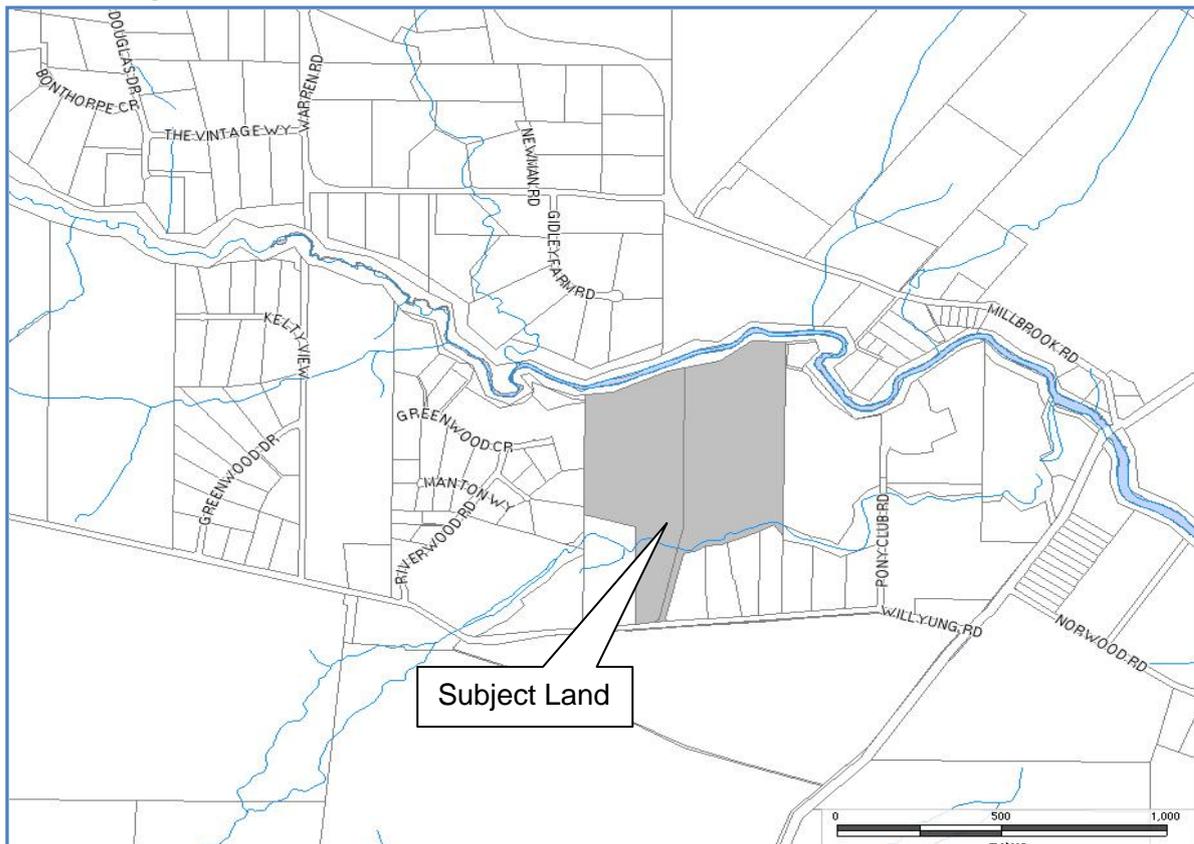


**2.7: LOCAL PLANNING SCHEME POLICY – SPECIAL RESIDENTIAL
AREA NO. 11 (LOTS 104 AND 105 WILLYUNG ROAD)**

Land Description	: Lots 104 and 105 Willyung Road, Willyung
Proponent	: Ayton Baesjou Planning
Owner/s	: Mr B J Panizza
Business Entity Name	:
Attachment(s)	: Draft Local Planning Scheme Policy – Special Residential Area No. 11 (Lots 104 and 105 Willyung Road, Willyung)
Councillor Workstation	: Copy of Planning and Environment Strategy and Policy Committee 19/10/09 – Item 8.3 : Copy of O.C.M. 15/12/09 – Item 13.5.1 : Copy of proponent's submission
Responsible Officer(s)	: Executive Director – Planning and Development Services (D Putland)

Maps and Diagrams:



IN BRIEF

- Consider whether to adopt the draft modified Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road) for the purpose of public advertising.

