

**2.10: PRECINCT PLAN – SPECIAL SITE S46 – SPENCER PARK  
NEIGHBOURHOOD CENTRE PRECINCT**

- Land Description** : Various lots in and around Spencer Park neighbourhood centre
- Proponent** : Ayton Baesjou Planning
- Owner/s** : Department of Housing and various others
- Business Entity Name** : Great Southern Community Housing Association; Southern Aboriginal Corporation; Paceview Pty Ltd; Horizon Holdings Pty Ltd; Lionsville Albany Inc; Freemasons Homes; Perth Diocesan Trustees; Oliviam Pty Ltd; Regnis Group Pty Ltd; Reparto Holdings Pty Ltd; Primeking Pty Ltd
- Attachment(s)** : Draft Precinct Plan for Special Site S46 – Spencer Park Neighbourhood Centre Precinct
- Councillor Workstation** : Copy of OCM 19/05/2009 – Item 11.2.1  
: Copy of OCM 17/11/2009 – Item 13.2.4
- Responsible Officer(s)** : Executive Director Planning and Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- Consider whether to adopt the draft Precinct Plan for Special Site S46 – Spencer Park Neighbourhood Centre Precinct – for the purpose of public advertising.

**ITEM 2.10: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR ATTWELL**

**THAT Council adopts the draft Precinct Plan for the Spencer Park Neighbourhood Centre Precinct, for the purpose of public advertising, noting that prior to completion of the Precinct Plan, the following matters will be satisfactorily addressed:**

- **The potential impact of increased traffic on the area;**
- **the likelihood of traffic conflict involving ambulances travelling along Hardie Road to Albany Regional Hospital;**
- **staging of development; and**
- **the implementation of development, including contributions to public realm upgrades.**

**CARRIED 12-0**

**BACKGROUND**

1. In September 2006, a scheme amendment (No. 154) to change the R-Code densities of Lots 9-12, 29 and 30 Pretious Street, Lots 27, 28 and 68 Hardie Road, Lot 69 Nind Street and Lot 8 Wansborough Street, Spencer Park from R20 to R40 was supported by Council. The proposal was subsequently granted final approval by the Minister for Planning and Infrastructure in May 2007 and Gazetted in July 2007. This had, to some extent, established the basic principle of increasing the density of 'Residential' zoned land in the Spencer Park locality, which formed the basis for a subsequent scheme amendment (No. 171).
2. Amendment No. 171, sought to amend Town Planning Scheme (TPS) No. 1A by establishing a 'Special Site' covering the Spencer Park Neighbourhood Centre Precinct, which would modify the R-code densities and uses allowed within the Special Site area.
3. This concept originated from the *Spencer Park Urban Design Study* that was prepared by Mackay Urban Design on behalf of the Department of Housing and Works in March 2008 and builds upon the principle established by Amendment No. 154. The proposed boundary for the Special Site area was decided upon in consultation with City staff, taking into account the following criteria:
  - Walking distance from core commercial facilities;
  - maintaining similar density coding on both sides of a street;
  - acknowledging potential for infill as well as redevelopment; and
  - confining the extent of rezoning initially to facilitate a more intensive redevelopment.
4. The amendment was intended to facilitate the redevelopment of the commercial area around Hardie Road to create a mixed-use neighbourhood centre, while also enabling higher-density residential development to take place in the surrounding locality.

5. The scheme amendment was presented to Council at its ordinary meeting held on 19 May 2009 where it was resolved:

*“THAT Council, subject to the proposed building heights within the Central Sub-Precinct and the Mixed Use Precinct being reduced in accordance with Council’s Residential Design Code Policy, in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 25(1)c of the Town Planning Regulations 1967 resolves to INITIATE Amendment No. 171 to Town Planning Scheme No. 1A for the purpose of:*

- i) Establishing a ‘Special Site’ as provided for by Clauses 3.7 to 3.8 for a ‘Hardie Road Precinct’ and delineating this ‘Special Site’ as S46 on the Scheme Map’*
- ii) Changing the Residential Design Code density of areas within the proposed Special Site (S46) from R20 to R40 and R80 as listed in the proposed Appendix II below and indicated on the Scheme Amendment ‘Proposed Zoning’ map; and*
- iii) Modifying the uses permitted in the existing zones or reserves comprising the Special Site by introducing additional specifications for Site S46 in the Schedule to be set out in Appendix II.”*

6. Following referral to the Environmental Protection Authority and Western Australian Planning Commission (WAPC) and completion of the public advertising process, the scheme amendment was returned to Council to be considered for final approval. At Council’s ordinary meeting on 17 November 2009, it was resolved:

