

PD007: OUTLINE DEVELOPMENT PLAN – LOTS 1-10, 12, 13, 66, 507, 526 LANCASTER ROAD AND LOT 300 TIMEWELL ROAD, MCKAIL

Land Description	: Lots 1-10, 12, 13, 66, 507 and 526 Lancaster Road and Lot 300 Timewell Road, McKail
Proponent	: Ayton Baesjou Planning
Owner	: M R Antoniak, A S Daubney, P G Burnett, F P & S E Shelton, M J & F R Klau, H D & M A Thobaven, V M McAndrew, N J Mooney, M H Miller, J R & G M Fagg, C H & D A McWhirter, R M & B Ballantyne, Crown Land, Vegate Pty Ltd - Directors Harry Arialdo Capararo and Nunziato Vincuillo, Lancaster Park Pty Ltd
Business Entity Name	: Vegate Pty Ltd, Lancaster Park Pty Ltd
Attachments	: Location plan Draft Outline Development Plan Summary of submissions
Appendices	: Nil
Councillor Workstation	: Copy of submissions Copy of draft Outline Development Plan planning report
Responsible Officer(s)	: Executive Director Planning and Development Services (D Putland)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A connected built environment.
 - b. **Strategic Objective:**
 - 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.
 - c. **Strategic Objective:**
 - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
 - d. **Strategic Initiative:**
 - By protecting heritage buildings, and ensuring new developments respect the heritage and character of streetscapes.
 - By ensuring that community safety is built into all planning and development initiatives.

2. Council's decision on the draft Precinct Plan should be consistent with the objectives of the *Albany Local Planning Strategy (ALPS)* as the principal land use planning strategy for the City.
3. Section 8.3.2 – Urban Lot Consolidation and Staged Incremental Development sets the following Strategic Objective:

“Support the consolidation of serviced urban areas and facilitate staged fully-serviced incremental-development nodes”.

The ALPS states that it *“supports incrementally-staged urban expansion based on comprehensive precinct and structure planning. The progressive development of the Future Urban areas has been classified into five Development Priority stages. The extent to which Future Urban areas are developed within the lifetime of the ALPS will be determined largely by population growth, employment opportunities, availability of infrastructure to service growth and the ability of the development and housing industry to satisfy market demand.*

The Priority 1 areas include the current development fronts of McKail, Yakamia and Bayonet Head, where lots are being created and dwellings constructed.”

4. The proposal will facilitate a coordinated approach to the subdivision and development of the subject land, which has been identified within the ALPS as a Priority 1 development area.
5. Section 8.3.3 – Urban Infill sets the following Strategic Objective:

“Support urban infill development based on compatibility of land uses and infrastructure capacity”.

The ALPS expands on this by stating that *“urban infill development complements the urban-consolidation strategy and aims to maximise the use of existing residential and other types of land no longer economically viable.*

It is also expected that the Albany City Centre and urban neighbourhood centres will support new medium-density (R30 to R60) residential developments. Development will occur initially on small parcels of vacant land or as redevelopments of older housing. The increased residential densities will cater for smaller households, such as accommodation for seniors.

Some key issues associated with urban infill are land-use compatibility, availability and the capacity of existing services – particularly sewers and drainage – to facilitate development. Other infill factors to be addressed include existing lot sizes, achieving quality design, provision of enough of public open space, security and transport access. The key to successful infill is establishment of the most appropriate implementation mechanisms for specific developments, which can be statutory or non-statutory. In the past, rigid guided development schemes in Albany's urban area have not been successful because they have been responsible for slow rate of development and uptake.”

6. The proposal is considered to be consistent with these principles and objectives.

In Brief:

- Consider whether to finally adopt the draft Outline Development Plan for Lots 1-10, 12, 13, 66, 507 and 526 Lancaster Road and Lot 300 Timewell Road, McKail.
- The proposal aims to facilitate a coordinated approach to the subdivision and development of the subject land.
- A number of matters have been raised by the Department of Planning and the Department of Education through the Government consultation process. Staff recommended modifications to the document to address these matters.
- A number of concerns and questions have been raised by affected landowners through the public consultation process. Staff have addressed these matters to allay concerns and answer questions
- The draft Outline Development Plan is consistent with contemporary planning principles and the strategic direction for settlement growth, as set by the *Albany Local Planning Strategy*.
- Staff recommend that Council finally adopts the draft Outline Development Plan, subject to modification.