**ITEM 2.7: ALTERNATE MOTION BY COUNCILLOR BOSTOCK
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOSTOCK
SECONDED: COUNCILLOR GREGSON**

THAT Council does NOT adopt the Draft Local Scheme Policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road) for public advertising.

LOST 3-6

Record of Vote

For the Motion: Councillors Bostock, Sutton, Gregson

Councillor's Reason:

There is a detailed description in TPS3 of the required setbacks for this subdivision, which is situated in a very sensitive area subjected to periodic flooding from the King River. The Scheme has the force of law and cannot be overridden by a Council Policy, which has no official status and can be altered at any time.

The requirements of the Scheme include minimum boundary setbacks of 15 metres with 30 metres for lots fronting Willyung Road and 50 metres from the King River footpath. There is a provision in the Scheme for Council to alter these setbacks in exceptional circumstances and it has been suggested that this can be applied to the entire subdivision if individual lots have not yet been sold.

The wording of the Scheme, at paragraph 6.3 is as follows:

Council may approve a lesser boundary setback if Council is of the opinion that:

- (i) The topography or shape of the lot, or natural vegetation on it, makes it desirable to alter this provision; and*
- (ii) That the location of the building or structure will not detract from the environmental quality of the area or from the amenity of existing or future residences on adjoining lots. Council may require hydrological testing for footings and alternative waste water effluent disposal systems.*

It is obvious from this paragraph that changes to setbacks can only be made on an individual building basis after due consideration of the factors affecting that lot and cannot apply across the board, as no two individual lots will be identical.

As there is no mention in paragraph 6.3 of problems caused by increasing the overall lot yield, from 33 to 55 lots, and if that has resulted in difficulties meeting the boundary setbacks which were in force at the time, it must mean that the increase in lot numbers was not sustainable.

It is not the role of Council to maximise developer's profits but to do what is best for the people of the Albany, both present and future. The reasons for these large setbacks are not only environmental but also because the area is part of the King River flood plain and changes to the setback requirements are likely to result in serious future problems, as has been experienced in many parts of the world when inappropriate development on flood plains has been approved.

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

The City already has a town planning scheme policy (*60 Modifications to Subdivision Guide Plans*) over the subject land, which varies the setback requirements on a number of lots through the application of development envelopes. This policy was adopted by a previous resolution of Council.

I would also refer to paragraphs 24 and 25 of the officer's report, which explain the statutory mechanisms that allow Council to adopt or, as in this case, modify a town planning scheme policy over the subject land:

24. The subject lot is zoned 'Special Residential' and is contained within the Special Residential Area No. 11, under Town Planning Scheme No. 3. Special Provision 1.2 of the zone controls allows Council to consider modifications to the SGP as follows:

"The Council will not recommend lot sizes less than 4000m². Subdivision shall generally be in accord with the lot sizes and layout shown on the Subdivision Guide Plan. Any significant variation to the Subdivision Guide Plan will need to be justified in terms of land capability, visual impact, retention of views, vegetation retention, emergency access/egress and setbacks from King River and creeks. Consultation with and general support of surrounding landowners will be a prerequisite to consideration of any significant variation to the Subdivision Guide Plan."

25. Clause 6.9 of TPS No. 3 set out the processes to adopt and alter Town Planning Scheme Policies and also provide direction on what function the policies have in the decision-making process.