*“THAT Council in pursuance of section 75 of the Planning and Development Act 2005 and regulation 25(1)(c) of the Town Planning Regulations 1967 resolves to ADOPT WITH MODIFICATIONS Amendment No. 171 to Town Planning Scheme No. 1A as follows:*

- a) establish a ‘Special Site’ as provided for by Clauses 3.7 to 3.8 for a ‘Hardie Street Precinct’ and delineate this ‘Special Site’ as S44 on the Scheme Map;*
- b) change the Residential Design Code density of areas within the proposed Special Site (S44) from R20 and R40 to R40, R60 and R80 as listed in the proposed Appendix II and indicated on the Scheme Amendment ‘Proposed Zoning’ map; and*
- c) modifying the uses permitted in the existing zones or reserves comprising the Special Site by introducing additional specifications for site S44 in the Schedule to be set out in Appendix II.”*

7. The scheme amendment was referred to the WAPC and following modification of the document (including designation as Special Site S46), approved by the Minister for Planning on 30 August 2010 and gazetted on 17 August 2010.

8. The draft Precinct Plan has been prepared to fulfill the conditions of Special Site S46. Council is now required to consider the draft Precinct Plan and determine whether to adopt it for the purpose of public advertising.

**DISCUSSION**

9. The subject area covers the Spencer Park neighbourhood centre and surrounding streets. The land is primarily covered by the 'Residential' zoning, with the exception of Lots 50, 63, 65 and 73 Angove Road, which are zoned 'Local Shopping', Lot 72 Angove Road, which is zoned 'Service Station' and Lot 7055 Hardie Road and Lot 6906 Nind Street, which are zoned 'Clubs and Institutions' (see the zoning map under the 'Statutory Implications' section below).
10. The proposal aims to regenerate the existing Spencer Park commercial centre and its environs by establishing a framework that allows both the Department of Housing and the private sector to develop vacant land and redevelop existing properties to a higher density and with a greater mix of land uses than was previously permitted.
11. An increase in building density and mix of land uses (residences, shops, offices, etc.) should strengthen the role of the existing commercial centre as a focus for the community and ultimately lead to the creation of a neighbourhood centre with a broad range of amenities and a greater sense of place.
12. The schedule of provisions for the Special Site set out the minimum controls required for the following aspects of development:
  - permitted land uses;
  - plot ratio (floor area to site area ratio);
  - building height;
  - setbacks;
  - vehicle access;
  - on-site car parking requirements;
  - landscaping requirements; and
  - built form design requirements, including signage.
13. The draft Precinct Plan reinforces these development controls and presents conceptual plans and illustrates the type of development envisaged for the area, by way of examples from elsewhere in the State. The plan focuses on Hardie Road, close to the intersection with Angove Road, as this is the existing neighbourhood centre and envisaged as the future 'main street', within Spencer Park.
14. Although the plan broadly addresses the requirements set out in the conditions for Special Site S46, staff raised concerns with the Department of Housing over the following matters:
  - The potential impact of increased traffic on the area;
  - the likelihood of traffic conflict involving ambulances travelling along Hardie Road to Albany Regional Hospital;
  - staging of development; and
  - the implementation of development, including contributions to public realm upgrades.
15. The Department considers these to be matters that can be addressed through the advertising and referral process. Staff consider it appropriate to progress the proposal to this stage, subject to its referral to the Department of Transport, St John Ambulance and Albany Regional Hospital for formal comment.

16. The matters of staging and implementation are largely unknown at this time, as the Department of Housing cannot commit funding to the project without first having the Precinct Plan in place. However, they have indicated that funding for the initial stage of works could be put in place within 6 to 9 months of the Precinct Plan being finalised. The Department has also indicated that business owners in the neighbourhood centre are committed to developing their land or properties at the outset of the project, and to contributing to the cost of public realm improvements, which will encourage further development of the surrounding area.
17. The Department have also identified the project as being potentially eligible for funding as part of their 'New Living' urban renewal programme, which is already proving successful in a number of other locations in Western Australia.
18. The programme was established to ensure the consolidation and redevelopment of a number of highly visible areas of Department of Housing and Works' responsibility, with the following key objectives:
  - The reduction of high concentrations of public housing;
  - the refurbishment of houses for sale to both the public and existing tenants;
  - better land utilisation through the re-subdivision/refurbishment of public rental housing;
  - infrastructure enhancements (upgrading of streetscapes and open space); and
  - community development.
19. Overall, the draft Precinct Plan is consistent with contemporary planning principles and State policies that deal with growth and development. In addition, it is part of a State Government initiative to consolidate and redevelop areas of existing and former public housing.
20. Staff would recommend that Council adopt the Draft Precinct Plan for the purpose of public advertising.

