

PD008: OUTLINE DEVELOPMENT PLAN – LOTS 2, 7, 8, 9, 11, 12, 13, 14, 15 AND 16 SOUTH COAST HIGHWAY, LOTS 1, 2, 26, 27, 55, 56, 85, 86 AND 87 BALSTON ROAD, LOT 25 CUMING ROAD, LOTS 10 (NO. 4), 10 (NO. 10), 19, 20, 21 AND 23 MOORTOWN ROAD, LOTS 3, 4 AND 5 MIDDLE STREET AND LOTS 17 AND 18 SYDNEY STREET, GLEDHOW

- Land Description** : Lots 2, 7, 8, 9, 11, 12, 13, 14, 15 and 16 South Coast Highway, Lots 1, 2, 26, 27, 55, 56, 85, 86 and 87 Balston Road, Lot 25 Cuming Road, Lots 10 (No. 4), 10 (No. 10), 19, 20, 21 and 23 Moortown Road, Lots 3, 4 and 5 Middle Street and Lots 17 and 18 Sydney Street, Gledhow
- Proponent** : Ayton Baesjou Planning (Southern Catchment Precinct) and Dykstra Planning (Small Landholdings Precinct)
- Owner** : D L Bunn, M Drummond, JM Wildman Nominees Pty Ltd, K Sunjevaric, G J Oldfield, D G Rogers, G C & R A De Boer, S Guy, T A Van Nieuwkerk & S A Lawrence, R J & J L Trigg, A A Trigg, P R & J M Williamson, T J & C R Mahoney, H C Carr & The Estate of C J Carr, H Adams, R M Potter, Trivalley Corporation Pty Ltd, Water Corporation, M J & V Gibson, Trewick Holdings Pty Ltd, Crown Land, M E Hutcheson, D R Kellow, M C and P K Northcott Pty Ltd, W B & H K Milisavljevic, W L Bowers & J M Westwood, W A Freeland, S M & R L Kolanek, I S, W M, B W & T M Phillips, K J Lucas
- Business Entity Name** : JM Wildman Nominees Pty Ltd, Trivalley Corporation Pty Ltd, Trewick Holdings Pty Ltd, M C and P K Northcott Pty Ltd
- Attachments** : Location plan
Draft Outline Development Plans
Summary of submissions
- Appendices** : Nil
- Councillor Workstation** : Copy of submissions
Copy of draft Outline Development Plan planning reports
- 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.*

Priority 3 areas are logical extensions of the Priority 2 locations and/or existing urban areas and include parts of McKail, Gledhow, Warrenup, Walmsley and Big Grove. Priority 3 areas are expected to be rezoned with local structure planning undertaken in the near future. These areas are capable of producing lots within the medium-term.”
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 3 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 2, 7, 8, 9, 11, 12, 13, 14, 15 and 16 South Coast Highway, Lots 1, 2, 26, 27, 55, 56, 85, 86 and 87 Balston Road, Lot 25 Cuming Road, Lots 10 (No. 4), 10 (No. 10), 19, 20, 21 and 23 Moortown Road, Lots 3, 4 and 5 Middle Street and Lots 17 and 18 Sydney Street, Gledhow
- 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, the Department of Environment and Conservation (now Department of Parks and Wildlife) and Main Roads WA through the Government consultation process.
- Staff recommend modifications to the documents to address these matters.
- Some concerns and questions have also 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

PD008: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council finally adopts the draft Outline Development Plan for East Gledhow, subject to the modifications contained in Attachment PD008_aa_Sept13.

PD008: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation is ADOPTED.

CARRIED 6-0

PD008: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council finally adopts the draft Outline Development Plan for East Gledhow, subject to the modifications contained in Attachment PD008_aa_Sept13 (Page 58).

BACKGROUND

7. The subject land lies primarily to the south side of South Coast Highway, extending from Balston Road to the east to Lot 5 Middle Street to the west. It extends to Cuming Road in the south, encompassing the majority of the land between Balston Road to the east and Moortown Road to the west, and includes Lots 10-23 Moortown Road and 17 and 18 Sydney Street. However, Lots 8 and 9 Moortown Road are **not** covered by the proposal.
8. The 31 lots covered by the proposal range in size from 1204m² to 4ha, with the smaller lots primarily located along South Coast Highway. Overall, a land area of approximately 45.4ha is included in the proposal. All lots have been developed with residences and associated outbuildings, with the exception of Lot 10 Moortown Road.
9. All the lots are in private ownership, with the exception of Lot 10 (No. 10) Moortown Road, which is Vacant Crown Land. This land parcel has not been identified for development at this stage. However, should development of the land be sought in future, this can be assessed by way of a separate Local Development Plan.
10. The majority of the subject land has been cleared to some extent, with the exception of Lot 10 Moortown Road and Lots 26 and 27 Balston Road, which are covered by significant amounts of remnant native vegetation. The *Land Capability and Geotechnical Assessment* recommends that a spring survey be undertaken to establish the quality of the remnant vegetation and to identify any priority species.

