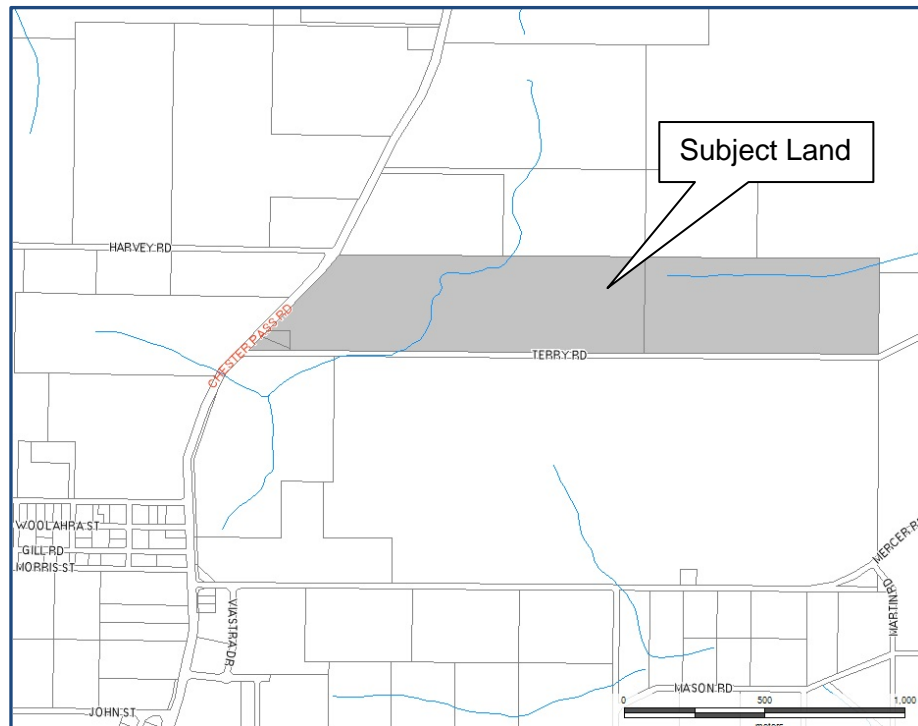


**2.4: FINAL OF AMENDMENT – LOTS 5498 AND 4925 TERRY ROAD
AND LOTS 1 (308) AND 2 (314) CHESTER PASS ROAD, WALMSLEY**

Land Description	: Lots 5498 and 4925 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley
Proponent	: Ayton Baesjou Planning
Owner/s	: Cammit Pty Ltd ATF The Giumelli Family Trust; G & S Davies; P List; L & W Spinks; G Grayson; and R & P Weir
Business Entity Name	: N/A
Attachment(s)	: Schedule of submissions : Copy of DPI advice from May 2007
Councillor Workstation	: Copy of OCM 19/06/07 – Item 11.3.6 (SAR 116) : Copy of OCM 16/08/11 – Item 2.1 : Amendment Document (AMD298) : Copy of submissions
Responsible Officer(s)	: Acting Executive Director – Planning and Development Services (S Lenton)

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 rezone Lots 5498 and 4925 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley from the 'Rural' zone to the 'Residential Development' zone.

ITEM 2.4: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR ATTWELL

SECONDED: COUNCILLOR DUFTY

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. 298 to Town Planning Scheme No. 3 for the purposes of:
 - i) Rezoning Lots 4925 and 5498 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley from the 'Rural' zone to 'Residential Development' zone; and
 - ii) Amending the Scheme Maps accordingly.
- 2) **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

CARRIED 12-1

Record of Vote

Against the Motion: Councillor Bostock

BACKGROUND

1. Amendment 298 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lots 5498 and 4925 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley from the 'Rural' zone to the 'Residential Development' zone.
2. A Scheme Amendment Request (SAR 116) for Lot 5498 Terry Road was considered at the Ordinary Council Meeting on 19 August 2007 and it was resolved:

"THAT, subject, but not limited to, the following matters being addressed subject to the satisfaction of Council:

- i) A clearly defined zoning boundary (including the possible inclusion of the two triangular lots to the southwest) being adopted and justified;*
- ii) A land capability assessment;*
- iii) Outline development planning, in the form of a conceptual district structure plan showing both the land's connection to the existing urban front (including its relationship with Chester Pass Road), and constraints and opportunities including possible surrounding land use conflicts;*
- iv) Identification of servicing needs and infrastructure requirements to accommodate future subdivision; and*
- v) An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to.*
- vi) An overall nutrient and drainage management plan being prepared to demonstrate how nutrients and stormwater will be managed on-site.*
- vii) A foreshore management plan being prepared to ensure the protection of the existing creek line.*
- viii) The remnant vegetation being retained and incorporated into Public Open Space where required.*

Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 5498 Terry Road, Walmsley from the 'Rural' zone to the 'Residential Development' zone."