#### **GOVERNMENT CONSULTATION**

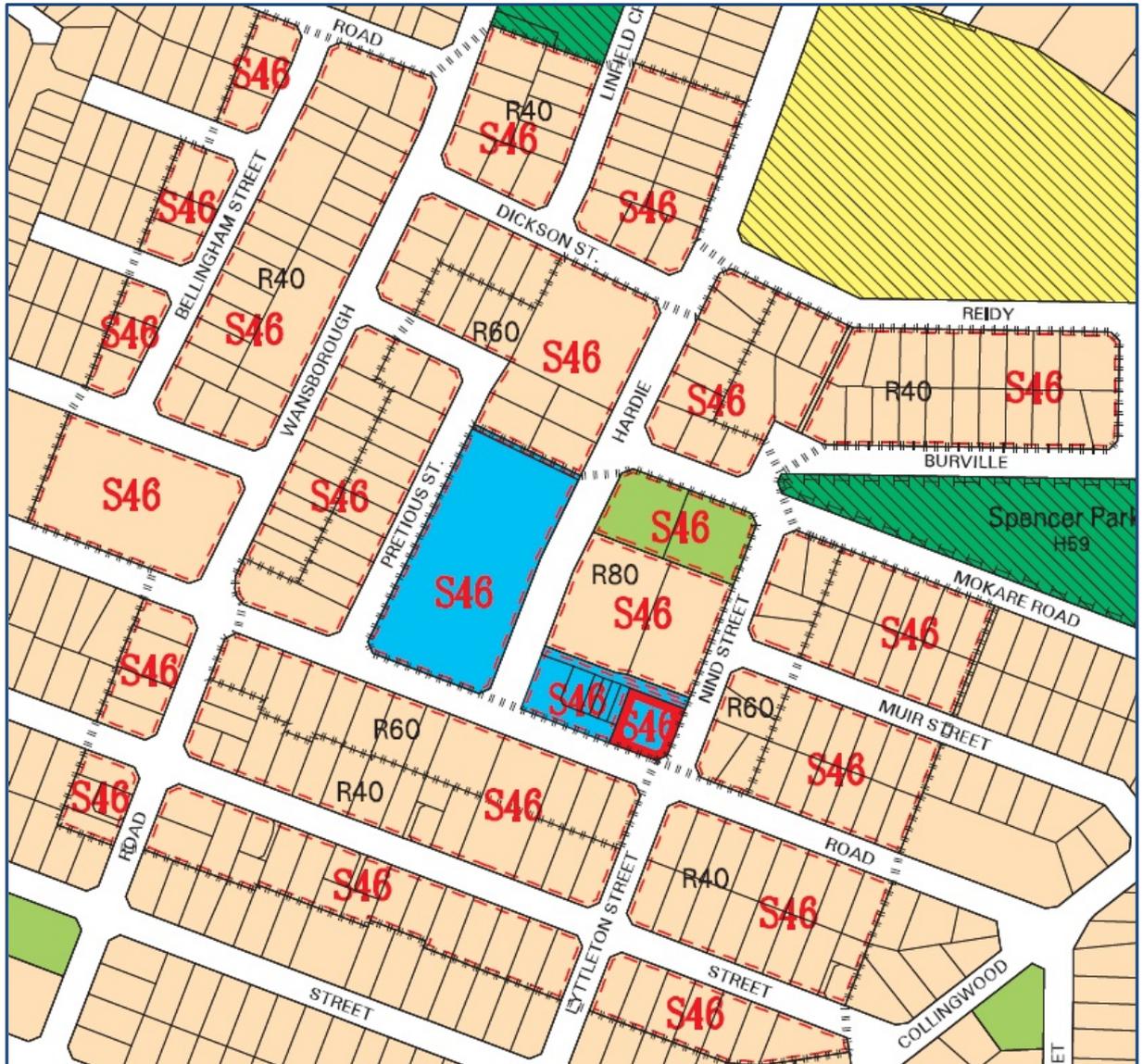
21. Should Council adopt the draft Precinct Plan for the purpose of public advertising, it will be referred to all relevant Government agencies for assessment and comment.

