

## **2.3: FINAL ADOPTION OF AMENDMENT-PT LOT 50 NANARUP ROAD, KALGAN**

### **ALTERNATE MOTION BY COUNCILLOR ATTWELL**

**DATE & TIME REQUEST FOR ALTERNATE MOTION RECEIVED: Wednesday 5 September 2012 at 10.39am.**

#### **ITEM 2.3: ALTERNATE MOTION BY COUNCILLOR ATTWELL VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council lay this item on the table subject to seeking approval from the Western Australian Planning Commission for an extension of time to allow considerations of, and response to, submissions from Agencies and the public on the proposed Scheme Amendment 303 to rezone a portion of Lot 50 Nanarup Road, Kalgan from the 'Rural' zone to the 'Special Residential' zone.**

#### **Councillor's Reason:**

We are considering the final adoption of an amendment to approve the rezoning from 'Rural' to 'Special Residential'.

Before development can begin the land needs to be appropriately zoned. City of Albany initiated a SAR (Scheme Amendment Request) in December 2011. From that decision, Council is required to advertise, for six weeks, the proposed scheme amendment. The Planning Act allows a period of 42 days from the end of public consultation to make its final determination on the amendment. We are already at the 82 days tonight.

At the conclusion of the advertising period, the City has received extensive and involved submissions. It is right that we should take notice of these submissions and give due consideration to the merits of those issues raised. It is equally important that we understand the process of land development and the process that is required to be taken should we give approval to rezone.

This proposed zoning amendment has created confusion and angst for many people and I do not feel that we are at a stage that we have satisfactorily understood all of the implications. The proponent and the public have a right to have their position clearly explained and understood.

I am not happy with the present recommendation as I believe that we are imposing requirements that ask for a Subdivision Guide Plan to the level not normal for a rezoning application. However, I understand the need to incorporate modifications to clearly give the proponent guidance as to what is required, should they wish to proceed to the next stage.

We need the approval of the WAPC for an extension of time if we wish to lay this item on the table to allow more time to respond to the final amendment.

We need to be able to lay this matter on the table so that we can have the time to fully understand and make the right decision in this matter.

### **Officer's Comment (Executive Director Planning and Development Services):**

In my response to Councillor's question during the briefing session, I stated that a "subdivision guide plan" was not generally required as a requirement during rezoning. However I also stated that a "structure plan" is generally required, either as a component of the rezoning documentation or developed in conjunction with the rezoning documentation. It has since been brought to my attention that "subdivision guide plan" and "structure plan" are sometimes interchangeable terms and may refer to the same documentation.

Therefore, it is accurate to state that a subdivision guide plan normally forms part the rezoning documents and is also endorsed as part of rezoning process. This requirement has been a normal practice in the City of Albany. It is a normal and standard requirement for all areas zoned "Special Rural" and "Special Residential " to have a detailed subdivision guide plan prepared and endorsed before subdivision and development applications can be supported.

Planning staff are only aware of two exceptions to this requirement, one being for "special Rural" 4A Mead Road and the other for a "Special Use" zone at Gunn Road.

- With regards to the Gunn Road special use area the special provisions includes a requirement for a detailed subdivision Guide Plan to be prepared and endorsed for a "Special Rural" use before any subdivision and development can be supported. This is consistent with the conditions proposed for Amendment 303.
- With regards to the Mead Road "Special Rural" area, the subdivision guide plan includes a high level of detail on the constraints of the site but does not include details on the number of lots or lot configuration etc.

The Western Australian Planning Commission policy DC 2.5 for Special Residential zones states the following;

*"4.2. The scheme or scheme amendment should include a subdivisional guide plan intended for the Special Residential zone. The subdivisional guide plan may optionally be superimposed on an appropriate mapping base and must show contours, approximate areas and dimensions, the proposed staging of development, public open space, areas of substantial vegetation cover which are to be preserved, building envelopes and any other details that may be appropriate."*

With regard to Amendment No. 303, the "normal" requirement to provide a detailed subdivision guide plan (or structure plan) was not imposed on the developer at the time of the rezoning, providing the developer the opportunity to minimise the risk on this project by undertaking the necessary studies and doing the required work on the guide plan only after the successful rezoning of the land.

The longer preparation of these studies is delayed, the greater the risk that some matters may not be properly addressed and a consequence, that the City or WAPC may require significant modifications at the subdivision stage, and / or more costly management options than may have been needed if matters had been identified and addressed during earlier planning stages. There is also an increased risk to the City that the liability for any necessary remediation works to address outstanding issues will be left to the City to resolve.

The City has already made significant concessions to the proponent by not requiring a detailed Subdivision Guide plan prior to advertising of the amendment. The requirement for a detailed subdivision guide plan is normal and essential for the proper planning of the area. It is therefore not considered onerous for it to be prepared as a next stage of the development.

In relation to the City of Albany exceeding the allowable time period for addressing submissions, the City has previously received permission from the WAPC to extend the this period to the 31<sup>st</sup> October 2012, to allow time for the developer to address issues related to buffer requirements. While information was received in the form of a report on buffer needs, the report received does not adequately address the issues of potential impact on adjacent properties, nor provide any methodology to identify appropriate buffers within the land proposed for development. The report also contains recommendation that appear to conflict with the State government's policy position on agricultural buffers. However, it is noted that the City may apply for additional extensions of time if Council determines these are necessary.

With regards to the motion to "lay the item on the table", this may be desirable if Council requires additional time to determine any matters that arise from the report or wishes to seek additional information. Council may also reject the amendment to address community concerns.

However, the recommendation to Council to support rezoning is still recommended, subject to the required studies being undertaken and the preparation of a detailed Subdivision Guide Plan that is prepared to the satisfaction of the City and WAPC prior to subdivision or development occurring. Given the concerns raised in the submissions and matters still to be addressed it is crucial for the outstanding matters to be properly addressed as part of a detailed subdivision guide plan process with Council having the ability to assess and determine the matters that remain unresolved.