

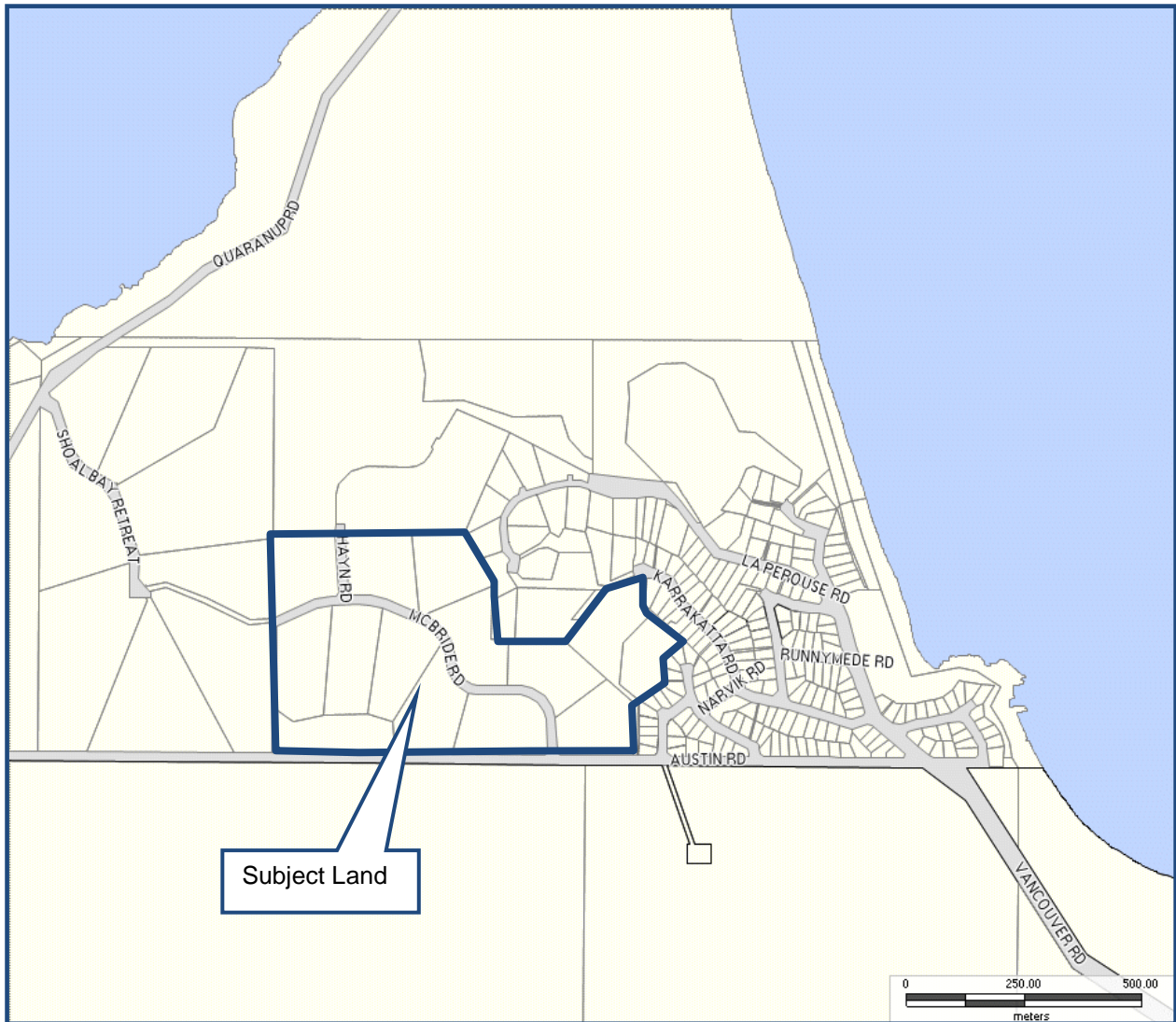
**2.3 FINAL APPROVAL OF SCHEME AMENDMENT – LOTS 6, 7, 8, 9, 10  
AND 11 MCBRIDE ROAD, GOODE BEACH**