RECOMMENDATION

**PD007: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council finally adopts the draft Outline Development Plan for McKail North, subject to the following modifications:

- **Correction of zoning errors in the *Land Use and Zoning Plan*;**
- **Removal of the far north ‘Potential Local Centre’ from the *Local and Neighbourhood Context plan*;**
- **Incorporation of the speedway buffer on the *Local and Neighbourhood Context plan*;**
- **Incorporation of the correct Wastewater Treatment Plant (WWTP) buffer on the *Local and Neighbourhood Context plan*;**
- **Inclusion of expanded ‘Q1’ and ‘Q2’ Quiet House Design areas along the northern extent of Lots 507 and 526, in lieu of the Speedway Buffer, on the Outline Development Plan;**
- **Inclusion of the WWTP and Trotting Track buffers on the Outline Development Plan;**
- **Indicating the road widening more clearly on the Outline Development Plan;**
- **Inclusion of a primary school site toward the north-eastern corner of Lot 507, with provision for possible expansion onto Lot 37 Morgan Road, on the Outline Development Plan;**
- **Inclusion of an appropriately sized district park on the Outline Development Plan and revision of the Public Open Space calculations in the planning report;**
- **Inclusion of cycle and pedestrian paths on the Outline Development Plan and incorporation of a supplementary Pathways Plan;**
- **Increasing the Q2 house design areas on the Outline Development Plan; and**
- **Increasing the Trotting Track buffer on the Outline Development Plan (as per Amendment No. 271 buffer requirements).**

PD007: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOWLING
SECONDED: MAYOR WELLINGTON**

THAT the Officer Recommendation is ADOPTED.

CARRIED 6-0

PD007: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council finally adopts the draft Outline Development Plan for McKail North, subject to the following modifications:

- Correction of zoning errors in the *Land Use and Zoning Plan*;
- Removal of the far north 'Potential Local Centre' from the *Local and Neighbourhood Context plan*;
- Incorporation of the speedway buffer on the *Local and Neighbourhood Context plan*;
- Incorporation of the correct Wastewater Treatment Plant (WWTP) buffer on the *Local and Neighbourhood Context plan*;
- Inclusion of expanded 'Q1' and 'Q2' Quiet House Design areas along the northern extent of Lots 507 and 526, in lieu of the Speedway Buffer, on the Outline Development Plan;
- Inclusion of the WWTP and Trotting Track buffers on the Outline Development Plan;
- Indicating the road widening more clearly on the Outline Development Plan;
- Inclusion of a primary school site toward the north-eastern corner of Lot 507, with provision for possible expansion onto Lot 37 Morgan Road, on the Outline Development Plan;
- Inclusion of an appropriately sized district park on the Outline Development Plan and revision of the Public Open Space calculations in the planning report;
- Inclusion of cycle and pedestrian paths on the Outline Development Plan and incorporation of a supplementary Pathways Plan;
- Increasing the Q2 house design areas on the Outline Development Plan; and
- Increasing the Trotting Track buffer on the Outline Development Plan (as per Amendment No. 271 buffer requirements).

BACKGROUND

7. The subject lots cover a total area of approximately 70ha to the north and south of Lancaster Road and are located approximately 6km north-west of the Albany central area. Lots 1-10 and 12 are large rural-residential properties of approximately 4000m². Lot 13 is approximately 8000m² in area. All are developed with a single dwelling and associated outbuildings.
8. Lot 66 is a vacant Public Right of Way and presents as a 20m wide unconstructed road reserve section giving access to Lot 526.
9. Lots 300, 507 and 526 are larger cleared lots, which are primarily used for grazing purposes. Lot 300 is developed with a collection of sheds and stables, Lot 507 with a shed and feed silos adjacent to the intersection of Lancaster and Timewell Roads, while Lot 526 remains undeveloped.

