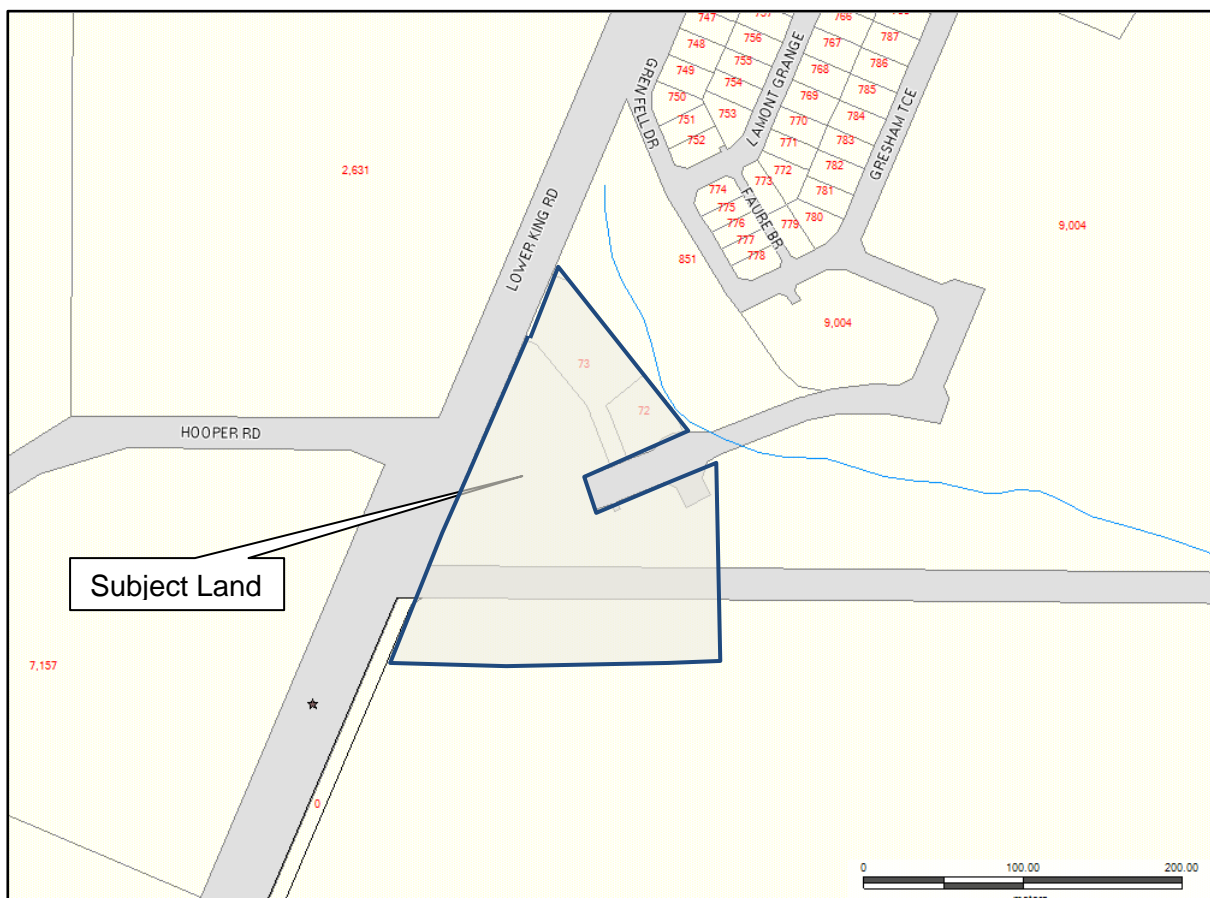


**2.7: INITIATION OF AMENDMENT – LOT 72 STRANMORE BOULEVARD  
& LOTS 70, 73 AND PT LOT 9004 LOWER KING ROAD, BAYONET  
HEAD**

- Land Description** : Lot 72 Stranmore Boulevard, Portion of Lot 42 (Lot 70) and 73 Lower King Road and portion of Lot 9004 on the corner of Stranmore Boulevard and Lower King Road
- Proponent** : CLE (Chappell Lambert Everett)Town Planning and Design
- Owner/s** : The Housing Authority and Lowe Pty Ltd and Great Southern Community Housing Association Inc.
- Business Entity Name** : The Housing Authority and Lowe Pty Ltd and Great Southern Community Housing Association Inc
- Director/s** : Faye Lorraine Heath  
: Colin Reginald Heath  
: Naomi Kathryn Newman, Quinlivan
- Councillor Workstation Responsible Officer(s)** : Amendment Document (AMD312)  
: Acting Executive Director Planning and Development Services (S Lenton)

**Maps and Diagrams:**



**IN BRIEF**

- The proposal is to rezone the Bayonet Head North (Oyster Harbour) Neighbourhood Centre from “Residential Development” to “Local Shopping”, identifying additional uses applicable to this land and increase the floor space allocation to 4000m<sup>2</sup> Nett Lettable Area (NLA) in general accord with the City of Albany Activity Centres Strategy 2009.