"6.9 POWER TO MAKE POLICIES

6.9.1 *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.*

6.9.2 *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.*

6.9.3 *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.*

6.9.4

- (A) *A Town Planning Scheme policy shall not bind the Council in respect of any application for Planning Consent, however, it may require the Council to advertise its intention to relax the provisions of the Policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
- (B) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve any submissions lodged, before making its decision."*

The intention of the amended policy is to ensure certainty for landowners and a consistency of development across the subject area, as it should negate the need for landowners to seek individual planning approvals. The need to vary the setbacks has arisen from previous decisions of Council and the Western Australian Planning Commission varying the lot sizes and original subdivision guide plan, while remaining consistent with Special Provision 1.2 above. The smaller lot sizes have resulted in a situation where most lots cannot accommodate 15m boundary setbacks (or 30m from Willyung Road) and maintain a development envelope with a minimum dimension of 16m and a minimum area of 800m², as specified in the current subdivision guide plan.

With regard to the issue of flood risk, the subdivision guide plan takes account of the most recent flood mapping available and ensures that development envelopes are located outside areas that are subject to inundation or flooding during a 1 in 100 year event.

ITEM 2.7: RESOLUTION

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR SUTTON**

THAT Council adopts the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road), for the purpose of public advertising, subject to the following modifications:

- i) Replacement of the words “7.5m from the front boundary” with “10m from street boundaries” in the “Development Envelope” notation on the subdivision guide plan;**
- ii) Revision of the subdivision guide plan to illustrate 10m street setbacks on all lots, including the Greenwood Drive street setback on Lots 706, 716 and 828; and**
- iii) Revision of the subdivision guide plan to illustrate a 15m street setback on the southern boundary of lot 701 (adjacent to Willyung Road).**

CARRIED 6-3

Record of Vote

Against the Motion: Councillors Bostock, Hammond and Gregson

BACKGROUND

26. The draft Local Planning Scheme policy proposes to modify the existing Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road).
27. The existing policy was considered by Council at the Planning and Environment Strategy and Policy Committee on 19 November 2009 and the following resolution was reached:

“THAT Council resolve to FINALLY ADOPT the Town Planning Scheme Policy titled ‘Subdivision Guide Plan – 104 and 105 Willyung Road, Willyung – Special Residential Area 11’ in accordance with Clause 6.9 of Town Planning Scheme No. 3, subject to the following addition to the policy text:

“At the time of subdivision, the City of Albany will require a notification on the titles of all lots advising that the use of Alternative Treatment Units (ATU’s) for effluent disposal may be required subject to the outcome of site-specific soil tests.”

28. The Committee minute was then reported to the Ordinary Council Meeting on 15 December 2009, with the Local Planning Scheme Policy presented as ‘Committee recommendation 4’, and it was resolved:

“THAT Committee Recommendations 1, 2, 3, 4 and 5 are CARRIED en bloc.”

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

DISCUSSION

30. The subject lots cover an area of 30.1ha to the north side of Willyung Road, approximately 9km north of Albany town centre. The land is largely cleared and has been previously used for grazing. Willyung Creek crosses both lots at their southern end, where they narrow (to an access leg in the case of Lot 105) towards Willyung Road. The land then slopes gently upward to the north, reaching a high point near the centre of Lot 104, before sloping gently back downward toward the King River, which flows just beyond the northern lot boundaries. There is remnant vegetation along the banks of Willyung Creek and the King River, and a small stand of trees by the south-western corner of Lot 104. There are more trees scattered across the southern half of both lots, and in the north-eastern corner of Lot 105, and windrows stand along the north-south lot boundaries. An existing house, shed and water tank stand in a cluster near the centre of Lot 104 and another, larger, shed stands to the north-west of these.
31. The surrounding land is primarily covered by the 'Special Residential' zoning. However, the land to the south of Willyung Road is within the 'Rural' zone and the King River and its foreshore areas are designated as a 'Parks and Recreation' reserve. Similarly, Willyung Creek and its foreshore areas are also designated as a 'Parks and Recreation' reserve. The land to the north of the King River is zoned 'Special Rural' to the west and 'Private Clubs and Institutions' to the east.
32. The subject lot is currently undergoing subdivisional works, including the construction of roads and the fencing of lots. The land to the west has already been subdivided and is now being gradually developed with private dwellings and associated outbuildings, etc. The smaller lots between the subject land and Willyung Road are mostly developed with private dwellings, while the land to the east remains undeveloped.
33. The subdivision guide plan contained within the original policy was designed to allow for an increase in lot yield, from 33 lots to 55 lots, and to improve access linkages and movement networks through Special Residential Area No. 11.
34. The proponent has submitted the draft modified policy for assessment, for the following reasons:
- To reflect the lot numbers, configuration and agreed foreshore reserves shown on the draft deposited plan;
 - To vary setbacks due to the impracticality of achieving 15m boundary setbacks on predominantly 4000m² lots with 40m frontages;
 - To include additional information on the subdivision guide plan to specify preferred setbacks across the estate; and
 - To standardize setbacks in order to negate the need for individual owners to seek variations, which will provide them with a degree of certainty and streamline the processing of applications.