10. The majority of the surrounding land is zoned 'Rural', with the exception of Lot 124 Gladville Road to the north, which is zoned 'Residential Development' and subject to a separate Outline Development Plan application, Lot 113 Gladville Road to the east, which is zoned 'Special Residential', Lot 1 Lancaster Road (Harold Reid Paceway) to the south-east, which is zoned 'Places of Public Assembly', and Lots 251-254 Lancaster Road to the south, which are zoned 'Special Rural'.
11. In September 2009, a Scheme amendment (No. 277) to rezone Lots 1-10, 12, 13, 66, 507 and 526 Lancaster Road and Lot 300 Timewell Road, McKail from the 'Rural' and 'Special Rural' zones to the 'Residential Development' zone was supported by Council. The proposal was subsequently granted final approval by the Minister for Planning in July 2010 and Gazetted in August 2010.
12. A draft Outline Development Plan was then prepared, in accordance with Clause 5.5 of Town Planning Scheme No. 3, to facilitate the subdivision and development of the subject land. Council adopted the draft plan for the purposes of public advertising at its ordinary meeting on 19 February 2013.
13. Council is now requested to consider submissions received during the public advertising period and determine whether to finally adopt the draft Outline Development Plan.

DISCUSSION

14. The *Albany Local Planning Strategy* (ALPS) identifies the subject land as part of a Future Urban Priority Development 1 Area, which indicates that it is of short-term strategic importance.
15. The draft Outline Development Plan will facilitate the subdivision and development of the subject lots to a full urban standard, with R20 and R30 residential lots and associated public open space. Locations for a local activity centre and primary school have also been identified in the south-eastern corner of the site.
16. The Department of Planning highlighted some areas in which the draft plan is deficient. These can be addressed by way of modifications to the plan and are addressed in detail in Attachment PD007_aa_Sept13.
17. Overall, the draft Outline Development Plan is consistent with contemporary planning principles and State policies that deal with growth and development.

GOVERNMENT & PUBLIC CONSULTATION

18. The draft Precinct Plan was referred to Department of Planning, WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation (now Department of Parks and Wildlife), Department of Education, Department of Fire and Emergency Services, Main Roads WA and Department of Regional Development and Lands for assessment and comment.

Responses were received from Department of Planning, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Department of Education, Department of Fire and Emergency Services and Department of Regional Development and Lands. The content of these submissions is summarised in Attachment PD007_aa_Sept13 with staff providing responses to the matters raised.

19. The draft Outline Development Plan was advertised in accordance with Clause 6.9.2 of Town Planning Scheme (TPS) No. 3 (see paragraph 22 below), between 28 February 2013 and 21 March 2013 for public comment.
20. Seven submissions were received during the public consultation period. The content of these submissions is summarised in Attachment PD007_aa_Sept13 and staff have provided responses to the matters raised.

STATUTORY IMPLICATIONS

21. Clauses 5.5.1 to 5.5.3 of TPS No. 3 set out the processes to develop an Outline Development Plan to facilitate the subdivision and development of land within Development Zones.

“5.5.1 Before granting approval for any of these uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border of the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:

- (a) the major road systems under the Scheme;*
- (b) topographic conditions;*
- (c) land holdings adjacent to or in the vicinity of the subject land;*
- (d) the necessity of providing civic and public facilities;*
- (e) preservation of the environment.*

5.5.2 Outline Development Plans shall be prepared for areas as described under clause 5.5.1 by either the owners of the land involved or by the Council and shall be submitted by the Council to the Western Australian Planning Commission.

5.5.3 Outline Development Plans shall show the principles under which it is proposed to develop or subdivide the land and as a minimum requirement shall show –

- (a) the location and width of the distributor road system proposed;*
- (b) the approximate location and quantity of shopping, civic and public facilities proposed together with an analysis of the factors used in determination of such facilities;*
- (c) the distribution of the recreational and open space areas proposed;*
- (d) the population and residential densities proposed;*
- (e) the physical condition of the land having regard to the need for deep sewerage and/or main drainage.”*

22. Clauses 6.6.1 and 6.9.2(A) set out the processes for the creation and adoption of a Town Planning Scheme Policy. An Outline Development Plan must be considered as a Town Planning Scheme Policy for purposes of advertising and referral and adoption by Council.

