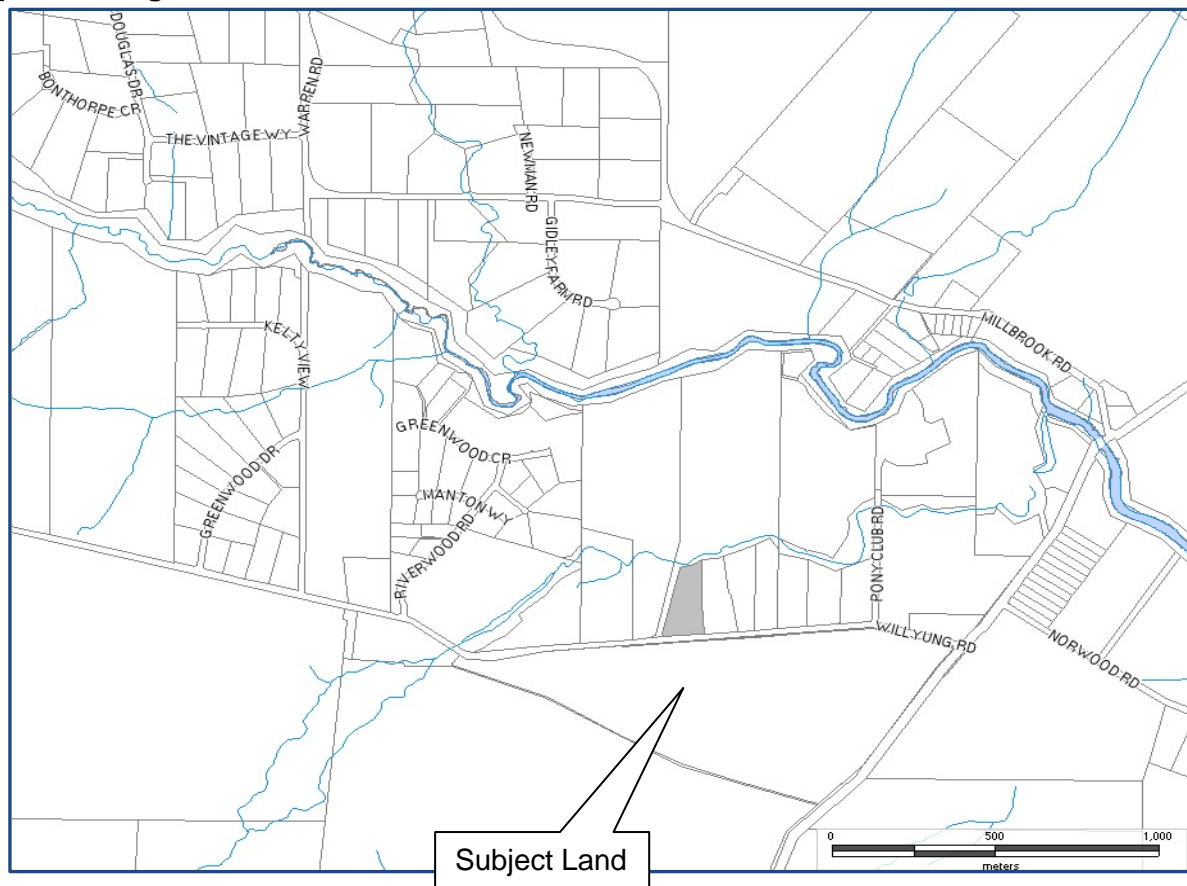


**2.5: LOCAL PLANNING SCHEME POLICY – SPECIAL RESIDENTIAL  
AREA NO. 11 (LOTS 106 WILLYUNG ROAD)**

<b>Land Description</b>	: Lot 106 Willyung Road, Willyung
<b>Proponent</b>	: Ayton Baesjou Planning
<b>Owner/s</b>	: Mr G J & Mrs C L Bergersen
<b>Business Entity Name</b>	: N/A
<b>Attachment(s)</b>	: Draft Local Planning Scheme Policy – Special Residential Area No. 11 (Lot 106 Willyung Road, Willyung)
<b>Councillor Workstation</b>	: Copy of O.C.M. 19/04/2011 – Item 1.1 Copy of proponent's submission
<b>Responsible Officer(s)</b>	: Executive Director – Planning and Development Services (D Putland)

**Maps and Diagrams:**



**IN BRIEF**

- Consider whether to adopt the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lot 106 Willyung Road) for the purpose of public advertising.

**ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ADOPTS the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lot 106 Willyung Road), for the purpose of public advertising.**

**BACKGROUND**

1. The draft Local Planning Scheme policy proposes to add a supplementary subdivision guide plan for Special Residential Area No. 11 (Lot 106 Willyung Road) into Local Planning Scheme policy 60 *Modifications to Subdivision Guide Plans*.
2. The existing policy was considered by Council at its ordinary meeting on 19 April 2010 and the following resolution was reached:

*“THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP6(O) *Modifications to Subdivision Guide Plans within the Local Planning Policy Manual (April 2011) as per Paragraph 47 and 48 of the officer’s report.*”*

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

**DISCUSSION**

4. The subject lot covers an area of 2.34ha to the north side of Willyung Road, approximately 9km north of Albany town centre. The land is largely cleared and under pasture, although some large mature trees remain on the northern extent of the western boundary, on the southern boundary and scattered across the eastern extent of the lot. There is also a shelter belt running across the south-western quarter on a north-south axis. A large house, outbuilding and stables stand in the south-eastern quarter. The remainder of the lot is used for the keeping of horses. The lot is relatively level, with a gentle slope downward from Willyung Road to Willyung Creek, which flows past the northern end of the lot. A portion of the lot lies within the identified floodway (see plan).
5. The subject lot is zoned ‘Special Residential’, while the Willyung Creek foreshore area to the northern end is designated under the ‘Parks and Recreation’ Local Scheme Reserve. The surrounding land is primarily zoned ‘Special Residential’. However, the ‘Parks and Recreation’ Local Scheme Reserve extends along the creekline and the land to the south of Willyung Road is within the ‘Rural’ zone.
6. The land to the north is currently undergoing subdivisional works, including the construction of roads and the fencing of lots. Council has recently adopted a modified subdivision guide plan for these lots, which varied the setback requirements and adjusted the layout from the original subdivision guide plan.

7. The draft addition to the Local Planning Scheme Policy will facilitate the subdivision of Lot 106 Willyung Road to create five 'Special Residential' lots, ranging in size from 4000m<sup>2</sup> to 5800m<sup>2</sup> and has been submitted for assessment on the basis that it will achieve the following:
  - Encourage the efficient use of existing rural living areas;
  - promote consolidation and sustainable development;
  - encourage a range of lot sizes;
  - co-ordinate subdivision and development;
  - provide protection of creeklines; and
  - provide adequate fire protection.
8. In the context of the Albany Local Planning Strategy (ALPS), the draft addition is considered to achieve these objectives.
9. 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 recently adopted subdivision guide plan over Lots 104 and 105 Willyung Road. The lot sizes and setbacks prescribed in the draft subdivision guide plan are consistent with those of the subdivision guide plan for Lots 104 and 105.
10. Overall, the draft addition to the Local Planning Scheme Policy is considered to be acceptable and it is recommended that it be adopted for the purpose of public advertising.

#### **GOVERNMENT CONSULTATION**

11. 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**

12. 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**

13. 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 4000m<sup>2</sup>. 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.”*

14. 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.”*

**STRATEGIC IMPLICATIONS**

15. The proposal is considered to be consistent with Section 8.3.5 – *Rural Living* 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**

16. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the proposal.
17. **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.

18. **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.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<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>

**FINANCIAL IMPLICATIONS**

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

21. Subdivision in accordance with the draft addition to the Local Planning Scheme Policy will bring no additional cost burden to the City, as it will only existing infrastructure.

