

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

ALTERNATE MOTION BY COUNCILLOR BOSTOCK

DATE & TIME REQUEST FOR ALTERNATE MOTION RECEIVED: Wednesday 5 September 2012 at 9.42am.

ITEM 2.3: ALTERNATE MOTION BY COUNCILLOR BOSTOCK VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council does NOT support the Responsible Officer Recommendation to finally adopt Amendment No. 303 to Town Planning Scheme No. 3.

Councillor's Reason:

The two most important aspects for consideration when deciding on planning approvals are:

1. Is there a demonstrated need for the proposed development; and
2. Would the development result in a conflict with existing uses.

The proposed rezoning of Candyup does not meet either of the above requirements for the following reasons:

- a. There are literally hundreds of special residential subdivisions already on the market or approved by Council, with sales being extremely sluggish at present. Adding a further 200 plus blocks will simply drive the price down to levels at which further development will be unprofitable, doing a grave disservice to developers who have spent considerable sums to bring their properties to the market, quite possible resulting in financial hardship to individuals who we have led to believe that Council would take a responsible attitude to balancing supply and demand.
It has been suggested that it is not Council's role to decide what is financially viable, but, as stated already, planning policies demand that the authorities take a view on what is likely to be required when making decisions of this nature because it is in a unique position to see the situation in a far wider context that is possible for individual developers.
- b. There are many reasons why the proposal fails to meet the second planning imperative, these being in summary:
 - The land is zoned as rural in TPS 1 which is currently out for public comment and this zoning is supported by the Department of Agriculture which has stated that it is well suited to intensive agriculture;
 - Numerous comments by the local residents have made their opposition to the rezoning clear, at least in its present form and if Council ignores this opposition it will reinforce the widely held belief that the local authority is uninterested in the views of the people, and is simply paying lip service to the results of advertising the proposal; and
 - Support for the statement that the proposal is compliant with the provisions of ALPS is not clear from the information provided in the agenda, although further details are awaited from our planners prior to the OCM.

In conclusion, I believe this application to be unsound and request that it be rejected.

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

The Albany Local Planning Strategy (ALPS) was prepared to guide future growth and development of the City of Albany. To this end, it identifies areas of land that Council considers may be suitable for development over the next 20 years to allow more intensive land uses in the medium to longer term, including areas proposed for residential and industrial use.

The area of land known as Candyup is identified in the ALPS as an area that can be considered for special residential development subject to it being approved through a formal rezoning process by the City, Western Australian Planning Commission (WAPC) and Minister for Planning. Council initiated the formal process to commence Amendment 303 and rezone this land from rural to special residential in December 2011. In doing so, Council identified that this land might be considered for more intensive development in the shorter term, rather than in the longer.

Council is required to undertake formal rezoning processes of the relevant, gazetted Local Planning Scheme if it wishes to consider rezoning of any land. If Council resolves to initiate an amendment to rezone land, the amendment and supporting documentation is forwarded to the WAPC for its determination and recommendation to the Minister for Planning who finally determines if the land is to be rezoned. It is not possible to pre-empt this process through inclusion of the land as "special residential" in the draft LPS1. However, if Amendment 303 proceeds to finalization, LPS1 will be amended accordingly.

It has been noted by planning staff that there has been opposition from local residents to the inclusion of this land in ALPS and the proposed rezoning. While the majority of concerns relate to the density and scale of the development, and its impacts on the local environment and community, concerns have also been raised by the community and State Government agencies over the capability of the site to support this scale of development.

Council have previously expressed support for more intensive uses for this land through its inclusion in ALPS and initiation of the current amendment. Therefore, planning staff recommend that Council finally adopts Amendment 303, requiring that more detailed studies are undertaken to determine actual land capability and ensure that impacts on the community and environment can be minimised and addressed prior to subdivision occurring.