35. The layout of the subdivision guide plan contained within the draft modified policy is broadly consistent with that contained in the original policy, with the exception of very minor adjustments to the foreshore reserves and floodway mapping, the addition of lot numbering consistent with the remainder of Special Rural Area No. 11, and the addition of one lot in the north-east corner of Lot 104.
36. The most significant change to the subdivision guide plan is the nomination of 7.5m street setbacks and 5m side setbacks on all lots, with the exception of the Greenwood Drive street setbacks on Lots 706, 716 and 828, which have also been reduced to 5m. This is intended to address the problems that arise when attempting to accommodate 15m setbacks on 4000m² lots with 40m frontages, and to provide landowners with a degree of certainty.
37. The notations from the original subdivision guide plan remain, although the provision relating to building exclusion areas has now been updated to reference a more recent flood study undertaken on Willyung Creek in 2009.
38. The notation on building envelopes has been expanded to reference the reduced setbacks and an additional notation has been added on fire safety, which cross-references the subdivision guide plan with Special Residential Area No. 11, provision *11.0 Fire Management*, which is contained within Town Planning Scheme No. 3, *Schedule IV – Special Residential Zones – Provisions relating to specified areas*.
39. Although Special Residential Area No. 11, provision *6.0 Location of Buildings and Structures* refers to building envelopes taking into account “*15 metre boundary setbacks with the exception of 30 metres for lots abutting Willyung Road*”, Council has previously supported reduced setbacks on subdivision guide plans pertaining to this area, including the previous subdivision guide plan over Lots 104 and 105.
40. 15m setbacks have been applied consistently throughout Special Residential Area No. 11, with the exception of a number of highly constrained lots on the eastern side of Lot 105 and on Lot 9002 Pony Club Road, which abuts the eastern boundary of Lot 105. On these lots, 10m front setbacks have been permitted. Similarly, side setbacks have been consistently applied wherever possible, with 5m setbacks prescribed only on those same, highly constrained lots and a further three lots to the west of the subject land, owing to their size and shape.
41. When assessing individual applications for Planning Scheme Consent that seek variations to the setback provisions contained within the Town Planning Scheme, the objectives of provision *6.0 Location of Buildings and Structures*, have been complied with by permitted only very minor variations. Typically this has meant that setbacks are never reduced to less than 10m, unless the subdivision guide plan specifically prescribes a lesser setback.
42. As described in paragraph 11, the draft modified policy seeks to generally reduce street setbacks and side setbacks to 7.5m and 5m respectively, with the exception of the Greenwood Drive street setbacks on Lots 706, 716 and 828, which it seeks to reduce to 5m. The draft modified policy seeks to reduce the Willyung Road street setback on Lot 701 from 30m to 7.5m.

