

**2.1: PLANNING AND DEVELOPMENT COMMITTEE**

**Proponent** : City of Albany  
**Responsible Officer** : Executive Director Planning and Development Services

**ITEM 2.1: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR BOWLES**

**THAT the confirmed minutes of the Planning and Development Committee meeting held on  
25 September 2012 be RECEIVED.**

**CARRIED 11-0**



**PLANNING AND DEVELOPMENT COMMITTEE**

**MINUTES**

for the meeting held on Tuesday 25 September 2012,  
in the Margaret Coates Boardroom, City Office, North Road, Albany

**(File Ref: LP.MEE.1/ AM1226645)**

**1.0 ATTENDANCE**

|   |                                |
|---|--------------------------------|
| <b>Councillors:</b>   |                                |
| D Wellington  | Mayor                          |
| G Stocks  | Councillor                     |
| D Dufty   | Councillor                     |
| V Calleja <b>Chairperson</b>                                | Councillor                     |
| C Holden  | Councillor                     |
| <b>Committee Members:</b>                                   |                                |
| R Harris  | Member                         |
| <b>Staff:</b>   |                                |
| Executive Director Planning and Development Services        | D Putland                      |
| PA to Executive Director Planning and Development Services. | J Cobbold                      |
| Senior Planning Officer                                     | J Van Der Mescht               |
| Senior Planning Officer                                     | T Wenbourne                    |
| Senior Project Planner                                      | A Nichol                       |
| Planning Officer  | C McMurtrie                    |
| Planning Assistant  | D Delury                       |
| <b>Non Committee Members</b>                                |                                |
| G Gregson   | Councillor                     |
| C Dowling   | Councillor                     |
| <b>Apologies/Leave of Absence:</b>                          |                                |
| R Sutton  | Councillor                     |
| A Hortin  | Councillor                     |
| R Hammond   | Councillor                     |
| S Bowles  | Councillor                     |
| L Hill  | Acting Chief Executive Officer |

**2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RECOMMENDATION:**

**MOVED: CR DUFTY**  
**SECONDED: MAYOR WELLINGTON**

**THAT the unconfirmed minutes of the Planning and Development Committee meeting held on 28 August 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**Carried: 6-0**

**3.0 DISCLOSURE OF INTEREST**

NIL

| Name                | Item Number | Nature of Interest  |
|---------------------|-------------|---|
| Councillor G Stocks | 4.4         | Post discussion. Councillor Stocks declared impartiality - business associate of the owner. |

**4.0 ITEMS FOR DISCUSSION – A Nichol presented the following to the Committee**

**4.1 Non Habitable Structure:**

Currently have an Outbuilding Policy, and that policy in the residential design codes, defines an outbuilding as being a non-habitable structure. Suggested, change the name from outbuilding to non-habitable structure which leans towards what it is actually used for.

Reducing the size of outbuildings on the smaller lots

Increasing the size of the outbuildings on the larger properties only by 20ms

Supporting outbuildings on vacant lots subject to a building permit for a residential dwelling on the lot prior to planning approval of an outbuilding.

Permission to bring an amended policy to the next committee meeting - for Adoption To Advertise

Include another line - lots 450sm or less - reduce the wall height to 2.4 metres  
 State Planning Policy states <60m2 in area or 10% in aggregate of the site area, whichever is the lesser.

**4.1.1 Yakamia Structure Plan**

Request for support from the Council to include the Northern area (South of Mercer Rd) into the Yakamia Structure Plan. Also to proceed with the next step with consultation to Government agencies and landholders within that structure plan area.

Develop a Water Management strategy, then develop the structure plan, formally advertise it and get endorsement.

Planning Dept has requested tenders for the Water Management Strategy to be developed. Met with officers from the Office of the EPA, who have agreed to support

an alignment for the North/South link.