- Land Description** : Lots 6, 7, 8, 9, 10 & 11 McBride Road, Goode Beach  
**Proponent** : Ayton Baesjou Planning  
**Owner** : Mr John Bates & Ms SA Swift ,J Bell ,Shelley Mettam, WF & FD Beard, B & L Campbell, AW & GM Hogstrom  
**Business Entity Name** : N/A  
**Attachment(s)** : Schedule of Submissions, Subdivision Guide Plan from  
**Appendices** : amendment ,The amendment document (AMD 293) without attachments 2,3 and 4  
**Councillor Workstation** : The Amendment Document (AMD 293) including Attachment 1 - special provisions; Attachment 2 -land capability ,geotechnical assessment , Flora and Fauna assessment; Attachment 3 - Fire Management Plan Attachment 4 - Visual Impact assessment  
**Responsible Officer** : Acting E/Director Planning and Development Services (S Lenton)

**CEO:**

**RESPONSIBLE OFFICER:**

**Maps and Diagrams:**



**IN BRIEF**

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed Scheme Amendment to Town Planning Scheme No. 3,
- proposing modifications to the scheme provisions and the subdivision guide plan for “Special Rural Area 5”.
- Recommended that amendment be adopted for final approval subject to modifications.

**ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2)* of the *Town Planning Regulations 1967* **FINALLY ADOPTS WITH MODIFICATIONS** Amendment No. 293 to Town Planning Scheme No. 3 for the purpose of:

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

*Subject to the following alterations to the subdivision Guide plan ;*

- a. *Increase the fire protection standards required for new dwellings to BAL 29 or BAL 40 to allow for improved vegetation connectivity across current Lots 8 and 9; and*
- b. *Modify the location of the indicative building envelope on proposed Sublot 10 (south east corner of Lot 7) to allow for the retention of an undisturbed vegetation linkage along the eastern boundary of the subject land between Austin Road and Reserve 43531.*