3. The above matters were broadly addressed in the scheme amendment document as follows:
 - A clearly defined zoning boundary was identified, including the two lots within the south-west corner of the subject land, as mentioned above.
 - A land capability and geotechnical report was appended to the amendment document to inform the opportunities and constraints plan.
 - A conceptual district structure plan was prepared in the form of an opportunities and constraints plan showing the land's connection to the existing urban front, including its relationship with Chester Pass Road.
 - The amendment document was identified that the land can be serviced with reticulated water and sewer, power and telecommunications.
 - A preliminary water management was included within land capability and geotechnical report.
 - A preliminary nutrient management plan was included within the land capability and geotechnical report.
 - The opportunities and constraints plan identified the need to protect the creek line through stock proof fencing, revegetation and reservation.
 - Vegetation was identified for retention on the opportunities and constraints plan.
4. Staff were satisfied with the level of information received for this stage of the planning process. At the detailed outline development plan stage, several studies would need to accompany the proposal inclusive of a traffic report, foreshore management plan and local water management strategy.
5. The amendment was considered for initiation at the Ordinary Council Meeting on 16 August 2011 and it was resolved:

"THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 17(2) of the Town Planning Regulations 1967 resolves to INITIATE Amendment No. 298 to Town Planning Scheme No. 3 without modifications by:

 - i. *Rezoning Lots 1, 2, 4925 & 5498 Terry Road, Walmsley from the 'Rural' zone to 'Residential Development' zone."*
6. Council is now required to consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed scheme amendment.

DISCUSSION

7. The subject lots cover an area of approximately 71.1ha and lie to the east of Chester Pass Road, approximately 4.8km north of Albany town centre. The land is generally flat from Chester Pass Road eastward, until it reaches a drainage line running across Lot 5498 in a south-west to north-easterly direction, where it begins to slope upward to the east, before briefly levelling out and dropping gently back toward a drainage line along the northern edge of Lot 4925. Much of the land has been cleared for pasture, although some vegetation remains on Lots 1, 2 and along the boundaries of Lot 5498. Lot 5498 is also traversed by a shelter belt, roughly adjacent to the drainage line, and stands of parkland cleared vegetation are located in the south-eastern corner of Lot 5498 and close to the northern end of Lot 4925's eastern boundary. Two dams lie within the north-west quarter of Lot 5498, one large and one small, while smaller dams are also found at the eastern end of Lot 5498 and the western end of Lot 4925. Land uses are of a rural residential nature on Lots 1 and 2, each occupied by a dwelling and associated outbuildings, while Lots 5498 and 4925 are predominantly used for rural residential purposes, with some limited grazing activity. A dwelling and associated outbuildings stand close to the mid-point along the southern boundary of Lot 5498 and a dwelling and associated outbuildings also stand close to the southern boundary of Lot 4925, near its western end.
8. The surrounding land is primarily covered by the 'Rural' zoning, although Lot 10 Chester Pass Road, on the southern side of Terry Road is covered by the 'Service Industry' and 'Landscape Protection' zones, while Lot 4925 is bounded to the north by an area of 'Parks and Recreation' Reserve and to the east by a 'Public Purposes' Reserve.
9. The area has been identified as being suitable for 'Future Urban' development in the Albany Local Planning Strategy (ALPS) and given a Priority 3 designation on Map 9B. This has been largely influenced by the relatively flat topography and unconstrained nature of the land and its proximity to a major road. Priority 3 areas are described in the ALPS as follows:

"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."
10. In addition to the designation of the land within the ALPS as 'Future Urban', the proposal also needs to be assessed against the specific strategic objectives and aims set out in Sections 8.3.1 and 8.3.2 of the ALPS text, which promote urban lot consolidation and staged incremental development.
11. The subject land is situated approximately 700m to the north of the existing urban front, which currently lies to the south of Mercer Road (St Ives Village and the Catalina Central development). The land to the south of the subject land, which includes a mixture of industrial and rural zoned land, is not part of the amendment proposal. Land to the west of the subject land between Henry Street and to the south of Harvey Road has previously been rezoned to 'Residential Development'.