Request to the officers from the Office of the EPA, to use the studies that have been done for the lower portion of land and apply this broadly across the structure plan area, so we don't get caught up in ongoing environmental studies. The aim is to finalise this and get it out for consultation in 12 months.

Reason for including the areas to the North, because it looks to be relatively unconstrained, it then aligns the structure plan with ALPS.

#### 4.1.2 Public Open Space

The Planning Development Act states when a developer subdivides they need to give up 10% of the subdivisional area for POS. The WAPC policy recommends that the LG has adopted a strategy to guide how that POS should be developed, where it should be set aside, and the design of it. City of Albany doesn't have a POS strategy and without it the ability to enforce the city's values becomes difficult.

Developers are designing their plans such, that they have small pocket parks. Then they will then have the water sitting in a basin overflowing down a road or a road reserve into another small pocket park. These are not working as a proper open space.

Council support for linear park option, also to go to the public and develop a document that the public own. Also include in the initial discussions, the people who own the land (Developers) and ask for their input.

Linea parks problems - increased security risk, threat to people, particularly to children and females using them. Careful consideration when creating,

Cost of maintenance and upkeep of a linear park

Water management issues were also discussed.

Give up 2% of the 10% could be restricted use, for drainage or foreshore, the rest of the 8% to be used as usable land.

Suggestion put forward for open public gardens.

#### 4.2 DEVELOPMENT APPLICATION – Single House 43 Forsyth Glade, Kronkup

##### ITEM 4.2: RESOLUTION

##### VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: R HARRIS

SECONDED: CR STOCKS

1. **THAT Council resolves to ISSUE a Notice of Refusal to Grant Planning Scheme consent for a single house on 43 (Lot 116) Forsyth Glade, Kronkup on the grounds that:**
  - I. The proposed development is contrary to **clause 5.1** of the Special Provisions for special Rural area 14 as contained in item 14 in Schedule I of Town Planning Scheme 3;
  - II. The proposed development is contrary to the requirement in **clause 5.2** of the Special Provisions for special Rural area 14 as contained in item 14 in Schedule I of Town Planning Scheme 3;

- III. The proposed development is contrary to the requirement in **clause 5.3** of the Special Provisions for special Rural area 14 as contained in item 14 in Schedule I of Town Planning Scheme 3;
- IV. The proposed development is not consistent with the objective of the Zone as stated in clause 2.0 of the Special Provisions for special Rural area 14 as contained in item 14 in Schedule I of Town Planning Scheme 3;
- V. A variation of the requirements contained in clauses 5.1 and 5.2 would have an adverse effect on the inhabitants of the locality or upon the likely future development of the locality.

**2. THAT Council directs the Chief Executive Officer to take appropriate action to require the following;**

- a. The revegetation of the cleared development exclusion area to reduce the visual impact of the outbuilding on the area. and
- b. Formally notifying the proponent and requiring appropriate notifications to prospective purchasers that inform them that the outbuilding located in the development exclusion area shall not be replaced in situ or no extension to the outbuilding shall be permitted.

**CARRIED: 5-1  
Against CR Dufty**

**4.3 DEVELOPMENT APPLICATION – Single House (Policy Relaxation) – Lot 201 (73A) Festing Street, Mount Melville**

**ITEM 4.3 RESPONSIBLE OFFICER/COMMITTEE RECOMMENDATION/S  
VOTING REQUIREMENT: ABSOLUTE/SIMPLY MAJORITY**

**MOVED: MAYOR WELLINGTON  
SECONDED: CR HOLDEN**

**THAT Council ISSUE a Notice of Planning Scheme Consent for Single House at 73A Festing Street, Mount Melville subject to the following conditions:**

- i. **Stormwater disposal plans, details and calculations shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.**

**Advice:**

- ***Stormwater disposal is to be designed in accordance with the ‘City of Albany’s Subdivision and Development Guidelines’;***
- ***The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.***

- ii. **The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.**

**Advice:**

- ***A ‘Permit for Vehicle Crossover Construction’ from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany’s Subdivision and Development Guidelines).***

- iii. **A vehicular access plan shall be submitted for approval, implemented and**

constructed to the satisfaction of the City of Albany.

