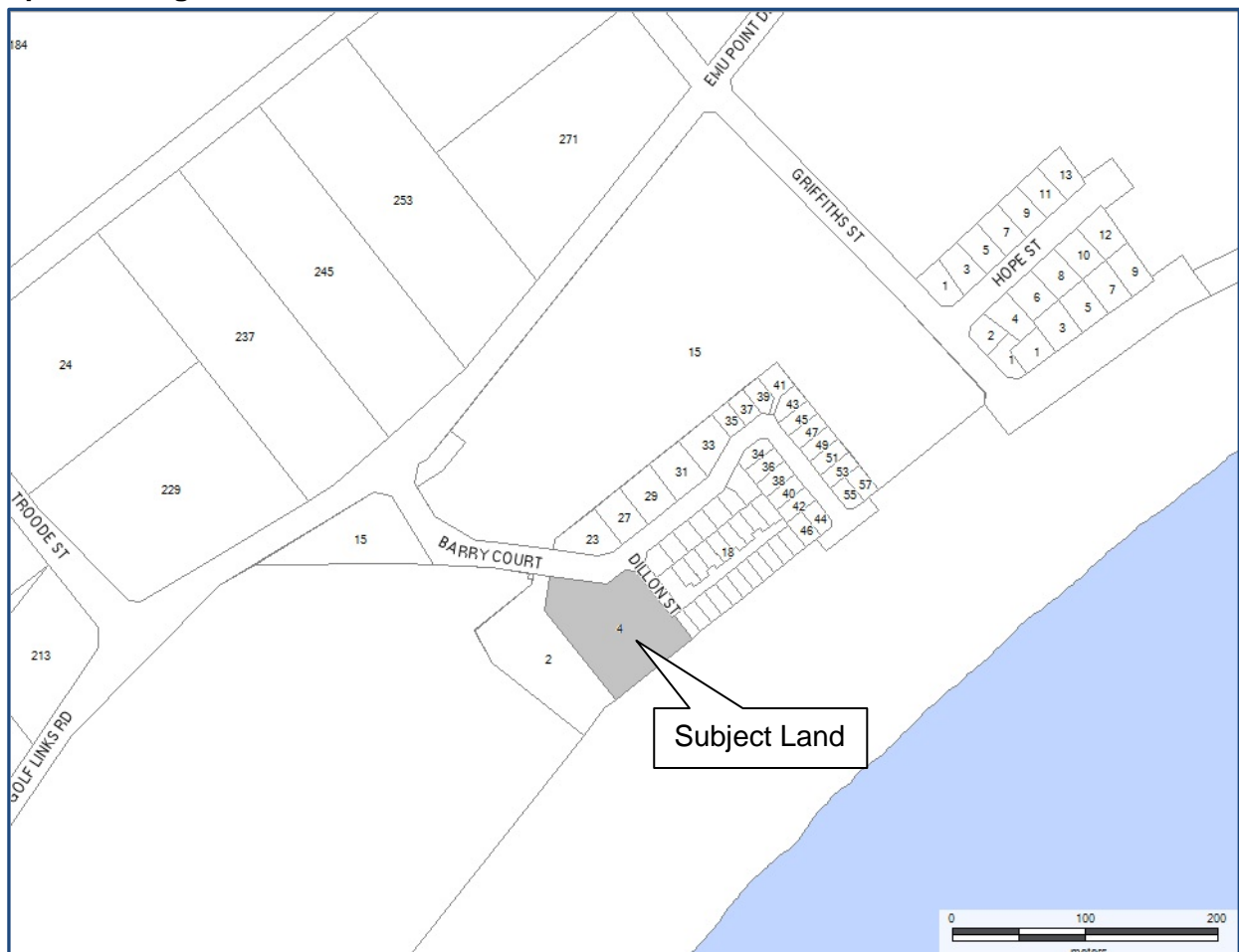


**2.5: LOCAL PLANNING SCHEME POLICY – LOT 150 BARRY COURT,  
COLLINGWOOD PARK**

<b>Land Description</b>	: Lot 150 Barry Court, Collingwood Park
<b>Proponent</b>	: Harley Global
<b>Owner/s</b>	: Walker Paddon Real Estate Pty Ltd
<b>Business Entity Name</b>	: Walker Paddon Real Estate Pty Ltd
<b>Attachment(s)</b>	: Local Planning Policy – Lot 150 Barry Court, Collingwood Park
<b>Councillor Workstation</b>	: Copy of WAPC subdivision approval no. 141114 : Copy of proponent's submission
<b>Responsible Officer(s)</b>	: Acting Executive Director – Planning and Development Services (S Lenton)

**Maps and Diagrams:**



**IN BRIEF**

- Consider whether to adopt the draft Local Planning Scheme policy for Lot 150 Barry Court, Collingwood Park for the purpose of public advertising.