**AND**

2. **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

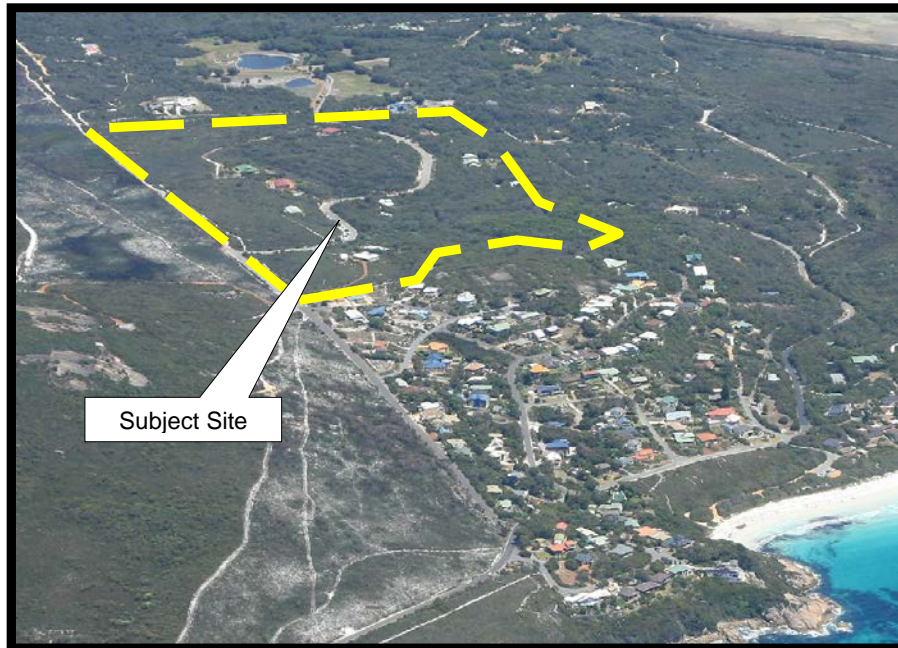
**BACKGROUND**

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

- i) The development of a visual impact assessment report for the area and additional recommended landscape protection measures;
  - ii) a vegetation study and protection plan;
  - iii) a land capability study;
  - iv) a fire management plan; and
  - v) The Subdivision Guide Plan to be amended with lot sizes not being smaller than 1 hectare, were supported by the land capability study.
7. The matters outlined above have all been broadly addressed in the amending document, which was initiated by Council at the Ordinary Meeting held on 17 May 2011.
8. The successful completion of this Amendment will facilitate subdivision of the subject land for 'Special Rural' living, in keeping with the Strategic Objectives and aims set out in the Albany Local Planning Strategy (ALPS).

### **DISCUSSION**

9. The subject site area is identified within the Albany Local Planning Strategy (ALPS) for rural residential use (which reflects the current zoning of the land).
10. The amendment document discusses and includes:
- i) a visual impact assessment report;
  - ii) an initial fauna and flora assessment;
  - iii) a land capability & geotechnical assessment with recommendations prepared by Landform Research consultants in October 2009 (included as an appendix to the document);
  - iv) a fire management plan; and
  - v) a proposed subdivision guide plan with all proposed lot sizes being larger than 1 hectare.
11. The proposed rezoning is considered an opportunity to allow for limited 'infill development' into existing special rural zoned and developed land.
12. The proposal is within an area identified for rural residential purposes and is consistent with the strategic direction of the City as documented in the ALPS. ALPS recommend increased densification and infill of developed areas.
13. Whilst the amendment is consistent with the strategic intent of the City, the proposal will involve the removal and/or disturbance of remnant vegetation to cater for new dwellings, fence lines, driveways and building protection zones. The amendment is also likely result in some impact on the amenity of the area.
14. The fire management plan (attachment 3 of the amendment document) highlights the extent of vegetation that will be affected by the proposal.



15. The amount of clearing involved will be reduced by increasing lot sizes above 1 hectare, placing building envelopes close to roads and through the sharing of building protection zones.
16. The loss of vegetation is unlikely to detrimentally affect visual amenity as per the consultant's visual assessment, however the proposal will nevertheless still have an impact on vegetation.
17. The special provisions and the guide plan include a requirement for all new dwellings to be constructed to the appropriate Australian Standard for dwellings in bushfire prone areas (AS3959 – 2009) as recommended in the fire management plan. The Bush Fire Attack Level (BAL) is identified as BAL 19 in the fire management plan.
18. At the conclusion of the advertising phase, seven written submissions were received. Of these submissions, one from the Department of Environment and Conservation and one from a nearby landowner are the most pertinent.

#### **GOVERNMENT CONSULTATION**

19. The Amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the Amendment has been assessed and does not require further formal assessment. However, additional advice and recommendations were provided.
20. The Amendment was also referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Health, Department of Water, Department of Environment and Conservation and Main Roads WA for assessment and comment.
21. Responses were received from Water Corporation, Western Power, Department of Water and Department of Health and the Department of Environment and Conservation and are summarised in the attached Schedule of Submissions.

22. As per the recommendations of the EPA, Staff at the City and the proponents had discussions with the DEC Albany Office. The discussions explored possible changes to the subdivision guide plan to:
- Increase the fire protection standards required for new dwellings to BAL 29 or BAL 40 to allow for improved vegetation connectivity across current Lots 8 and 9; and
  - Modify the location of the indicative building envelope on proposed Sub-lot 10 (south east corner of Lot 7) to allow for the retention of an undisturbed vegetation linkage along the eastern boundary of the subject land between Austin Road and Reserve 43531.
23. The matters raised by DEC can satisfactorily be dealt with by requiring amendments to the subdivision guide plan and special provisions as discussed.

