Council support the SAR proposal, it will allow the proponent to progress to a formal Scheme Amendment; the Amendment undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. All Scheme Amendments require the endorsement of the WA Planning Commission and approval from the Minister for Planning.

64. If Council were to reject the SAR proposal, the proponent would have the following options:

- not proceed with a formal Scheme Amendment document;
- lodge a formal Scheme Amendment and request consideration by Council, irrespective of the outcome of the SAR.

## **SUMMARY CONCLUSION**

65. On balance, it is considered that SAR 151 is a relatively minor deviation from the strategic direction set by the ALPS and addresses many of the other key strategic objectives set out in that document.

66. The concerns expressed by the Department of Planning & Infrastructure and MRWA (in previous Scheme Amendments and their submissions) can be overcome through detailed road and transport design, and through the application of lower density codes (possibly Special Rural lots) on the western portion of the land to reduce traffic generation on the Ring Road, and buffer noise associated with the Ring Road and the Albany Speedway.

67. The land is suitable for the type of development proposed and that concerns regarding noise, future structure planning, road design and layout, vegetation and protection of waterways can be adequately addressed subject to further studies, models and plans.



<b>Consulted References</b>	Albany Local Planning Strategy Albany Speedway – Attwell Park Buffer Policy WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP 1, SPP 2.5 SPP 3
<b>File Number (Name of Ward)</b>	SAR151 (West Ward)
<b>Previous References</b>	OCM 18/03/2008 – Item 11.3.4 OCM 16/09/2008 – Item 11.6.1 OCM 16/06/2009 – Item 11.2.3