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

22. Should Council resolve to adopt the draft Precinct Plan for the purpose of public advertising, it will be advertised in accordance with Clause 4.49(a) of Town Planning Scheme (TPS) No. 1A (see paragraph 24 below).

#### **STATUTORY IMPLICATIONS**

23. The subject lot is primarily zoned 'Residential', with the exception of Lots 50, 63, 65 and 73 Angove Road, which are zoned 'Local Shopping', Lot 72 Angove Road, which is zoned 'Service Station' and Lot 7055 Hardie Road and Lot 6906 Nind Street, which are zoned 'Clubs and Institutions'. All of the subject land is covered by Special Site S46 and assigned R-Code densities ranging from R40 to R80, as per the zoning map, below:



24. Clauses 4.47 to 4.49 of TPS No. 1A set out the processes to develop and adopt a Precinct Plan. They also provide direction on what functions the Precinct Plan shall have in the decision-making process.

*“4.47 The Council shall neither approve nor adopt a Precinct Plan unless the Precinct Plan shows or otherwise clearly describes the following:*

- (a) The proposed use of the land within the Precinct, including both public and privately owned land;*
- (b) The location and dimensions of any roads, pedestrian and cycle paths, car parking areas, public open spaces and other reserves;*
- (c) The number of cars which any parking areas are designed to accommodate;*
- (d) The boundaries and approximate dimensions of any lots to be created through the subdivision of land within the Precinct;*
- (e) The planned disposition of buildings in terms of height and setbacks from lot or reserve boundaries.*

- 4.48 *The Council may also require that a Precinct Plan show or otherwise describes the following:*
- (a) *The type and colour of the paving materials which are proposed to be used in the construction of roads, paths and public open spaces;*
  - (b) *Indicative designs of any buildings to be constructed;*
  - (c) *The location and form of outdoor furniture or any other artefact proposed to be placed within any public space;*
  - (d) *The location, quantities and species of any plants which are to be used for landscaping the Precinct; and*
  - (e) *Any other detail which the Council, at its discretion, considers necessary or desirable for the Precinct Plan to show or describe.*
- 4.49 *The Council shall not adopt a Precinct Plan until after the following procedures have been completed:*
- (a) *The Council, having first approved the Precinct Plan, shall publish a notification once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the Precinct Plan may be inspected, and in what form and during what period submissions may be made.*
  - (b) *The Council shall review the Precinct Plan in the light of any submissions received and shall then resolve either to formally adopt the Precinct Plan with or without modification, or not to adopt the Precinct Plan.*
  - (c) *Following final adoption of a Precinct Plan, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area."*

## **STRATEGIC IMPLICATIONS**

25. 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.
26. ALPS section 5.2 – *Commerce* contains the following Planning Principle:

*"Albany to remain the commercial/retail regional centre of the Lower Great Southern, supported by neighbourhood and local centres within the City."*

It expands on this principle by stating that:

*"As the regional centre of the Great Southern, Albany will continue to provide services for a broad range of activities including retailing, administration, government and social, cultural, tourist-related and inner-city residential living needs. The regional centre is supported by neighbourhood centres catering for bulk shopping, residential service needs, office accommodation and medical and welfare services. Local centres provide smaller-scale shopping, convenience retailing and service needs."*

27. Section 5.2.2 – *Other business activity* sets the following Planning Objective:

*“Provide appropriate locations for establishing and growing business activity.”*

The following action is then identified for neighbourhood centres, in order to meet the Planning Objective:

*“Encourage through precinct and structure plans in the LPS1 development of smaller offices and consulting rooms within neighbourhood centres.”*

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

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

The ALPS expands on this by stating that *“urban infill development complements the urban-consolidation strategy and aims to maximise the use of existing residential and other types of land no longer economically viable.*

*It is also expected that the Albany City Centre and urban neighbourhood centres will support new medium-density (R30 to R60) residential developments. Development will occur initially on small parcels of vacant land or as redevelopments of older housing. The increased residential densities will cater for smaller households, such as accommodation for seniors.*

*Some key issues associated with urban infill are land-use compatibility, availability and the capacity of existing services – particularly sewers and drainage – to facilitate development. Other infill factors to be addressed include existing lot sizes, achieving quality design, provision of enough of public open space, security and transport access. The key to successful infill is establishment of the most appropriate implementation mechanisms for specific developments, which can be statutory or non-statutory. In the past, rigid guided development schemes in Albany’s urban area have not been successful because they have been responsible for slow rate of development and uptake.”*