43. As outlined above, numerous problems have arisen as a result of the incompatibility between the requirement for 15m boundary setbacks and the prevailing lot size of 4000m², most of which have a 40m frontage. Applying 15m setbacks on a lot with a 40m frontage leaves a 10m-wide building envelope, which is insufficient for a modern family home and associated outbuildings and water tanks. This is often compounded by the depth of the lot and/or the orientation of the lot, as those with a narrow east-west dimension do not allow developers to take full advantage of solar gain from the north.
44. In view of the above issues the subdivision guide plan contained within the previously adopted Local Planning Scheme Policy and the approved subdivision guide plan over Lot 9002 Pony Club Road, it is considered that reduced setbacks can be supported. The proposed street setbacks are considered to be inconsistent with the objectives of provision *6.0 Location of Buildings and Structures*, and unsuitable for a 'Special Residential' zone, as they are more typical of a 'Residential' zone with the R5 density coding. Furthermore, the previously adopted Local Planning Scheme Policy and the approved subdivision guide plan over Lot 9002 Pony Club Road do not reduce street setbacks below 10m.
45. Should Council resolve to reduce the street setbacks within the draft modified Local Planning Scheme Policy to 7.5m, there is a risk of setting an undesirable precedent for adjoining subdivisions within Special Rural Area No. 11, where developers may seek significant variations to the prescribed 15m setback requirement. Should this precedent be set and setback variations on adjoining subdivisions subsequently refused, the City may be challenged at the State Administrative Tribunal and Council would most certainly be open to complaint.
46. In order to avoid this situation, maintain a consistent semi-rural streetscape and remain consistent with the objectives of the Scheme, Council may resolve to adopt the draft modified Local Planning Policy, for the purpose of public advertising, subject to the following modifications:
- i) Replacement of the words "7.5m from the front boundary" with "10m from street boundaries" in the "Development Envelope" notation on the subdivision guide plan;
 - ii) Revision of the subdivision guide plan to illustrate 10m street setbacks on all lots, including the Greenwood Drive street setback on Lots 706, 716 and 828; and
 - iii) Revision of the subdivision guide plan to illustrate a 15m street setback on the southern boundary of lot 701 (adjacent to Willyung Road).

GOVERNMENT CONSULTATION

47. Should Council resolve to adopt the draft Local Planning Policy for the purpose of public advertising, it will be referred to relevant State Government agencies as part of the advertising process.

PUBLIC CONSULTATION / ENGAGEMENT

48. Should Council resolve to adopt the draft Local Planning Policy for the purpose of public advertising, it will be advertised in accordance with Clause 6.9 of Town Planning Scheme (TPS) No. 3 (see paragraph 26 below).

STATUTORY IMPLICATIONS

49. The subject lot is zoned 'Special Residential' and is contained within the Special Residential Area No. 11, under Town Planning Scheme No. 3. Special Provision 1.2 of the zone controls allows Council to consider modifications to the SGP as follows:

“The Council will not recommend lot sizes less than 4000m². Subdivision shall generally be in accord with the lot sizes and layout shown on the Subdivision Guide Plan. Any significant variation to the Subdivision Guide Plan will need to be justified in terms of land capability, visual impact, retention of views, vegetation retention, emergency access/egress and setbacks from King River and creeks. Consultation with and general support of surrounding landowners will be a prerequisite to consideration of any significant variation to the Subdivision Guide Plan.”

50. Clause 6.9 of TPS No. 3 set out the processes to adopt and alter Town Planning Scheme Policies and also provide direction on what function the policies have in the decision-making process.