11. The topography is generally level or gently sloping over most of the subject land to the north, reaching a high point of 55m AHD, where a ridge runs across Lot 23 Moortown Road and Lot 27 Balston Road, before dropping off steeply (approximately a 1:8 slope) to a low point of 20m AHD at Cuming Road.
12. In terms of surrounding land uses, a 'Residential' zoning covers the land adjacent to the eastern and northern extents of the subject land. The land to the west is predominantly zoned 'Rural', with the exception of a small 'Special Residential' zoned development, a lot that is designated as a 'Public Purposes' reserve and two heavily vegetated lots which are designated as 'Parks and Recreation' reserves. To the south of Cuming Road, the land is zoned for 'Light Industry', but is currently undeveloped.
13. In August 2010, a Scheme Amendment (No. 296) to rezone Lots 2, 7, 8, 9, 11, 12, 13, 14, 15 and 16 South Coast Highway, Lots 1, 2, 26, 27, 55, 56, 85, 86 and 87 Balston Road, 25 Cuming Road, Lots 10 (No. 4), 10 (No. 10), 19, 20, 21 and 23 Moortown Road, Lots 3, 4 and 5 Middle Street and Lots 17 and 18 Sydney Street, Gledhow from the 'Rural' zone and the 'Public Purposes' Local Scheme Reserve to the 'Residential Development' zone was supported by Council. The proposal was subsequently granted final approval by the Minister for Planning and Gazetted in May 2011.
14. A draft Outline Development Plan was then prepared in two separate precincts, 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 March 2013.
15. 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

16. The *Albany Local Planning Strategy (ALPS)* identifies the subject land as part of a Future Urban Priority Development 3 Area, which indicates that it is of medium-term strategic importance.
17. 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. A location for a potential local centre has also been identified at the north-eastern corner of the site.
18. The Department of Planning, Department of Environment and Conservation (now Department of Parks and Wildlife) and Main Roads WA have highlighted some areas in which the draft plan is deficient. These matters can be addressed by way of modifications to the plan and are addressed in detail in Attachment PD008_aa_Sept13.
19. Overall, the draft Outline Development Plan is consistent with contemporary planning principles and State policies that deal with growth and development.

GOVERNMENT & PUBLIC CONSULTATION

20. 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 and Main Roads WA for assessment and comment. Responses were received from Department of Planning, Telstra, Western Power, Department of Water, Department of Environment and Conservation, Department of Education and Main Roads WA. The content of these submissions is summarised in Attachment PD008_aa_Sept13 with staff providing responses to the matters raised.
21. The draft Outline Development Plan was advertised in accordance with Clause 6.9.2 of Town Planning Scheme (TPS) No. 3 (see paragraph 24 below), between 4 April 2013 and 2 May 2013 for public comment.
22. Three submissions from members of the public were received during the public consultation period. The content of these submissions is summarised in Attachment PD008_aa_Sept13, with staff providing responses to the matters raised.

STATUTORY IMPLICATIONS

23. 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.”*
24. Clauses 6.6.1 and 6.9.2(A) set out the process 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, 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

25. There are no policy implications relating to this item.

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 control over the subdivision and development of some lots within the ODP area.</i>	<i>Almost certain</i>	<i>Moderate</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 adequately protect</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Mitigation entirely dependent on Council adopting the recommended modifications to the draft Outline Development Plan</i>

<i>remnant native vegetation and fauna species on Lots 10 (No. 10) and 19 Moortown Road and Lots 26 and 27 Balston Road from the effects of subdivision and development.</i>				<i>and planning report.</i>
<i>Adopting the draft Outline Development Plan in its current form may fail to provide adequate protection to homes bushfire risk attributed to remnant native vegetation on Lots 10 (No. 10) and 19 Moortown Road and Lots 26 and 27 Balston Road.</i>	<i>Possible</i>	<i>Severe</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 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 some areas of remnant native vegetation included in the ODP area and immediately adjacent. Taking the advice of the Department of Environment and Conservation (now the Department of Parks and Wildlife), it is recommended that the draft ODPs are modified to include notations requiring vegetation assessment in the form of a spring flora studies and bushfire management assessments for BAL setback to be undertaken and Local Development Plans to be prepared for these areas, prior to their development.

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 Precinct Plan will be necessary to facilitate the subdivision and development of Lots 2, 7, 8, 9, 11, 12, 13, 14, 15 and 16 South Coast Highway, Lots 1, 2, 26, 27, 55, 56, 85, 86 and 87 Balston Road, Lot 25 Cuming Road, Lots 10 (No. 4), 10 (No. 10), 19, 20, 21 and 23 Moortown Road, Lots 3, 4 and 5 Middle Street and Lots 17 and 18 Sydney Street, Gledhow
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. 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> .
File Number (Name of Ward)	:	ODP015 (West Ward)
Previous Reference	:	Copy of OCM 17/08/2010 – Item 1.8 Copy of OCM 19/03/2013 – Item 2.6