



AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

03 December 2014

5.30pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

TERMS OF REFERENCE

(1) Function:

The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:

- (a) To advocate, plan and build connected, liveable communities;
- (b) To create a community that supports people of all ages and backgrounds;
- (c) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

(2) It will achieve this by:

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community ; and
- (g) Making recommendations to Council.

- (3) Chairperson:** Councillor V Calleja
- (4) Membership:** Open to all elected members, who wish to be members
- (5) Meeting Schedule:** 1st Wednesday of the Month
- (6) Meeting Location:** Council Chambers
- (7) Executive Officer:** Executive Director Planning & Development Services
- (8) Delegated Authority:** None

PLANNING AND DEVELOPMENT COMMITTEE
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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders both past and present”.

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Councillors:

Mayor	Mayor D Wellington (Deputy Chair)
Member	A Hortin JP
Member	A Goode JP
Member	R Hammond
Member	R Sutton
Member	G Gregson
Member	S Bowles
Member	N Williams
Member	B Hollingworth

Staff:

Executive Director Planning & Development Services	D Putland
Manager Planning	J van der Mescht
Planning Officer	C McMurtrie
Senior Planning Officer	A Bott
Minutes	J Cobbold

Apologies:

Member	V Calleja JP (Chair)
Member	S Bowles

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4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Planning and Development Committee Meeting held on 05 November 2014, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS

Proposed Planning Updates - Alex Bott
Update of Due South Extensions – Jan van der Mescht

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

PD064: CONSIDERATION OF MODIFIED DEVELOPMENT GUIDE PLAN FOR GENERAL INDUSTRIAL AREA IA2 – PENDEEN INDUSTRIAL ESTATE FOR THE PURPOSE OF REFERRAL TO THE WESTERN AUSTRALIAN PLANNING COMMISSION

Land Description : Multiple lots within General Industrial Area IA2
Proponent : Smithson Planning
Owner : Multiple owners
Business Entity Name : Multiple business entities
Attachments :
: 1. Modified Development Guide Plan report
: 2. Modified Development Guide Plan
:
Councillor Workstation : NIL
Report prepared by : Planning Officer (C McMurtrie)
Responsible Officer: : Executive Director Planning and Development
Services
(D Putland)

Responsible Officer's Signature:	
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STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. There are no strategic implications in relation to this item.

In Brief:

3. A request has been submitted to Council to adopt a modified development guide plan for Pendeen Industrial Estate, which has been updated to reflect the existing subdivision layout and to remove the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road, for the purpose of referral to the Western Australian Planning Commission and public advertising, if necessary.
4. City planning Staff support the proposal, as it is a more accurate depiction of the subdivision layout than the current plan, and there is no planning reason for the retention of the 'Landscape Area' described above.

RECOMMENDATION

PD064: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **RESOLVES** to adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission

AND

2. **RESOLVES** to adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of public advertising, should the Western Australian Planning Commission deem it necessary.

BACKGROUND

5. The modified Development Guide Plan for General Industrial Area IA2 has been prepared primarily to remove the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road. The plan also accurately reflects the existing subdivision layout.
6. When *Local Planning Scheme No. 1* was advertised for public comment, the proponent had lodged a submission on behalf of their client group, requesting the removal of the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road.
7. City staff supported the submission in principle, although the Scheme review was not the appropriate process by which to adopt a modified Development Guide Plan. It was recommended to the proponent that a modified Development Guide Plan be lodged and assessed separately, following gazettal of the Scheme.

DISCUSSION

8. The original Development Guide Plan was read in conjunction with clause 5.23 *Elizabeth Street Special Industry Area* (now known as *IA2 Pendeen General Industrial Estate*) of former *Town Planning Scheme No. 3*, which stated that:

"Subdivision of the Elizabeth Street Special Industry Zone shall be generally in accordance with the Development Guide Plan endorsed by the Chief Executive Officer."

9. The eventual subdivision layout did not exactly mirror the original Development Guide Plan, owing to the wording of the relevant Scheme clause being "generally in accordance with", which permitted minor variations.
10. The modified Development Guide Plan incorporates an updated subdivision layout that accurately reflects these variations.
11. However, the primary reason for seeking to modify the Development Guide Plan is to remove the requirement for a 20m wide 'Landscape Area' across the southern extent of Lots 61, 62, 163 and 64 Pendeen Road.

12. When the original Development Guide Plan was prepared, Lots 7 and 8 Chester Pass Road lay immediately to the south of Lots 61, 62, 163 and 64 Pendeen Road. Lots 7 and 8 each had an area of approximately 1.6ha, were zoned 'Rural' and were each occupied by a single house and associated outbuildings. The 'Landscape Area' was placed over the southern extent of Lots 61, 62, 163 and 64 Pendeen Road in an attempt to mitigate any adverse effects that the development of future industries may incur on the occupants of Lots 7 and 8. These may have included, but not been limited to, visual impacts, noise and dust nuisance.
13. However, after the adoption of the original Development Guide Plan, Main Roads WA compulsorily purchase Lots 7 and 8 Chester Pass Road in order to develop stage one of the Albany Ring Road; namely Menang Drive. The construction of Menang Drive has led to the removal of all buildings on Lots 7 and 8 and a road verge measuring between 30 and 70m in width between the road and the back of Lots 61, 62, 163 and 64. The road verge has also been revegetated by Main Roads WA.
14. These changes have made the 'Landscape Area' redundant, because they have led to the removal of sensitive land uses adjacent to the industrial area and provided a wider landscaped area in the road verge than was provided on the lots. The removal of the 'Landscape Area' from the lots would also open up between 900 and 1400m² in useable space on each lot.
15. Overall, it is agreed that a more accurate depiction of the existing subdivision layout is beneficial and that the 'Landscape Area' is no longer required due to the changes on the adjoining land. Staff support these proposed changes to the Development Guide Plan and recommend that it is referred to the Western Australian Planning Commission for their assessment.

