

**2.3: LOCAL PLANNING POLICY – MODIFICATIONS TO THE DETAILED
AREA PLANS POLICY – CLYDESDALE PARK, MCKAIL**

- Land Description** : Lots 201 – 210, 407 & 408 Donald Drive, Lots 211 – 216, 399 – 404 & 411 Engleheart Drive, Lots 217 – 239, 405, 406 & 410 Radiata Drive, Lots 240 – 252 Hankins Way & Lots 253 – 258 Withers Way, McKail
- Proponent** : RPS Group
- Owner/s** : Housing Authority, L Y Gilpin, M F & S D Russell, D V Main, A D & M J York & City of Albany (Vested Crown Land)
- Business Entity Name** : N/A
- Attachment(s)** : Draft modified Detailed Area Plan for Clydesdale Park
: Proponent's justification for modifications to plan
- Councillor Workstation** : Copy of OCM 20/11/2007 – Item 11.3.2
: Copy of OCM 19/02/2008 – Item 11.3.1
: Copy of OCM 21/09/2010 – Item 1.4
: Copy of OCM 19/04/2011 – Item 1.1
: Copy of OCM 20/11/2012 – Item 2.4
: Copy of submissions
- Responsible Officer(s)** : Executive Director – Planning and Development Services (D Putland)

Maps and Diagrams:



IN BRIEF

- Consider whether to finally adopt the Detailed Area Plan (DAP) for Clydesdale Park.
- The modified DAP has been prepared to address a number of issues that have arisen with previous versions of the plan.
- Modifications to the Detailed Area Plan include:
 - removal of “*mandatory garage location with independently occupiable studio above*” from the legend and insertion of an additional provision stating “*Single residential dwellings on corner lots are encouraged to incorporate an independently occupied studio above the garage to assist in providing surveillance of the laneway*” under the heading ‘*Design Elements*’;
 - relocation of the mandatory garage or carport locations for Lots 213 and 214 and inclusion of a requirement for permeable estate fencing between the garage and the side lot boundary;
 - updates to all applicable rear/laneway setbacks to reflect the amendments that have been made to the extent of drainage easements;
 - inclusion of a notation on Lot 407 stating that the rear “*Boundary setback to be as per R-Codes*”;
 - removal of the ‘*typical lot layout*’ diagrams; and
 - removal of the primary and rear setback notations.
- The modified DAP remains consistent with the provisions of *Liveable Neighbourhoods* and the *McKail Local Structure Plan*.
- It is recommended that the modified DAP be finally adopted by Council.

ITEM 2.3: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR ATTWELL

THAT Council ADOPTS the draft modified Detailed Area Plan for Clydesdale Park.

CARRIED 12-0

BACKGROUND

1. The City of Albany's *Detailed Area Plans Policy* was adopted by Council at its ordinary meeting on 19 February 2008 and contains a provision to allow for the inclusion of additional specific Detailed Area Plans (DAP's) into Schedule 1 of the Policy.
2. The Clydesdale Park DAP was adopted as part of the original policy. However, the City received a modified version of the plan, which adjusted some of the prescribed setbacks, due to the utilities being placed in a different location to what had originally been intended. The revised plan was incorporated into the consolidated *City of Albany Local Planning Scheme No. 1A & 3 Policy Manual*, which was adopted at the ordinary meeting of Council on 19 April 2011.
3. The latest (3rd Version) modified DAP has been prepared to address a number of issues that have since arisen and will supersede the previous version of the plan.

4. The modified DAP was advertised for public comment and referred to utility providers and the Western Australian Planning Commission for their consideration, following Council's resolution at its ordinary meeting on 20 November 2012.
5. Council is now requested to consider the responses received from the advertising and referral processes and determine whether to finally adopt the modified DAP.