“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 the 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 (not being less than 21 days) representations may be made to the Council.”

POLICY IMPLICATIONS

23. The proposal is subject to the *City of Albany Speedway Noise Buffer Area Policy*, which is concerned with the effects of noise generated at the Atwell Park Speedway on surrounding residential developments and encourages the attenuation of noise both on and off-site.

The objectives of the policy are to:

- Allow for the ongoing operations of the speedway at Atwell Park and
 - Encourage the operators to incorporate additional noise attenuation measures to reduce noise impacts into adjoining residential developments.
 - Acknowledge and recognise existing approved residential developments within the buffer area.
 - Ensure that new developments incorporate measures to advise purchasers within the buffer area of the speedway operations and noise generated during their events.
24. The policy does not have any mandatory requirements, but merely advises property owners and prospective purchasers of the noise created at the speedway and encourages the application of certain construction techniques to new dwellings in order to attenuate these effects.
25. The proposal incorporates Quiet House Design Guidelines and assigns where these should be applied within the Outline Development Plan area.

RISK IDENTIFICATION & MITIGATION

26. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Not adopting the draft Outline Development Plan will prevent the development of the land, as the requirements of Clause 5.5 of Town Planning Scheme No. 3 would not be fulfilled.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate protection to homes from noise nuisance attributed to the Atwell Park Speedway and Harold Reid Paceway.</i>	<i>Almost certain</i>	<i>Minor</i>	<i>High</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate protection to homes from odour nuisance attributed to the Timewell Road Wastewater Treatment Plant.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may result in inadequate primary school capacity in the locality.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate passive and active recreational opportunities for residents in the locality.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate movement networks through the proposed development area.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan and planning report.</i>

FINANCIAL IMPLICATIONS

27. Subdivision in accordance with this Outline Development Plan will have additional financial implications for the City of Albany. The cost of this development is unknown as the detailed engineering design will be completed at the subdivision stage, but are likely to be significant. The financial costs to the City will necessarily include regular maintenance and end of life renewal costs. The road and drainage infrastructure, as well as Public Open Space areas, are provided by the developer at the time of subdivision and maintained by them for a fixed period of time. The initial maintenance when the infrastructure is new is generally minimal. However, after the initial period the ongoing maintenance and replacement responsibility is transferred to the City.

LEGAL IMPLICATIONS

28. There are no legal implications relating to this item.

ENVIRONMENTAL CONSIDERATIONS

29. There are no environmental considerations relating to this item.

ALTERNATE OPTIONS

30. Council has the following options:
- Finally adopt the draft Outline Development Plan, without modification;
 - Finally adopt the draft Outline Development Plan, subject to modification; or
 - Not to adopt the draft Outline Development Plan.

SUMMARY CONCLUSION

31. The adoption of the draft Outline Development Plan will be necessary to facilitate the subdivision and development of Lots 1-10, 12, 13, 66, 507 and 526 Lancaster Road and Lot 300 Timewell Road, McKail.
32. Overall, the draft Outline Development Plan is consistent with contemporary planning principles and the strategic direction for settlement growth, as set by the Albany Local Planning Strategy.
33. Staff recommend that Council finally adopts the draft Outline Development Plan, subject to modifications.

Consulted References	:	WA Planning Commission (WAPC) State Planning Policy (SPP's) <i>SPP1 & SPP3</i> ; <i>Liveable Neighbourhoods</i> ; <i>Albany Local Planning Strategy</i> ; <i>City of Albany Speedway Noise Buffer Area Policy</i>
File Number (Name of Ward)	:	ODP010 (West Ward)
Previous Reference	:	Copy of OCM 16/06/2009 – Item 11.2.3 Copy of OCM 19/02/2013 – Item 2.8