**ITEM 2.7: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR ATTWELL**

**SECONDED: COUNCILLOR SUTTON**

**THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 13(1)(a)* of the *Town Planning Regulations 1967* resolves TO INITIATE Amendment No. 311 to Town Planning Scheme No. 3, without modification, for the purposes of:**

- 1) Rezoning the Bayonet Head North (Oyster Harbour) Neighbourhood Centre site on Lot 72 Stranmore Boulevard, portion of Lot 42 (to be referred to as Lot 70) and 73 Lower King Road and portion of Lot 9004 on the corner of Stranmore Boulevard and Lower King Road from ‘Residential Development’ to ‘Local Shopping’, applying an Additional Use ‘A13’ designation to the site and amending the Scheme Map accordingly; and**
- 2) Modifying Schedule II – Additional Use Sites to make residential and child care centre uses permissible (additional) uses within the Centre.**
- 3) To modify Table II – Local Shopping to increase the retail floor space provision for the Bayonet Head – North (Oyster Harbour) Neighbourhood Centre to 4,000m<sup>2</sup> .**

**CARRIED 12-0**

**BACKGROUND**

1. Amendment 311 proposes to amend Town Planning Scheme (TPS) No. 3 by;
  - i. Rezoning the Bayonet Head North (Oyster Harbour) Neighbourhood Centre site on Lot 72 Stranmore Boulevard, portion of Lot 42 (to be referred to as Lot 70) and 73 Lower King Road and portion of Lot 9004 on the corner of Stranmore Boulevard and Lower King Road from ‘Residential Development’ to ‘Local Shopping’, applying an Additional Use ‘A13’ designation to the site and amending the Scheme Map accordingly; and
  - ii. Modifying Schedule II – Additional Use Sites to make residential and child care centre uses permissible (additional) uses within the Centre.
  - iii. To modify Table II – Local Shopping to increase the retail floor space provision for the Bayonet Head – North (Oyster Harbour) Neighbourhood Centre to 4,000m<sup>2</sup> .
2. The site forms part of the Interim Bayonet Head Outline Development Plan (ODP) area defined in the Town Planning Scheme. The Interim ODP was advertised and adopted by Council and the Western Australian Planning Commission in 2007, and remains in force.

3. The Interim ODP identifies the location for a mixed use local / village centre on Lower King Drive, on the central access point into the estate (Stranmore Boulevard).
4. The rezoning of the site to 'Local Shopping' is proposed, to allow for the appropriate range of land uses. These will also include several additional uses, namely residential dwellings and a child care centre.
5. An increase of the maximum retail floor space of the centre up to 4,000m<sup>2</sup> is also proposed.

## **DISCUSSION**

6. The location, form and general role of the activity node / centre has been defined by the City's Activity Centres Strategy and the Bayonet Head Interim ODP.
7. The activity node is to incorporate a range of local retail and commercial uses as well as residential units in a traditional 'main street' format.
8. The City's Commercial Strategy Review in 2000 confirmed demand for a centre in this location and resulted in the inclusion of provision for a centre with up to 600m<sup>2</sup> retail floorspace in Table II of the TPS No. 3.
9. The ideal size and hierarchical designation (local or neighbourhood) of the centre was initially uncertain and dependant on the completion of the 2009 review of the City's commercial strategy.
10. The review of the Commercial Strategy by Shrapnel Planning in 2009 recommended that the retail floor space cap for this centre be increased. Council made some modifications to the recommendations of this study and adopted the strategy that provided for development of up to 3,500m<sup>2</sup> of retail to cater for a 'medium' scale Neighbourhood Centre (refer Figure 6 – Activity Centres Planning Strategy 2009).
11. The scale of the Centre is defined by the City's Activity Centres Strategy with the minor variation to retail floor space proposed by this Amendment supported by the author of the Strategy (Shrapnel Planning).
12. The layout and makeup of the Centre is defined by the Detailed Area Plan for the Centre and associated Design Guidelines which will govern the form of future development.
13. The Detailed Area Plan for the Centre also specifies land use permissibility, although the support of the scheme (through this amendment) is still required.
14. The purpose of this Scheme Amendment is to put in place an appropriate zoning to facilitate its implementation, with 'Local Shopping' being deemed most suitable.
15. The amendment also proposes a residential / mixed use component via Additional Use provisions. This will enable the centre to develop as a genuine mixed use node. These land use provisions are already anticipated in the approved Detailed Area Plan.