12. The rezoning of the land to 'Residential Development' could be considered premature on the basis that the land is separated from the urban front, and does not include that land south of the subject land. It is also noted that there is continued expansion of Albany's suburbs in Bayonet Head, Yakamia, Little Grove, Big Grove, Lange and Gledhow which are expected to meet the majority of the demand for an increase of approximately 7,000 residents to the City within the next 10 years (based on current growth rates of 1.6% per annum). Beyond this timeframe it is expected that land to the north of Mercer Road, including the locality of Walmsley, will be required for residential expansion.
13. In 2007 when Council considered the Scheme Amendment Request proposal, the Department of Planning provided the following advice:
- "The site may be restricted in its use as residential land due to the close location to the existing rural and tourism activities, such as the strawberry farm and winery to the north that may need buffers from residential development due to spraying and other farm practices, and the current industrial zoning to the south. Detailed planning for the area may indicate the retention of these rural and tourism assets as the best option.*
- As such the proposal to have residential development in this area via the proposed Residential Development zone is very premature and should not be considered until much further down the line when that area including the strawberry farm and winery have fully comprehensive planning strategies developed for the area."*
14. The proposal would not play a significant role in meeting the short to medium term residential expansion requirements of the City, and if Council were not minded to support the amendment at this time, there would be no significant planning loss incurred.
15. The proposal seeks to rezone the land to 'Residential Development' and not 'Residential', which requires the preparation of a comprehensive Outline Development Plan before subdivision and or development can be considered. In this regard Clause 5.5 of Town Planning Scheme No. 3 requires an outline development plan to be undertaken over those areas contained within the Residential Development zone, *together with other areas determined by Council having regard to:*
- c) land holdings adjacent to or in the vicinity of the subject land.*
16. Any outline development plan for the subject land would need to include detailed planning over all of the land to the south, to tie in within the existing urban front and promote a coordinated approach to planning as advocated in the ALPS (the Department of Planning would also provide guidance on the land to be included in such a plan). This has been acknowledged in the amendment document.
17. In the interim period the land could continue to be utilised for its current use (grazing), with a zoning designation that reinforces and protects its future use for fully serviced urban development.

18. The opportunities and constraints plan contained in the amendment is consistent with Council's draft road hierarchy plan, as identified in the City's Local Planning Policy No. 1, being its Conceptual District Structure Plan, as the main north-south and east-west road connections have been identified. The land capability report has also identified that the land is capable of accommodating fully serviced residential development in the future.
19. Whilst the amendment may be considered premature given its distance from the urban front and the likelihood that residential growth within this area is unlikely to eventuate within the next 5 to 10 years, it does reinforce the future urban designation with the ALPS, providing adequate protection from inappropriate land uses in the intervening period which may compromise the future planning of the locality. The environmental investigations contained within the land capability report have identified that at this stage of the planning process the land can support fully serviced residential development into the future. As per Clause 5.5 of Town Planning Scheme No. 3, no development or subdivision can proceed unless a comprehensive Outline Development Plan is prepared, and in this case it would be essential that such a plan incorporate the land holding to the south to promote a coordinated outcome.
20. Although the proposal may be considered somewhat premature at this time, the requirement for an Outline Development Plan would preclude the subdivision and development of the subject lots in isolation. Final adoption is therefore recommended.

GOVERNMENT CONSULTATION

21. The Amendment was referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Agriculture and Food WA, Department of Water, Department of Environment and Conservation, Department of Education, Fire and Emergency Services Authority and Main Roads WA for assessment and comment. Responses were received from Telstra, Water Corporation, Western Power, Department of Agriculture and Food WA, Department of Water, Department of Environment and Conservation, Department of Education, Fire and Emergency Services Authority and Main Roads WA and are summarised in the attached Schedule of Submissions.