**ITEM 2.5: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**

**SECONDED: COUNCILLOR DUFTY**

**THAT Council adopts the draft Local Planning Scheme policy for Lot 150 Barry Court, Collingwood Park, for the purpose of public advertising, subject to the following modification:**

- i) Revision of the Development Plans to illustrate materials consistent with Section A2.6 *Materials and Colours* of the draft Local Planning Scheme policy.**

**CARRIED 12-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**BACKGROUND**

1. The Local Planning Scheme policy has been prepared in response to WAPC subdivision approval no. 141114, condition no. 13 which requires that:

*“Prior to the commencement of any subdivisional works, Design Guidelines being prepared for the subject land in consultation with and approved by the City of Albany, and the satisfaction of the Western Australian Planning Commission. The Design Guidelines are to include principles of development which address:*

- i) The location and description of short stay tourist accommodation units and grouped dwellings;*
- ii) A unified design theme for development;*
- iii) The visual and acoustic privacy, and solar access of dwellings through external and internal building design; and site design and landscaping;*
- iv) Streetscape appearance;*
- v) The required minimum density and titling of short stay tourist accommodation;*
- vi) The common management of all units for short stay tourist accommodation being provided by a common facility manager;*
- vii) Should common facilities such as reception, manager’s residence, restaurant, or pool be provided, these are to be constructed in the first stage should the short stay accommodation units be constructed in stages;*

- viii) *Any short stay units with more than two (2) bedrooms being dual keyed and allowing units to be separately let out to guests;*
- ix) *All common facilities such as reception, manager’s residence, restaurant, or pool being constructed in the first stage should the short stay accommodation units be constructed in stages; and*
- x) *The need for a programme for the construction and completion of the short stay tourist accommodation units and other buildings to be developed on Lot B, to be agreed with the City of Albany, including, in the event that the development involves the further subdivision of Lot B into survey strata lots, provision for the building/s on any proposed survey strata lot to be constructed to plate height prior to the issue or transfer of title for that lot. (Local Government).”*
2. The proponent has stated in their submission that the draft local planning policy addresses the following aspects of condition no. 13:
- *“The location and description of short-stay accommodation and grouped dwellings;*
  - *A unified design theme for the development;*
  - *Visual and acoustic privacy and solar access;*
  - *Streetscape appearance.”*

However, they have also stated that they do not believe it appropriate for the items listed in condition no. 13 v) – x) to be included in the draft policy for the following reasons:

- *“The density of the proposed development is indicated within the Development Plans. Density of Grouped Dwellings will be as per the ‘R30’ density code of the R-Codes;*
  - *With regards to the common management of tourist accommodation, this will be established by the Strata Management Agreement. We do not think this is an appropriate issue to be included within the Design Guidelines;*
  - *As indicated on the Development Plans, no such common facilities as listed in sub-condition vii) will be included in the proposed development. As such, we do not think that these should be included within the Design Guidelines;*
  - *Proposed short-stay accommodation has been designed to accommodate a dual-key facility; and*
  - *This lot has the potential to be developed for either a survey strata or built strata development, in accordance with the Development Plans. Should it be required, there is sufficient provision for the Western Australian Planning Commission to impose a condition at the time of survey strata subdivision requiring the construction of dwellings to plate height, as outlined in WAPC Development Control Policy 2.3 – Residential Subdivision.”*
3. Staff are supportive of this position and consider that the draft policy should be progressed on this basis.

4. Council is now required to consider the draft Local Planning Scheme Policy and determine whether to adopt the policy for the purpose of public advertising.

#### **DISCUSSION**

5. The subject lot covers an area of 6108m<sup>2</sup> on the south side of Barry Court, approximately 4.2km north-east of Albany town centre. The land is relatively flat and has recently been cleared following subdivision approval.
6. The surrounding land is primarily covered by the 'Tourist Residential' zoning, although Reserve 14789, adjacent to the south-eastern boundary of the subject lot, is designated for 'Parks and Recreation'.
7. The Albany Golf Club clubhouse and putting practice greens lie to the south-west of the subject lot and the coastal foreshore reserve to the south-east. The subject lot is bounded on its northern and north-eastern edges by Barry Court and Dillon Close. There are a mixture of private and tourist residential dwellings and a small number of undeveloped lots on the opposite sides of these streets.
8. The design guidelines and development plans contained with the draft policy are considered appropriate and are broadly consistent with the built form of the locality. However, it is recommended that the Development Plans contained within the draft policy are modified prior to advertising to illustrate materials consistent with Section A2.6 *Materials and Colours* of the policy's written statement.
9. Subject to the above modification, staff would recommend that Council adopt the draft Local Planning Scheme Policy for the purpose of public advertising.