16. The proposal to increase the maximum retail floor space of the centre up to 4,000m<sup>2</sup> reflects the direction of the City's Activity Centres Strategy except for a small increase in floor space.
17. The floor space should enable the inclusion of a smaller scale supermarket and a limited range of specialty stores, in addition to non-retail commercial uses such as offices and child care.
18. The proposed variation to increase potential retail space to 4,000m<sup>2</sup> will allow for additional flexibility in the development of the centre.
19. An increase of this order should not have a significant impact on commercial development elsewhere or undermine the principles of the City's Strategy.
20. Confirmation of this position is provided by Tony Shrapnel (refer appended Technical Note) who notes that in his 2009 review, he originally recommended a higher floor space cap for this centre, and that he believes it can reasonably accommodate 4000m<sup>2</sup> without detriment to the City's objectives or Strategy.
21. The scheme amendment is proposed to align the zoning of the Bayonet Head North (Oyster Harbour) Neighbourhood Centre with the direction of the City's Activity Centres Strategy, the Approved Bayonet Head Interim Outline Development Plan and the Detailed Area Plan for the centre.
22. It is recommended that the amendment be initiated without modification.

#### **GOVERNMENT CONSULTATION**

23. 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**

24. Should Council initiate the Amendment and the EPA decides not to assess the proposal, the Amendment will be publically advertised and all affected and surrounding landowners will be advised.

#### **STATUTORY IMPLICATIONS**

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

28. 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.
29. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.
30. TPS No. 3, Clause 5.26, lists the following Local Shopping Zone Provisions and Objectives;

*The Objectives of the Local Shopping Zone are:*

- *to provide for shopping centres that in the opinion of Council are attractive and have potential as a focal point for the community;*
  - *to promote local employment opportunities;*
  - *to provide a reasonable level of accessibility to shops and to services.*
- (b) *The maximum net lettable area (NLA) for a shopping centre in the Local Shopping zone or Additional Use Site No. 9 shall not exceed the net lettable area set against that centre in Table II.*

*Table II- Shopping Centre*

<i>Oyster Harbour</i>	<i>Lots 61 and 58 Bayonet Head Road; Lot 62 Lower King Road, Bayonet Head.</i>	<i>Local Shopping</i>	<i>600 m<sup>2</sup> NLA</i>
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## **STRATEGIC IMPLICATIONS**

31. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
32. 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.*

33. The proposal is considered to be consistent with Section 8.3.1 of the ALPS, as it:

- *is Providing for growth in urban areas,*
- *Providing greater housing choice.*
- *Potentially minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*

34. 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;

*“...Neighbourhood centres (floor space of 3500 to 5000m<sup>2</sup> maximum net lettable area [NLA]) will continue to cater for convenience shopping based on a typical setup of a small supermarket with some small offices, local services and community facilities. The ALPS supports the existing centres at Lange, Yakamia and Spencer Park and the development of the planned centres at Orana and **Bayonet Head north** and south. These are shown as Neighbourhood Centres in Map 9B.”*

*Local centres will cater for smaller-scale convenience shopping in retail hubs up to 600m<sup>2</sup> NLA floor space. The ALPS supports the retention of existing centres at Touristville, Middleton Road/Middleton Beach, Emu Point, Lower King, Little Grove and Bayonet Head. These are shown as Local Centres in Map 9B. An additional local centre is provided for in the developing suburb of Big Grove.*

*These areas and their potential uses will be defined further in precinct and structure plans for each locality. Neighbourhood and local centres will be zoned in the LPS1 with their own objectives, uses and development standards.”*

The proposal is considered to be consistent with Section 8.5.2 of the ALPS, as it will facilitate the development of a Neighbourhood centre with retailing as a primary focus within the floor space limits set.

## **POLICY IMPLICATIONS**

35. 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.

36. **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 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.”*

## **RISK IDENTIFICATION & MITIGATION**

37. There are no identifiable risks associated with this proposal as Council's decision will be forwarded to the Western Australian Planning Commission, with the Minister for Planning ultimately deciding whether to finally approve the amendment.

### **FINANCIAL IMPLICATIONS**

38. There are no financial implications directly relating to this item. However, should Council support the Scheme Amendment, the City of Albany will be liable for contributions to the upgrade and expansion of the local road network, and the provision of services, such as the ongoing maintenance of public open space and collection of household refuse.

### **LEGAL IMPLICATIONS**

39. 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.
40. Council must 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**

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

### **SUMMARY CONCLUSION**

42. Council could initiate Amendment No. 312 without modification, on the basis that rezoning of the land will align the zoning of the Bayonet Head North (Oyster Harbour) Neighbourhood Centre with the direction already established by the City's Activity Centres Strategy, the Approved Bayonet Head Interim Outline Development Plan and the Detailed Area Plan for the centre. The Increase of the centre's NLA to 4000m<sup>2</sup> can also be accommodated without detriment to the City's objectives or Strategy.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	AMD312 (Kalgan Ward)
<b>Previous References</b>	