



*Planning and Development
(Local Planning Schemes)
Regulations 2015 – Part 6, Division 1 (r.65)*

“Report of a Review of Local Planning Scheme No.1”



Development Services

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1. Introduction

This document is a 'Report of a review of Local Planning Scheme No.1' (Scheme No.1).

The 'Report' is the result of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Reg's), which requires that, in each fifth year following the date a scheme was last published in the Government Gazette, the Local Government shall prepare a review by way of a report to the Commission on the operation of the scheme.

2. Background

Land use and development within the City of Albany is governed by the Scheme No.1.

The Scheme No.1 was gazetted on 28 April, 2014 to replace five (5) schemes and to oversee development and land-use applications within the whole municipality.

Since gazettal of the Scheme No.1 in 2014, there has been 18 scheme amendments, including a recent Amendment No. 29 (2019), which introduced new provisions consistent with deemed provisions contained in the Reg's.

The City has recently adopted a Local Planning Strategy (Strategy 2019), which recommends that the City's Scheme No.1 is further modified to make consistent with the States Model Scheme and in view of submissions received during the advertising of the Strategy 2019.

3. Scheme Details

The Scheme No.1 consists of:

- a) A 'Preliminary' section that defines the scope, content and objectives of the scheme;
- b) Sections dealing with land zoned and land reserved in the City of Albany;
- c) A zoning table, which identifies which land uses may or may-not be considered in different zones;
- d) General development standards; and
- e) Specific areas with specific standards.

The format of the City's Scheme No.1 generally aligns with the State's Model Scheme; however, there are discrepancies with zone classifications, reserve classifications and land use definitions.

The standards in the City's Scheme No.1 for specific areas (e.g. Special Residential areas), are also convoluted. For example, there are two sets of standards applicable to rural living areas. Only one set is needed.

4. Strategic Context

The City's Scheme No.1 has been amended to meet recommendations of the 2010 Local Planning Strategy.

The Commission resolved in September 2019 to finally endorse the City of Albany, Local Planning Strategy 2019.

The Strategy 2019 includes recommendations to bring the Scheme No.1 in-line with the Commission's Model Scheme and to address issues raised the result of public and agency consultation.

5. Scheme amendments

The following table lists the Scheme No.1 amendments since gazettal in 2014.

No.	Amendment Summary	Gazettal Date
13	First omnibus amendment to address matters arising from the implementation of Local Planning scheme No.1, including; Rectify zoning anomalies Rectify land use permissibility Adding land uses Rectify typographical errors	10/06/16
8	Rezoning Lot 103 Cockburn road, Mira Mar from "Residential R30" to "Regional Centre Mixed Business" Rezoning Lot 104 Campbell Road, Mira Mar from "Residential R30" with 'Additional Use AU17 Medical Centre' to "Regional Centre Mixed Business"	17/06/16
2	Relates to the Landcorp development at Emu Point. Reserve a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 (currently zoned 'Future Urban') and a portion of Lot 1523 Emu Point Drive, Emu Point (currently zoned 'Future Urban') for 'Parks and Recreation'. Transfer a portion of Lot 3000 Emu Point Drive, Collingwood Park from the 'Parks and Recreation' local scheme reserve to the 'Future Urban' zone	05/08/16
16	Modify Schedule 4 - Special Use Zone No. SU17, condition 1 to include 'Park Home Park' as a land use with 'D' permissibility. Modify Schedule 4 - Special Use Zone No. SU17, to insert a new condition 6.	05/08/16
11	Rezoning Lot 312 and Lot 1315 Cockburn Road Mira Mar from "Residential R30" to "Regional Centre Mixed Use" with R30 density code and "A31" designation in accordance with the Scheme Amendment Map.	30/09/16
1	Establishing Special Use Zone SU25 and the associated provisions to provide the statutory framework enact the Middleton Beach Improvement Plan.	24/01/17
10	Rezoned Lot 11 (No.264) Nanarup Road, Kalgan from 'Residential R1' to 'Special Residential Zone SR21' and insert relevant provisions	10/02/17
18	Establishing provisions for aged persons accommodation and healthcare hub. Rezoned Lots 201, 202 and 203 Chester Pass Road from 'General Agriculture' to 'Special Use Zone SU23'. Amended Schedule 4 - Special Use Zones No 23.	10/02/17
19	Amendment to normalise the structure plan provisions into the scheme, including both reservations and residential densities.	17/02/17
21	Rezoned Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road Lange from the General Agriculture zone to the Future Urban Zone.	11/07/17
17	Rezoning 107 (Lot 36) Catalina Road, Lange from 'Public use: Government' Local Scheme Reserve to the 'Residential' zone with an applicable density code of 'R30'.	12/09/17
14	Rezoning Lots 1447, 3 and 72 Frederick Street, Albany from the 'Residential' zone to the 'Regional Centre Mixed Use' zone; Rezoning Lot 144 Frederick Street, Albany from the 'Parks and recreation' reserve to the 'Regional Centre Mixed Use' zone; and	24/10/17
25	Rezoning a 2.7785ha portion of Lot 1000 (No. 16) Lockheed Road, Lange from 'General Agriculture' zone to 'Future Urban' zone.	12/01/18
4	Designating an Additional Use Site over Lot 104 Rocky Crossing Road, Willyung including Additional Uses of Plant and Equipment Storage and Maintenance, Office (Incidental), Mobile Asphalt Plant, and Storage of materials associated with the preparation and production of asphalt on Lot 104 Rocky Crossing Road, Willyung. Amending Schedule 2 - Additional Uses to incorporate provisions relating to Lot 104 Rocky Crossing Road, Willyung.	01/06/18