DISCUSSION

6. The DAP area extends to approximately 6.02ha and lies to the west of Clydesdale Road, approximately 5km north-west of the Albany CBD. The land falls gently from north to south and has been cleared and prepared for development with the provision of roads and servicing.
7. The modified DAP has been prepared to address a number of issues that have arisen with the previous version of the plan and incorporates a number of modifications.
8. The first of these modifications is the removal of *"mandatory garage location with independently occupiable studio above"* from the legend and the insertion of an additional provision under the heading *'Design Elements'*, which states that *"Single residential dwellings on corner lots are encouraged to incorporate an independently occupied studio above the garage to assist in providing surveillance of the laneway."*
9. Mandatory garage locations with an independently occupiable studio above were originally intended to promote affordable housing options within the development, as well as increased surveillance of the proposed laneways. However, due to the substantial additional costs involved, it has become a limiting factor for the Department of Housing in undertaking further development under the Affordable Housing Strategy. Lots with such a requirement are not attracting any interest as vacant land sales and are now being excluded from future development initiatives. However, the option is still provided for corner lots to incorporate an independently occupiable studio if the developer wishes, which will also promote surveillance of the laneway.
10. The second modification is to relocate the mandatory garage or carport locations for Lots 213 and 214 and illustrate a requirement for permeable estate fencing between the garage and the side lot boundary. This modification has been incorporated to increase the level of surveillance over the 'T'-shaped laneway, in response to the removal of the mandatory requirement for studios above garages.
11. The third modification is to update all applicable rear/laneway setbacks to reflect the amendments that have been made to the extent of the drainage easements along the rear of several of the lots within the development.
12. Modification four is to include a notation on Lot 407 stating that the rear *"Boundary setback to be as per R-Codes"*. This modification has been included to rectify an error on the existing DAP, which illustrates a red-dashed line along the rear boundary of Lot 407. However, such a line is only indicative of a setback variation to the primary street setback or a setback from an area of public open space.

13. Modification five removes the *'typical lot layout'* diagrams from the DAP, as they did not specifically relate to any of the DAP provisions. Their removal is in effort to reduce the amount of information shown on the DAP and to make it easier to interpret and assess applications.
14. Modification six removes the primary and rear setback notations from DAP in an attempt to simplify it, as the primary and rear setback requirements are already outlined within the R-Code Variations table.
15. The modified DAP remains consistent with the provisions of *Liveable Neighbourhoods* and the *McKail Local Structure Plan*.
16. No objections were received to the modified DAP during the advertising and referral processes.
17. It is therefore recommended that the modified DAP be finally adopted.

GOVERNMENT CONSULTATION

18. The modified DAP (Local Planning Scheme Policy) was referred to the Department of Planning Great Southern Regional Office, WA Gas Networks, Telstra, Water Corporation and Western Power for assessment and comment.
19. Responses were received from Telstra and Water Corporation, both expressing no objection to the modified DAP.

PUBLIC CONSULTATION / ENGAGEMENT

20. The modified DAP (Local Planning Scheme Policy) was advertised in accordance with Clause 6.9 of Town Planning Scheme (TPS) No. 3 (see paragraph 22 below), between 29 November 2012 and 20 December 2012.
21. No comments were received in response to public advertising.

STATUTORY IMPLICATIONS

22. Clause 6.9 of Town Planning Scheme No. 3 grants Council with a 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 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 Recission by the Council twice in a newspaper twice in a newspaper circulating in the area.”

STRATEGIC IMPLICATIONS

23. There are no strategic implications in relation to this item.

POLICY IMPLICATIONS

24. The Western Australian Planning Commission’s *Liveable Neighbourhoods* policy document sets out the criteria to be used in assessing any DAP, including:

- Dwelling design that deals with building orientation towards public open space areas and onto primary streets;
- location of outdoor living areas to maximise solar access;
- location of vehicle access points into lots; and
- details of fencing including the level of permeability.

25. The modified DAP is considered to meet the requirements of *Liveable Neighbourhoods* and also addresses the main points for consideration applicable to lots abutting public open space areas.

RISK IDENTIFICATION & MITIGATION

26. The risk identification and categorisation relies on the City’s Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Not adopting the modified draft Local Planning Scheme policy will not simplify and rectify the errors in the existing plan and may limit the uptake and development of the cottage lots with rear laneway access.	Possible	Minor	Medium	Mitigation is entirely dependent on Council’s decision.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

29. Council has the following options:
- Finally adopt the modified DAP, without modification;
 - Finally adopt the modified DAP, subject to modification; or
 - Not adopt the modified DAP.

SUMMARY CONCLUSION

30. The adoption of the modified DAP will address a number of issues that have arisen with the previous version of the plan and will encourage and facilitate further development of the land within the DAP area.
31. The modified DAP is consistent with *Liveable Neighbourhoods* and the *McKail Local Structure Plan*.
32. No objections were received to the modified DAP during the advertising and referral processes.
33. It is therefore considered appropriate that Council finally adopts the modified DAP.

Consulted References	Liveable Neighbourhoods, McKail Local Structure Plan
File Number (Name of Ward)	DAP008 (West Ward)



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Our Ref: PRI13702-1

Email: Lee.Rodda@rpsgroup.com.au

Date: 19 September 2012

The Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331

Sent via email to: craigm@albany.wa.gov.au

Dear Craig,

RE: PROPOSED DETAILED AREA PLAN – CLYDESDALE PARK ESTATE, ALBANY

Further to our recent discussions regarding the Detailed Area Plan (DAP) that was recently lodged on behalf of the Department of Housing for Clydesdale Park Estate, Albany, the purpose of this letter is to provide the City with an overview of the modifications that have been undertaken to the DAP.