**LEGAL IMPLICATIONS**

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

**ALTERNATE OPTIONS**

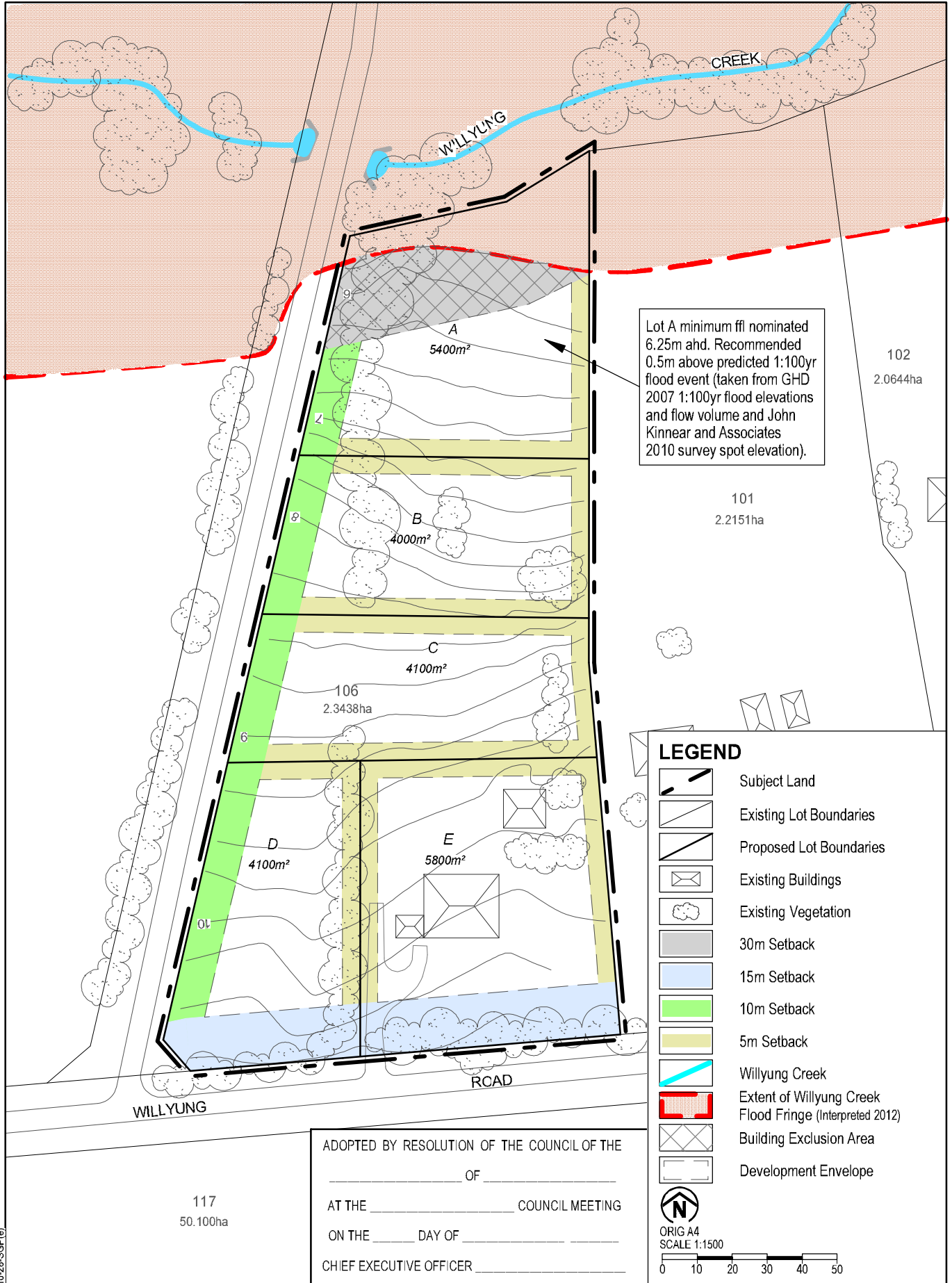
23. Council has the following options:
- Adopt the draft Local Planning Scheme policy for the purpose of public advertising, without modification;
  - Adopt the draft Local Planning Scheme policy for the purpose of public advertising, subject to modification; or
  - Not adopt the draft Local Planning Scheme policy for the purpose of public advertising.

**SUMMARY CONCLUSION**

24. The draft policy is broadly consistent with the objectives of the ALPS and SPP's 1 and 3. Its adoption will:
- Encourage the efficient use of existing rural living areas;
  - promote consolidation and sustainable development;
  - encourage a range of lot sizes;
  - co-ordinate subdivision and development;
  - provide protection of creeklines; and
  - provide adequate fire protection.

It is therefore recommended that the draft addition to the Local Planning Scheme Policy is adopted for the purpose of public advertising.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	A171601 (Kalgan Ward)



10-28-SGP(e)