### **PUBLIC CONSULTATION / ENGAGEMENT**

24. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 10 November 2011 to 22 December 2011 by placement of sign on-site, direct referral to affected and adjoining/ nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
25. A total of two written submissions were received from members of the public as attached, the submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.
26. The matters raised by the land owner of 39 McBride Road revolve around the impact that the changes will have on the character/ amenity, and removal of vegetation etc of the special residential area. Although the concerns raised are generally valid, the impact is not considered that much more adverse especially viewed in the context of the broader area that includes the adjoining special residential area and the likely impact that this will have once developed.
27. The proponent provided comment on the submissions which have been included in the Schedule of submissions.

### **STATUTORY IMPLICATIONS**

28. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
29. Council's resolution under Regulation 25(i)(c) of the *Town Planning Regulations 1967* is required to amend the Scheme.
30. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
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.
32. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

## **STRATEGIC IMPLICATIONS**

33. This item relates to the following elements from the City of Albany Strategic Plan (2011-2021):

**Key Focus Area:**

Sustainability and Development

**Community Priority**

Single Town Planning Scheme

**Proposed Strategies**

- Provide greater flexibility in housing options so there is greater property diversity.
- Provide definitions of the type and location of future residential housing.
- Protect natural reserves.
- Develop strategies to retain prime agricultural land.

34. The Western Australian Planning Commission has prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy as detailed below:

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

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

36. The subject area is located within an area shown for rural residential uses within the Albany Local Planning Strategy (ALPS) adopted by Council.

37. The proposal is in accordance with the strategic direction of the City as documented in the ALPS which promotes the densification and infill of developed areas, as detailed below:

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

*“8.3.5 Rural Living*

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

**RISK IDENTIFICATION & MITIGATION**

38. The risk identification and categorisation relies on the City’s Risk Management Framework

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>The proposal will result in some clearing of vegetation and the additional dwellings can affect the amenity of the existing dwellings.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>The impact on the amenity of the area can to some extent be mitigated through the use of existing regulations and procedures e.g. noise regulations and subdivision and development guidelines).</i>
<i>Increased fire risk and introducing more dwellings in to an area of risk.</i>	<i>possible</i>	<i>Major</i>	<i>High</i>	<i>This risk can be mitigated to some extent by individual land owners/subdividers implementing the recommendations of the fire management plan  This requirement forms part of the special provisions of the Town Planning Scheme.</i>

**FINANCIAL IMPLICATIONS**

39. The prescribed planning fee of \$3500 has been received and staffs have processed the application within existing budget lines.

**POLICY IMPLICATIONS**

40. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the planning scheme will be assessed by the WAPC to ensure consistency with the following State and regional policies.

**SPP 1 – State Planning Framework**

41. 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.



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

**SPP 2 – Environment and Natural Resources Policy**

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

**SPP 3 – Urban Growth and Settlement**

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

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

49. Council has the following options in relation to this item, which are to:
- Seek final approval to the scheme amendment without modification;
  - Seek final approval to the scheme amendment with modifications; or
  - Not seek final approval to the scheme amendment.

50. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

**SUMMARY CONCLUSION**

51. This proposed Scheme Amendment seeking to amend Town Planning Scheme No. 3 by modifying the scheme provisions and the subdivision guide plan for "Special Rural Area Zone No. 5" is recommended for final adoption subject to modifications.
52. The amendment is supported on the basis that that the rezoning will facilitate the densification/ infill development of an existing "Special Rural" zone and therefore result in the more efficient use of land already developed. This densification is also considered consistent with the actions and objectives associated with the ALPS and the LGSS.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1; SPP2 and SPP 3 Lower Great Southern Strategy Albany Local Planning Strategy
<b>File Number (Name of Ward)</b>	AMD 293 (Vancouver Ward)
<b>Previous Reference</b>	OCM 18/03/08 Item 11.3.2 SAR 129 OCM 17/05/2011 Item 2.3