As indicated in our letter dated 16 August 2012, a DAP was previously submitted to the City of Albany, however was not incorporated into the previous Policy Manual review. Subsequently, a new submission was made, and in doing so, some minor modifications were undertaken to the DAP.

The following outlines the modifications that have been made to the DAP, and the background and justification for undertaking them.

Modification 1

Removal of ‘mandatory garage location with independently occupiable studio above (studio element exempt for lots 253 and 258) and insertion of last dot point under the heading ‘Design Elements’.

Background / Justification

Whilst the intention of this requirement was to promote affordable housing options within the Estate, as well as increased surveillance of the proposed laneways, it has become a limiting factor for the Department in undertaking further development under the Affordable Housing Strategy.

The Department of Housing is keen to pursue further “Built Form” development on selected cottage lots within the subdivision. To this end the Department has approached two separate building companies to prepare proposals. Both builders advised that they could not construct dwellings that met the Department’s guidelines in regard to the Affordable Housing Strategy where mandatory independently occupiable studios were a requirement due to the substantial

additional costs involved. It has been suggested that the inclusion of an independently occupiable studio could add up to \$60,000 to the cost of construction.

Therefore not only are those lots with such a requirement are being excluded from future development initiatives they are not attracting any interest as vacant land sales.

Notwithstanding the above, the DAP includes a provision relating to the incorporation of such studios on corner allotments, stating:

“Single residential dwellings on corner lot are encouraged to incorporate an independently occupied studio above the garage to assist in providing surveillance of the laneway.”

Therefore, where so desired, future lot owners can incorporate an independently occupied studio, however it is not a mandatory requirement.

Modification 2

Relocate the position of the mandatory garage or carport locations for Lots 213 and 214 and illustrate a requirement for permeable estate fencing between the garage and the side lot boundary.

Background / Justification

Acknowledging that through the removal of the mandatory requirement for studios above garages, RPS, in consultation with the Department of Housing, reviewed the opportunities for increased surveillance along the proposed laneways. It was identified that the proposed ‘T’ laneway would benefit from an increased level of surveillance, and therefore the above modification was undertaken.

Modification 3

Review and update all applicable rear / laneway setbacks given the amendments that have been made to the extent of the drainage easements along the rear of several of the lots within the Estate.

Background / Justification

Since the time that the previous DAP was lodged, amendments have been undertaken to the drainage easements applicable to several of the lots (Deposited Plan 67389), and therefore the setbacks applicable to the lots under this Deposited Plan have been reviewed and updated accordingly, ensuring that the rear / laneway setbacks are consistent with the amended easement widths.

Modification 4

Include a notation on Lot 407 stating that the ‘Boundary setback to be as per R-Codes’.

Background / Justification

The previous DAP submitted illustrated a red-dashed line along the boundary of Lot 407, which was not applicable as such a line is only applicable for the primary street or POS setback. Therefore, the DAP has been updated to remove this line and to include a notation requiring that the boundary setback of this grouped housing site be as per the requirements of the R-Codes.

Modification 5**Remove 'typical lot layout' diagrams from the DAP.**Background / Justification

The 'typical lot layout' diagrams did not specifically relate to any of the DAP provisions, and therefore in an effort to reduce the amount of information shown on the DAP and make them easier to interpret and assess against, these diagrams were removed.

Modification 6**Remove primary and rear setback notations from DAP.**Background / Justification

Similar to modification 5, the notations on the plan were removed in an attempt to simplify the DAP, noting that the primary and rear setback requirements are outlined within the R-Code Variations table.

We trust that the above information assists in your assessment of the Detailed Area Plan for Clydesdale Park Estate.

Should you require any further information please do not hesitate to contact the undersigned on 9211 1111.