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22	Creating a new 'Environmental Conservation' reserve. Adding a notation to the Scheme Map legend. Adding Planning Objectives for the 'Environmental Conservation' reserve to clause 3.6 of the Scheme Text. Rezoning Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from 'General Agriculture' zone to 'Future Urban' zone.	30/10/18
28	Designating Lot 312 Bay View Drive as an 'Additional Uses' site No. 33 to allow for grouped and multiple dwellings.	18/1/19
33	Designating a portion of Lot 1 Frenchman Bay Road, Little Grove as an Additional Use site and providing the ability for group and multiple dwellings and commercial uses.	25/6/19
29	Text Amendment – Replacing and Introducing New Provisions consistent with the Model Provisions contained in the Planning and Development (Local Planning Schemes) Regulations 2015.	24/8/19

6. Development Activity in Local Government Area

Structure plans

The following structure plans have been endorsed under the Scheme No.1:

- YAKAMIA STRUCTURE PLAN;
- LSP1 - STRUCTURE PLAN FOR PENDEEN INDUSTRIAL AREA IA2;
- MIDDLETON BEACH ACTIVITY CENTRE STRUCTURE PLAN;
- LSP14 – MCKAIL STRUCTURE PLAN (AMENDMENTS TO ORIGINAL);
- LSP17 – JOHNSTON CREEK RURAL RESIDENTIAL;
- EAST-GLEDHOW-SOUTHERN-CATCHMENT-STRUCTURE-PLAN;
- LSP5 - WARRENUP/WALMSLEY LOCAL STRUCTURE PLAN;
- LSP18 - GEORGE STREET, GLEDHOW.

Dwelling commencements (based on building licences);

Approximately 1000 Building Permits have been issued for new dwellings since the gazettal of the Scheme No.1.

Commercial development activity

The City of Albany has had the following significant commercial private sector developments under the Scheme No.1:

Development Name	Value (millions)	Stage
Juniper Nursing Home	30m	Completed
Waterfront Hotel	17m	Commenced construction
Coles Shopping Centre	11m	Completed
Frenchman Bay Tourist Development	10m	DA issued.
Dog rock Hotel additions	8.5m	DA issued
Student Housing Serpentine Road	8.3m	Commenced construction
Cockburn Road Group Dwellings	6.2m	Completed
Sporting Stadium	5.3m	Completed
MSWA Facility	5m	DA issued
Earl St group dwellings	4.55m	DA issued
Service Station Mckail	3.5m	Under Construction
Bethel School Early Learning Centre	3.5m	Completed
Cockburn Rd Day Hospital	3.4m	Completed

Duke St Mixed use Development	2.2m	Building Permit issued
Student Housing Stirling Terrace	2m	Completed
Service Station Shell	1.8m	Completed
Amity Rose Funeral parlour	1.8m	Completed
Service Station Caltex	1.2m	Completed
Service Station Puma	1.1m	Completed

Other available development information - to assist in understanding the Development patterns and activity in the area.