“6.9 POWER TO MAKE POLICIES

- 6.9.1 *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.*
- 6.9.2 *A Town Planning Scheme policy shall become operative only after the following procedures have been completed:*
- (D) *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.*
- (E) *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.*
- (F) *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.*
- 6.9.5 *A Town Planning Scheme policy may only be altered or rescinded by:*
- (C) *Preparation and Final Adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy.*

- (D) *Publication of a Formal Notice of Rescission by the Council twice in a newspaper circulating in the area.*
- 6.9.6 (A) *A Town Planning Scheme policy shall not bind the Council in respect of any application for Planning Consent, however, it may require the Council to advertise its intention to relax the provisions of the Policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
- (C) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve any submissions lodged, before making its decision.”*

STRATEGIC IMPLICATIONS

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

Key Focus Area:

Sustainability and Development

Community Priority

Single Town Planning Scheme

Proposed Strategies

- *Provide greater flexibility in housing options so there is greater property diversity.*
 - *Provide definitions of the type and location of future residential housing.*
 - *Protect natural reserves.*
 - *Develop strategies to retain prime agricultural land.*
52. 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.
53. 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.*

54. Section 8.3.5 – *Rural Living* sets the following Strategic Objective in the ALPS:

“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”

The ALPS expands on this by stating that: “The strategy’s objectives for Rural Living areas are to:

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

Existing Rural Residential areas in the ALPS are mainly on the fringe of the proposed Future Urban area.

Existing Special Rural and Special Residential zones in the City’s current Town Planning Scheme are fragmented and located within or next to rural areas on the periphery of the Albany urban area, along the King and Kalgan Rivers and around Princess Royal and Oyster Harbours. These zones are at different stages of development and not required to be connected to reticulated sewerage. Some of the outer areas, such as Millbrook and most of Gull Rock, are also not connected to reticulated water”.

55. The proposal is considered to be consistent with Section 8.3.5 of the ALPS, as it:

- discourages the creation of additional rural town sites for living purposes;
- avoids the development of a Rural Living area on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity;
- avoids the development of a Rural Living area on future and potential long-term urban areas, as the land has been identified in the ALPS as suitable for Special Residential purposes; and
- will create lot sizes similar to those adjoining the subject land, which are being used for similar rural residential living purposes, therefore minimising the potential for generating land-use conflicts.

POLICY IMPLICATIONS

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

57. **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.”*

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;
- avoids land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts; and
- will ensure that decisions are made in accordance with plans and policies, and decisions are made expeditiously.

58. 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.”*

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
- 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

59. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Not adopting the draft Local Planning Scheme policy may lead to complaint from the proponent.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation is entirely dependent on Council's decision.</i>
<i>Adopting the draft Local Planning Scheme policy in its current form will likely set an undesirable precedent for adjoining subdivisions within Special Rural Area No. 11, where developers may seek significant variations to the prescribed 15m setback requirement. Should this precedent be set and setback variations on adjoining subdivisions subsequently refused, the City may be challenged at the State Administrative Tribunal and Council would most certainly be open to complaint, possible public embarrassment and local news coverage.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation is entirely dependent on Council's decision.</i>
<i>Adopting the draft Local Planning Scheme policy, subject to the recommended modifications, should achieve a balance between the proponent's objectives and the objectives of the Scheme, while avoiding the creation of an undesirable precedent. There is still some potential</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>This option presents the least risk to Council and the City, although it cannot be completely mitigated.</i>

<i>for complaint, but this is less likely to cause public embarrassment or warrant local news coverage.</i>				
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FINANCIAL IMPLICATIONS

60. Staff have processed the application within existing budget lines.

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

62. 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

63. The draft policy is broadly consistent with the objectives of the ALPS and SPP's 1 and 3. Its adoption, subject to modifications, will ensure that:

- It more accurately reflects the lot numbers, configuration and agreed foreshore reserves shown on the draft deposited plan;
- Address the impracticality of achieving 15m boundary setbacks on predominantly 4000m² lots with 40m frontages;
- Include additional information on the subdivision guide plan to specify preferred setbacks across the estate; and
- Standardize setbacks in order to negate the need for individual owners to seek variations, which will provide them with a degree of certainty and streamline the processing of applications.

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	A55398; A171598 (Kalgan Ward)