Yours sincerely

RPS**LEE RODDA**

Senior Planner

cc: Graham Finlay, Department of Housing

DETAILED AREA PLAN R-CODE VARIATIONS

Design Elements

The following matters apply, where required, in the design and construction of a residence or outbuilding on lots identified within the boundary of this D.A.P:

- All dwellings must include construction of a double garage or carport.
- Unless otherwise approved by the City of Albany, all dwellings, garages and carports shall be constructed within the nominated building envelopes.
- Alternative building envelope and garage/carport locations may be approved by the City of Albany where considered appropriate, having regard for improved streetscape outcomes, improved sustainability outcomes and pedestrian/traffic safety matters.
- Where variations are sought, the proponent must provide adequate information for the City of Albany to assess the appropriateness of the variations against the matters listed above.
- At least one major opening shall be installed on all northern elevations to maximize access to northern sun.
- Dwellings constructed on the 4 pack lots (Lots 405 and 406) contiguous with the pedestrian access way shall have at least one (1) major opening overlooking the pedestrian access way to ensure passive surveillance and activation.
- Two-storey development is permitted on all lots except for that area south of the demarcation line shown on Lots 240-252 to ensure access to winter sun for private open space.
- The R30 Grouped Housing Site (Lot 407) shall be designed so that it provides for passive surveillance opportunities of the adjoining laneway e.g. Visually permeable fencing and suitable openings in the building elevation that provide for 'Eyes on Street'.
- Single residential dwellings on corner lots are encouraged to incorporate an independently occupied studio above the garage to assist in providing surveillance of the laneway.

R Coding

The Residential Density Code which applies to the land is R30 for the grouped site and 4 pack lots (Lots 405-406) and R30/40 or R30/40/50 (with intergenerational housing) for all other lots in the DAP area.

R Code Variations

The City of Albany, Residential Design Codes and associated Residential Development Guidelines for the City of Albany are varied as shown on this Detailed Area Plan. The requirements of the City of Albany Scheme, R-Codes and Guidelines shall be satisfied in all other matters.

Setbacks

Setbacks for the construction of improvements upon the land will not be other than in accordance with the following:

For Lots 201-210, 211-216 & 227-239:

Primary Street / P.O.S: 2.0 metre minimum and maximum dwelling setback.

For Lots 217-226, 240-252, 253-258 & 399-404:

Primary Street / P.O.S: 3.0 metre minimum and maximum dwelling setback.

For Lots 201-210, 211-216, 217-226, 227-239, 240-252 & 407:

Rear / Laneway: 2.0 metre minimum dwelling setback.
2.0 metre minimum garage / carport setback.
2.5 metre maximum garage / carport setback.

For Lots 253-258 & 399-404:

Rear / Laneway: 1.0 metre minimum dwelling setback.
500 millimetre minimum garage / carport setback.
1.0 metre maximum garage / carport setback.

Site Coverage

All construction on the land will ensure that at least 40% of the site comprises Open Space.

Driveways

The maximum width of any crossover shall be 5 metres.

Outbuildings and Studios

Outbuildings and Studios may be 2 storeys in accordance with Table 3 of clause 3.7.1 of R Codes to ensure activation and passive surveillance of laneways.

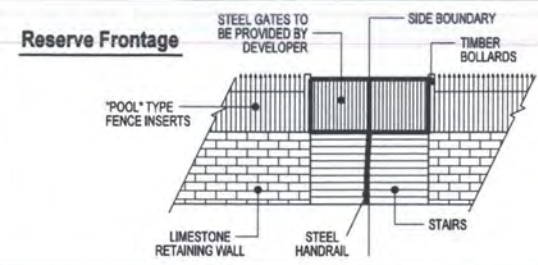
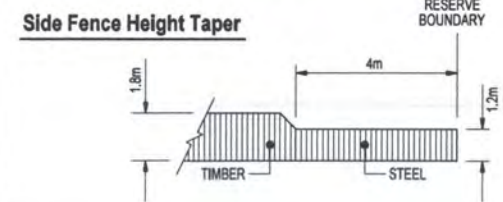
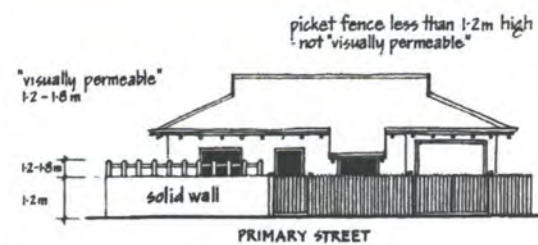
Estate Fencing

Where provided by the Vendor, estate fencing is not to be removed or altered in any way.

