

2.7: FINAL ADOPTION 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
- Attachment** : Comments on Submissions from CLE and Schedule of Submissions
- Councillor Workstation** : Amendment Document (AMD312)
- Responsible Officer** : Executive Director Planning and Development Services (D Putland)

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 4000m².

ITEM 2.7: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR ATTWELL

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 out MODIFICATIONS** Amendment No.312 to Town Planning Scheme No. 3 for the purpose 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 4,000m².

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 4,000m².
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 4,000m² 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 600m² retail floor space 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 3,500m² 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 4,000m² is consistent with direction of the City's Activity Centres Strategy.
17. The proposed variation to increase potential retail space to 4,000m² will allow for additional flexibility in the development of the centre, enabling 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. An increase of this order (a 12.5% variation to the policy) should not have a significant impact on commercial development elsewhere or undermine the principles of the City's Strategy.
19. 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 4000m² without detriment to the City's objectives or Strategy.
20. 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.
21. It is recommended that the amendment be finally adopted without modification.

GOVERNMENT CONSULTATION

22. The Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed and provided some advice
23. The amendment was referred to WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Fire and Emergency Services Authority and Department of Indigenous Affairs for assessment and comment.
24. Responses were received from Telstra, Water Corporation, Western Power, Department of Water, Department of Indigenous Affairs and the Department of Environment and Conservation these submissions are summarised, discussed and accompanied by appropriate recommendations in the attached Schedule of Submissions.
25. No objections have been received, advice and recommendations have however been provided by the Department of Indigenous Affairs.

PUBLIC CONSULTATION / ENGAGEMENT

26. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 3 May 2012 to 14 June 2012 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in a local newspaper.
27. One submission was received from a member of the public that owns and is currently developing a neighbourhood centre at the intersection of Mercer Road and Lower King Road.
28. The submission objects to the amendment and raises a number of concerns relating to the interpretation of the Activity Centres planning Strategy (ACPS) contained in the report and some of the content.
29. The submission is included, in the attached Schedule of Submissions.
30. The applicants also provided comments on the Submissions received as Attached

STATUTORY IMPLICATIONS

31. 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

32. 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.
33. 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.*

34. 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.*

35. 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 5000m² 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 600m² 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.”

36. 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

37. 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.

38. 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

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

FINANCIAL IMPLICATIONS

40. The appropriate planning fee has been paid by the proponent. The proposal has been assessed by staff using in-house resources.

LEGAL IMPLICATIONS

41. 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.
42. Regulation 13(1) of the *Town Planning Regulations 1967* (as amended), requires that Council pass a resolution either:
- a) To proceed with the Scheme, and adopt the proposed Scheme in accordance with the Act; or
 - b) Not to proceed with the Scheme, and notify the Commission in writing of that resolution.

ALTERNATE OPTIONS

43. 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; or
 - To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.

SUMMARY CONCLUSION

44. It is recommended that Council adopt 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 4000m² can be accommodated without detriment to the City's objectives or Activities Centre Strategy.

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