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

## **POLICY IMPLICATIONS**

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

### **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.

SPP1 describes the factors which represent good and responsible decision-making in land use planning:

**“Environment**

*The protection of environmental assets and the wise use and management of resources are essential to encourage more ecologically sustainable land use and development. Planning should contribute to a more sustainable future by:*

- i. promoting the conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;*
- ii. 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;*
- iii. protecting areas and sites with significant historic, architectural, aesthetic, scientific and cultural values from inappropriate land use and development;*
- iv. adopting a risk-management approach which aims to avoid or minimise environmental degradation and hazards; and*
- v. preventing environmental problems which might arise as a result of siting incompatible land uses close together.*

**Community**

*Planning anticipates and responds to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities. Planning should recognise the need for and, as far as practicable, contribute towards more sustainable communities by:*

- i. accommodating future population growth and providing housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;*
- ii. providing land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;*
- iii. integrating land use and transport planning and promoting patterns of land use which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars;*
- iv. encouraging safe environments, high standards of urban design and a sense of neighbourhood and community identity;*
- v. promoting commercial areas as the focus for shopping, employment and community activities at the local, district and regional levels; and*
- vi. providing effective systems of community consultation at appropriate stages in the planning and development process.*

**Economy**

*Planning should contribute to the economic well-being of the State, regions and local communities by supporting economic development through the provision of land, facilitating decisions and resolving land use conflicts. In particular, planning should provide for economic development by:*

- i. providing suitable zoned and serviced land for industry, business and other employment and wealth generating activities;*
- ii. protecting agricultural land resources from inappropriate uses;*
- iii. avoiding land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts;*
- iv. promoting local employment opportunities in order to reduce the time and cost of travel to work;*

- v. *providing sites for tourism accommodation and facilities taking account of their special location and servicing needs; and*
- vi. *ensuring that plans and policies are clear and certain, decisions are made in accordance with plans and policies, and decisions are made expeditiously.*

**Infrastructure**

*Planning should ensure that physical and community infrastructure by both public and private agencies is coordinated and provided in a way that is efficient, equitable, accessible and timely. This means:*

- i. *planning for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes and essential services;*
- ii. *protecting key infrastructure, including ports, airports, roads, railways and service corridors, from inappropriate land use and development;*
- iii. *facilitating the efficient use of existing urban infrastructure and human services and preventing 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; and*
- iv. *encouraging consultation with providers of infrastructure, to ensure they have regard to planning policies and strategic land use planning when making their investment decisions, in order to ensure that land use and development are closely integrated with the provision of infrastructure services.”*

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;
- accommodates future population growth and provides housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;
- provides land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;
- promotes patterns of land use which reduces the need for transport and reduces the dependence on private cars;
- encourages safe environments, high standards of urban design and a sense of neighbourhood and community identity;
- promotes commercial areas as the focus for shopping, employment and community activities at the local level;
- provides suitable zoned and serviced land for business and other employment and wealth generating activities;
- promotes local employment opportunities in order to reduce the time and cost of travel to work;
- will ensure that decisions are made in accordance with plans and policies, and decisions are made expeditiously; and
- plans for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure.

**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.

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:

- build on an existing community with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in that community;
- manage the growth and development of an urban area in recognition of relevant climatic, environmental and community values and constraints;
- promote the development of a sustainable and liveable neighbourhood form, which reduces energy and travel demand, while providing choice and affordability of housing and creating an identifiable sense of place for the community; and
- coordinate 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.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Not adopting the draft Local Planning Scheme policy will prevent the development of the land, as it will not be possible to fulfil the conditions relating to Special Site S46.</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>Mitigation is entirely dependent on Council's decision.</i>

**FINANCIAL IMPLICATIONS**

34. The appropriate planning fee has been received and staff have processed the application within existing budget lines.

**LEGAL IMPLICATIONS**

35. There are no legal implications in relation to this item.

**ALTERNATE OPTIONS**

36. Council has the following options:

- Adopt the draft Precinct Plan for the purpose of public advertising, without modification;
- Adopt the draft Precinct Plan for the purpose of public advertising, subject to modification;
- or
- Not adopt the draft Precinct Plan for the purpose of public advertising.

**SUMMARY CONCLUSION**

37. The adoption of the draft Precinct Plan will be necessary to address the conditions relating to Special Site S46 and allow the development of the land to take place.

38. The draft Precinct Plan is consistent with the objectives of the ALPS and SPP's 1 and 3. It is therefore considered appropriate that Council adopts the draft Precinct Plan 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>	ODP014 (Breaksea Ward)