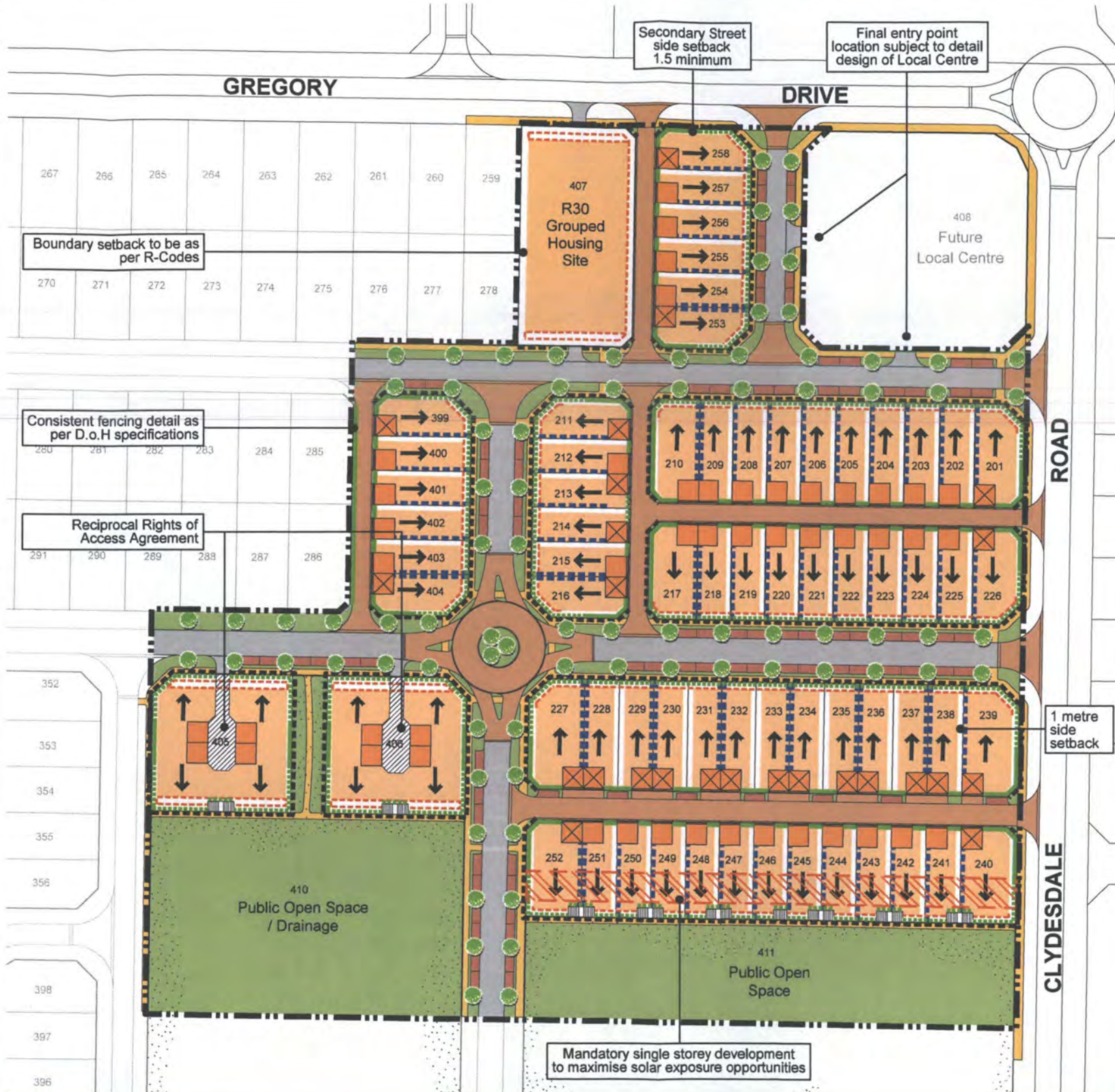
All side fencing forward of the building line are to match open style permeable front fencing at the expense of the purchaser.

Boundary fencing on secondary street frontages from the front setback to the building line to match that installed by the developer along public open space boundary or primary street boundary (see "Side Fence Height Taper" and "Reserve Frontage" diagrams). Fencing along public open space boundary will be installed by the vendor.

TYPICAL FENCING DETAIL (Not to Scale)

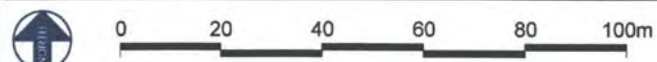


LOCATION MAP



LEGEND

- D.A.P. Boundary
- No Vehicle Access
- Estate Fencing; Permeable, Non-Permeable
- Nominated Residential Zero Metre Side Setback
- Building Envelope
- Nominated minimum / maximum residential front setback to the primary subdivision road or Public Open Space (Refer setbacks variation schedule for details)
- Visitor Car Parking
- Building Orientation
- Nominated minimum 1.5m and average 2.5m residential front setback to the primary subdivision road or Public Open Space
- Preferred Garage or Carport Location
- Designated Garage or Carport Location
- Mandatory single storey development to maximise solar exposure opportunities
- Indicative Tree Planting
- Driveway Crossover
- Footpath / Dual-use Path
- Pedestrian Access via a Stairway





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