GOVERNMENT & PUBLIC CONSULTATION

16. No consultation is required at this stage. However, the affected landowners have been involved in the preparation of the modified Development Guide Plan and are supportive of the proposal. The Western Australian Planning Commission may require the plan to be advertised for public comment.

STATUTORY IMPLICATIONS

17. *Local Planning Scheme No. 1* contains various clauses that outline the process for the modification of a Development Guide Plan.
18. *Schedule 11 – Industrial Area IA2*, clause 1.1 states that:

“Subdivision of the land shall generally be in accordance with Development Guide Plan IA2 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.”
19. Part 5.9.1.10 *Structure Plans and other Planning Instruments Adopted or Initiated under Previous Schemes* states that:

“5.9.1.10.1 Where, pursuant to the requirements of the former City of Albany Town Planning Scheme No. 1A or 3 (the “Previous Schemes”), a Structure Plan, Precinct Plan, Subdivision Guide Plan, Outline Development Plan, Detailed Area Plan or any similar instrument (a “Planning Instrument”) had been adopted and was operative at the date of the Gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Plan under this Scheme.”

20. Part 5.9.1.6 *Change and Departure from Structure Plan* states that:

“5.9.1.6.1 *The Local Government may adopt a minor change to or departure from a Structure Plan, if in the opinion of the Local Government, the change or departure does not materially alter the intent of the Structure Plan.*

5.9.1.6.2 (a) *The Local Government is to forward a copy of the minor change or departure to the Western Australian Planning Commission within 10 days from the date of adopting the minor change or departure.*

(b) *If the Western Australian Planning Commission considers that the change or departure adopted by the Local Government under clause 5.9.1.6.1 materially alters the intent of the Structure Plan, the Commission:*

(i) *May require the Local Government to follow the procedures set out in clause 5.9.1.5 in relation to the change or departure; and*

(ii) *Is to notify the Local Government of this requirement within 10 days.”*

21. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

22. Nil.

RISK IDENTIFICATION & MITIGATION

23. The following risk matrix is presented for consideration:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisation’s Operations</p> <p><i>By not adopting the modified Development Guide Plan, the City risks complications arising in the assessment of future subdivision and development applications, as a result of the variance between the original Development Guide Plan and actual subdivision layout and the retention of a redundant ‘Landscape Area’.</i></p>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>By adopting the modified Development Guide Plan, which accurately depicts the existing subdivision layout and removes the redundant ‘Landscape Area’.</i></p>

FINANCIAL IMPLICATIONS

24. Nil.

LEGAL IMPLICATIONS

25. Nil.

ENVIRONMENTAL CONSIDERATIONS

26. The subject lots are located approximately 6.9km north of Albany town centre. The lots on the Industrial Estate range in area from approximately 4000m² to 4.2ha. They cover a cleared hillside that slopes gently downward to the east and north-east, toward Chester Pass Road. Many of the lots are already developed with large industrial buildings, silos and hardstands for the storage of vehicles, materials and equipment.
27. Lots 61, 62, 163 and 64 occupy the land immediately north of the Menang Drive alignment, between Copal Road and Chester Pass Road. They range in area from 6000m² to 1.23ha and all slope gently downward from west to east. Lot 61 is developed with a large workshop surrounded by hardstand with a smaller shed toward the south-eastern corner of the lot. The southern extent of the lot is occupied by a small stand of trees and a grassed area which is form the present 'Landscape Area'. Lots 62 and 163 are currently occupied by the same business, with Lot 62 used for the storage of plant and equipment, while Lot 163 is developed with a large workshop and hardstands. Lot 64 is currently vacant and bounded on its southern and eastern extents by a belt of trees forming the 'Landscape Area'.

ALTERNATE OPTIONS

28. Council has the following alternate options in relation to this item, which are:
- To adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission, subject to modification; or
 - Not to adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission.

SUMMARY CONCLUSION

29. It is recommended that Council adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission and public advertising, should it be deemed necessary, as the proposal offers a more accurate depiction of the subdivision layout than the current plan and removes the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road, which is now considered redundant, owing to the construction of Menang Drive.

Consulted References	:	1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2010 3. City of Albany Strategic Community Plan 2023 4. City of Corporate Business Plan 2013-2017 5. WA Planning Commission (WAPC) Statement of Planning Policy (SPP's) SPP1
File Number (Name of Ward)	:	
Previous Reference	:	NIL

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
16. **REPORTS OF CITY OFFICERS**
17. **MEETING CLOSED TO PUBLIC**
18. **CLOSURE**