*Advice:*

- *Access is to be designed in accordance with the Australian Standard 2890 (including maximum grade requirements).*
- *Vehicles leaving the property must be able to leave in forward gear.*

iv. **No drainage / stormwater runoff is permitted into the rail corridor.**

v. **Fencing to be installed and maintained on rail corridor boundary.**

*Advice:*

- *Any fence installed on the rail boundary should be in keeping with others in the area and to the satisfaction of the City of Albany.*

vi. **The glazed wall area shown on the 'East Elevation' on the approved plans is to be constructed of obscure glass or obscure glass bricks. Louvres will be permitted if installed at a height of 1.6m above the finished floor level. Plans showing these amendments to be submitted for approval to the satisfaction of the City of Albany.**

**ALTERNATIVE RECOMMENDATION 2**

- vi. **The glazed wall area shown on the 'East Elevation' on the approved plans is to be constructed of obscure glass or obscure glass bricks. Louvres will be permitted if installed at a height of 1.6m above the finished floor level. The whole of the Eastern wall is to be setback 3.8m. Plans showing these amendments are to be submitted for approval to the satisfaction of the City of Albany.**

**CARRIED: 6-0**

**4.4 LOCAL PLANNING SCHEME POLICY – Special Residential Area No 11 (Lots 104 and 105 Willyung Road)**

**ITEM 4.4: RESOLUTION**

**MOVED: MAYOR WELLINGTON**

**SECONDED: CR HOLDEN**

**THAT Council finally adopts the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road), subject to the following modification:**

1. **Revision of the subdivision guide plan to incorporate a signature block for endorsement by the City of Albany Chief Executive Officer.**

**CARRIED: 6-0**

**5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS**

Caravan Park Wellstead

**Items laid on the table:**

- a) Development Application – Demolition – (Single House listed on Municipal Heritage Inventory) – Lot 49 (45) Seymour Street, Mira Mar.

**Can be bought back to Council, when the applicant provides a development plan.**

- b) Final Adoption of Amendment – PT Lot 50 Nanarup Road, Kalgan

**Applicant still wants 2000 m<sup>2</sup> lots at 215 lots, which would reduce the average lot size, after taking out areas for drainage, roads and water logged areas that are not suitable for development. Recalculate what the average lot size will be. Will check document for any other items that may have been missed by the Consultant. Will bring more information back to the next Committee Meeting.**

## **6.0 GENERAL DISCUSSION**

SAT – The Applicant for the Barry Court Shed has withdrawn their appeal. Waiting on formal confirmation from SAT.

SAT – Fairborn Vs WAPC – It was overturned. The City was not aware of this. The Applicant wanted to subdivide some rural land; this has been to the WAPC several times. WAPC won the case but had some costs awarded against them. The reason being that they bought to SAT two new policies, draft SPP 2.5 State Planning Policy relating to the subdivision of agricultural land in which the Commission expresses a presumption against the subdivision of rural land and a development policy 3.4 draft. SAT decided a finding that these are seriously entertained policies on behalf of the State Government and they have to be taken into consideration. The costs were awarded against the Commission due to the lateness in bringing to the proceedings, which then the Applicant had to spend considerable time to address them.

SAT took into account that the land was identified for priority agricultural in the ALPs documents.

Cr Holden commended the officers for their presentations which were very clear and helpful.

CANDYUP – Cr Calleja suggested a workshop be arranged for all Councillors before going into the Agenda Briefing for more information and understanding.

Cr Dowling complimented the Committee and found it very informative

## **7.0 DATE OF NEXT MEETING:**

Tuesday 23<sup>rd</sup> October 2012

## **8.0 CLOSURE OF MEETING**

The Chair declared the meeting closed at 7.15 pm.