#### **GOVERNMENT CONSULTATION**

10. Consultation with State Government agencies will not be necessary as part of the advertising process for this draft Local Planning Policy.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

11. Should Council resolve to adopt the draft Local Planning Policy for the purpose of public advertising, it will be advertised in accordance with Clause 7.21.2(a) of Town Planning Scheme (TPS) No. 1A (see paragraph 13 below).

#### **STATUTORY IMPLICATIONS**

12. The subject lot is zoned 'Tourist Residential' and has a density coding of R20.

13. Clause 7.21 of TPS No. 1A sets out the processes to adopt and modify town planning scheme policies and also provides direction on what function the policies have in the decision-making process.

*“7.21 POWER TO MAKE POLICIES*

- 7.21.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*
- 7.21.2 A Town Planning Scheme policy shall become operative only after the following procedures have been completed:*
- (a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
  - (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
  - (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*
- 7.21.3 A Town Planning Scheme policy may only be altered or rescinded by:*
- (a) Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.*
  - (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*
- 7.21.4 A Town Planning Scheme policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”*

**STRATEGIC IMPLICATIONS**

14. 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.

15. Section 5.4 – *Tourism* sets the following Planning Principle:

*“Albany will remain the premier tourism destination on the South Coast and will provide a complete tourism experience”.*

This is expanded upon by Section 5.4.2 – *Accommodation*, which sets the following Planning Objective:

*“Promote the development of sustainable tourist accommodation.”*

16. Section 8.3.3 – Urban Infill sets the following Strategic Objective:

*“Support urban infill development based on compatibility of land uses and infrastructure capacity”.*

17. The proposal is considered to be consistent with these principles and objectives.

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

***Key Focus Area:***

*Sustainability and Development*

***Community Priority***

*Tourism Development*

***Proposed Strategies***

- *Improve and expand tourism infrastructure.*

***Community Priority***

*Single Town Planning Scheme*

***Proposed Strategies***

- *Provide greater flexibility in housing options so there is greater property diversity.*
- *Establish streetscape development guidelines for private development projects.*
- *Provide flexibility for development in key tourism areas.*

**POLICY IMPLICATIONS**

19. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the proposal.

20. **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:

It is considered that the proposal:

- adopts a risk-management approach which aims to avoid or minimise environmental degradation and hazards;
- prevents environmental problems which might arise as a result of siting incompatible land uses close together;
- provides housing choice and diversity to suit the needs of different households;
- encourages safe environments, high standards of urban design and a sense of neighbourhood and community identity;
- provides sites for tourism accommodation taking account of their special location and servicing needs;
- will ensure that decisions are made in accordance with plans and policies, and decisions are made expeditiously; and
- facilitates the efficient use of existing urban infrastructure and human services and prevents 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.

#### 21. **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.

It is considered that the proposal will:

- build on an existing community with established local and regional economies and enhance the quality of life in that community;
- manage the growth and development of the area in recognition of relevant climatic, environmental and community values and constraints; and
- promote the development of a sustainable and liveable neighbourhood form, while providing choice of housing and creating an identifiable sense of place for the community.

**RISK IDENTIFICATION & MITIGATION**

22. 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>
Not adopting the draft Local Planning Scheme policy will prevent the development of the land, as it will not be possible to clear WAPC subdivision approval no. 141114.	Possible	Medium	Medium	Mitigation is entirely dependent on Council's decision.

**FINANCIAL IMPLICATIONS**

23. No planning fee was required for this item and staff have processed the application within existing budget lines.

**LEGAL IMPLICATIONS**

24. A draft Local Planning Scheme policy can be prepared by either a planning consultant or City of Albany staff and adopted by Council in accordance with Clause 7.21 of TPS No. 1A (see paragraph 13 above). It should be noted that Clause 7.21 does not provide a right of appeal, should Council decide not to adopt the draft policy.

**ALTERNATE OPTIONS**

25. Council has the following options:

- Adopt the draft Local Planning Scheme policy for the purpose of public advertising, without modification;
- Adopt the draft Local Planning Scheme policy for the purpose of public advertising, subject to modification; or
- Not adopt the draft Local Planning Scheme policy for the purpose of public advertising.

**SUMMARY CONCLUSION**

26. The adoption of the draft Local Planning Scheme policy will be necessary in order to clear WAPC subdivision approval no. 141114 and allow the development of the land to take place.

27. The draft policy is consistent with the objectives of the ALPS and SPP's 1 and 3. It is therefore considered appropriate that Council adopts the draft Local Planning Scheme policy for the purpose of public advertising.



<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	DAP007 (Breaksea Ward)