The City of Albany has issued approximately 3300 development determinations since the gazettal the Scheme No.1. The number of determined development applications a year is generally increasing.

Year	Applications Determined
2014	586
2015	606
2016	637
2017	655
2018	624

7. Population Change

The City of Albany is a regional local government located within the Great Southern Region of Western Australia. The local government area covers 431,048ha with a 2018 population of 37,826 residents.

Western Australia Tomorrow Population Report No.11 provides the following Band C forecast figures for the City of Albany Local Government Area:

2021 – 39,230

2026 – 41,620

2031 – 44,340

Based on the City's population forecast, and the research undertaken for the preparation of the Strategy 2019, there is sufficient land already zoned in Albany for more than 60 years of growth.

One of the key objectives of the Strategy 2019, is to contain urban development and rural living within the existing supply of land zoned and planned for settlement growth and to promote urban consolidation by making better use of existing zoned land and infrastructure through urban renewal, infill residential and rural living development.

Urban consolidation will be achieved through building on the existing strengths of the regional centre and other activity centres, such as Middleton Beach and Albany Waterfront, and by progressively expanding the City's retail centric shopping area to meet the shopping, employment and recreational needs of the community. Consolidation will also be achieved by undertaking urban renewal initiatives in Spencer Park and Centennial Park and by identifying residential infill opportunities that will offer a variety of housing types.

8. Consultation

The City has recently reviewed its Strategy 2019, which involved an extensive consultation process to recommend actions for reviewing the City's Scheme No.1.

9. Officer's comments

Is the scheme capable of facilitating the type of development for which demand is anticipated?

Noting that the Scheme No.1 has been subject to a number of amendments and including two omnibus amendments, it is considered that the planning scheme is capable of facilitating and guiding the future development demands for the City of Albany.

The LSP 2019 has identified that there is suitable supply of land structure planned and zoned to accommodate the rate of demand.

The recently adopted LSP 2019 has however highlighted areas in which the Scheme No.1 should be modified.

Are there structure plans that need to be incorporated into the scheme?

There are a number of structure plans and associated provisions, which may be incorporated into the Scheme via 'Special Control Areas'.

There may also be the need to identify Development Contribution Areas and to develop Development Contribution Plans for the purpose of acquiring cash and/or land contributions for important regional infrastructure.

Can the direction and recommendations established in the Local Planning Strategy be implemented through the Scheme or are amendments to the scheme required?

Amendments to the scheme are required, the result of the Strategy 2019 recommendations.

Does a review of the local planning strategy need to be undertaken?

As outlined earlier, the City has reviewed the Local Planning Strategy 2010 and has endorsed the Strategy 2019.

The review process of the Local Planning Strategy 2010 was undertaken with the following inputs;

- The preparation of background papers in conjunction with Working Groups consisting of relevant staff and State agencies;
- Specialist reports on key strategic matters; and
- Stakeholder consultation throughout the strategy preparation.

The background papers undertook investigation into five subjects, namely: population, settlement and housing; the economy & employment lands; community; environment; and infrastructure and services.

The specialist reports prepared are as follows:

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- *Review of Albany Activity Centres Planning Strategy (2015);*
- *Industrial Ecology Mapping and Industry Attraction Strategy (2015);*
- *Industrial Land Strategy (2017); and*
- *Albany Regional Hot Spots Land Supply Update (2015).*

As a result of this analysis and discussion, what recommendation will the local government make to the WAPC in regard to the review of the scheme?

The City of Albany considers that the Scheme No.1 is functioning well with the recent introduction of model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Scheme Amendment 29)*.

Noting that the Strategy 2019 has been endorsed with recommendations to undertake amendments to the scheme and noting some inconsistencies with the State's Model Scheme and convoluted standards for rural living areas, it is recommended that the existing scheme is repealed and that a new scheme is prepared in its place.

10. Recommendation

That Council, pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission, that the City of Albany *Local Planning Scheme No.1* should be repealed and a new scheme prepared to accommodate recommendations of the Local Planning Strategy 2019.