PUBLIC CONSULTATION / ENGAGEMENT

22. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 15 December 2011 to 26 January 2012 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in the local newspaper.
23. A total of eleven written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

24. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WAPC and the approval of the Minister for Planning.

STRATEGIC IMPLICATIONS

25. 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.

26. 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.*

27. 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 draft ALPS 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”.

28. 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, however the subsequent Outline Development Plan prepared over the land and the surrounding locality would need to be prepared taking the above matters into account to ensure a coordinated development. The staging of the subdivision and how it relates and integrates with the urban front would need to be addressed in such a plan.
29. 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.*

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.
31. **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.

To be consistent with SPP1, the future Outline Development Plan would specifically need to focus on:

- 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;
- preventing environmental problems which might arise as a result of siting incompatible land uses close together through the use of appropriate separation buffers;
- integrating land use and transport planning and promoting patterns of land use which reduce the need for transport; and
- protecting agricultural land resources from inappropriate uses through the use of appropriate separation buffers.

32. 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.

To be consistent with SPP3, the future Outline Development Plan would specifically need to focus on:

- promoting 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; and
- coordinating new development with the efficient, economic and timely provision of infrastructure and services.

RISK IDENTIFICATION & MITIGATION

33. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
The proposal may generate land use conflict (through noise and spray drift) due to an existing strawberry farm immediately to the north of the subject land.	Possible	Medium	High	Provision of an appropriate vegetated buffer within any future local structure plan and placement of notifications on titles at the time of subdivision to advise prospective purchasers of the operations of the strawberry farm.
Support for the rezoning proposal may give a false impression that the land can be developed in isolation, rather than as a collective whole, for fully serviced residential development.	Likely	Medium	Medium	Amendment document to identify that a comprehensive Outline Development Plan, including land to the south of the subject land, would need to be prepared prior to any subdivision or development being considered on the site. Council has the power under Clause 5.5 of Town Planning Scheme No. 3 to determine the boundary to which an Outline Development Plan applies.

FINANCIAL IMPLICATIONS

34. The prescribed planning fee of \$3500 has been received and staff have processed the application within existing budget lines.
35. Should Council support the Scheme Amendment, the property owners would be responsible for lodging an application for subdivision and extending services to the subject land at their own cost. The City of Albany will be liable for contributions to the upgrade and expansion of the local road and stormwater drainage networks, and the provision of services, such as the ongoing maintenance of public open space and collection of household refuse.

LEGAL IMPLICATIONS

36. Section 75 of the *Planning Development Act 2005* allows Council to pass a resolution to amend its Town Planning Scheme.
37. Regulation 17(2)(a) of the *Town Planning Regulations 1967* allows Council to pass a resolution that the Scheme be adopted with or without modification.

ALTERNATE OPTIONS

38. Council has the following options in relation to this item, which are:
 - To adopt the Scheme Amendment without modifications;
 - To adopt the Scheme Amendment with modifications as per staff's recommendation; or
 - To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.
39. If Council believes the amendment is premature, the following alternate motion could be put by a Council member:

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* resolves NOT TO ADOPT Amendment No. 298 to Town Planning Scheme No. 3 for the purposes of:
 - i. Rezoning Lots 4925 and 5498 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road, Walmsley from the 'Rural' zone to 'Residential Development' zone; and
 - ii. Amending the Scheme Maps accordingly.
- 2) ADVISES the Western Australian Planning Commission that it does not wish to finally adopt the amendment primarily on the basis that the proposed amendment is premature given the considerable distance of the land from the existing urban front and that there is an abundance of other land already identified to meet the short to medium residential expansion needs of the City.

SUMMARY CONCLUSION

40. The subject land is identified on Map 9B of the ALPS for 'Future Urban' development. The amendment seeks to rezone the land to the 'Residential Development' zone, which requires the preparation of an Outline Development Plan to the satisfaction of Council and the Western Australian Planning Commission before any subdivision or development can take place. Council has full control as to the boundaries of such a plan, which would need to include land to the south to Mercer Road, ensuring the development of the land is part of a larger coordinated precinct.

41. Although the proposal may be considered somewhat premature at this time, the requirement for an Outline Development Plan would preclude the subdivision and development of the subject lots in isolation. Final adoption is therefore recommended.

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	AMD298 (Yakamia Ward)
Previous References	OCM 19/06/07 – Item 11.3.6 (SAR 116)