

ATTACHMENTS

Planning and Development Committee Meeting

03 December 2014

5:30pm

City of Albany Council Chambers

PLANNING AND DEVELOPMENT COMMITTEE
ATTACHMENTS –03/12/2014

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SMITHSON PLANNING

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Our Ref : W2011-0025
 Your Ref : City of Albany LPS # 1 – Pendeen Industrial Estate DGP

Mr Graham Foster
 Chief Executive Officer
 City of Albany
 PO Box 484
 ALBANY WA 6331

Attention : Dr Pale Putland

10 July 2014

Dear Mr Foster

CITY OF ALBANY LOCAL PLANNING SCHEME #1
Pendeen Industrial Area IA2 – Variation of Development Guide Plan (Landscape Buffer)

I refer to Council's letter dated 05 June 2014 canvassing the final approval of the City of Albany Local Planning Scheme No.1 (LPS #1), and more particularly our submission K-18 on behalf the landowners mentioned below.

I also refer to Smithson Planning's correspondence and discussions with officers of the City of Albany over the past three years canvassing along the way :

1. A proposed Town Planning Scheme Amendment in respect to former City of Albany TPS #3
2. Our submission K-18 to the Draft LPS #1 in February 2012 (subsequently endorsed in 2013)
3. Subsequent exclusion of that modification from the final approval LPS #1.

Following recent discussions with officers of the City of Albany, Smithson Planning has been instructed by our client group (the owners of the subject lands), to once again request finalisation of this matter by presenting the modified Development Guide Plan for endorsement by Council.

The subject lands are described as follows, with the identified tenure :

- ❖ Lot 61 (#27) Pendeen Road, Willyung – Peters Investments Pty Ltd
- ❖ Lot 62 (#21) Pendeen Road, Willyung – Palmers Earthmoving Pty Ltd
- ❖ Lot 163 (#17) Pendeen Road, Willyung – Palmers Earthmoving Pty Ltd
- ❖ Lot 64 (#13) Pendeen Road, Willyung – L. & C. Gatti.

The subject lands are situated approximately 8 kilometres due North of the Albany Town Hall, within the Pendeen Industrial Estate along the south side of the Pendeen Road cul-de-sac.

Proposal in brief

Within LPS #1 – Schedule 11 – Industrial Area 2 (Pendeen) – Clause 1. Subdivision states :

- 1.1 Subdivision of the land shall generally be in accordance with Development Guide Plan IA2 endorsed by the CEO (of the City of Albany), with any minor variations approved by the Western Australian Planning Commission.**

It is **NOT** proposed, nor is it deemed necessary, to amend the City of Albany LPS #1 – however, it is proposed to modify the Pendeen Industrial Area Development Guide Plan IA2 in respect to those subject lands fronting Pendeen Road by deleting that section of the specified 20m wide landscaped buffer adjoining the southern (rear) boundaries of those properties – for simplicity, this is the only modification being entertained.

Following the construction of the Menang Drive section of the Albany Ring Road (Stage 1), the specified landscape buffer area is now redundant. The adjoining road reserve has been planted with vegetation, and with maturity will deliver the screening of industrial land use activity. The release of the landscape buffer will also enable the full utilisation of the industrial area available on each private land holding.

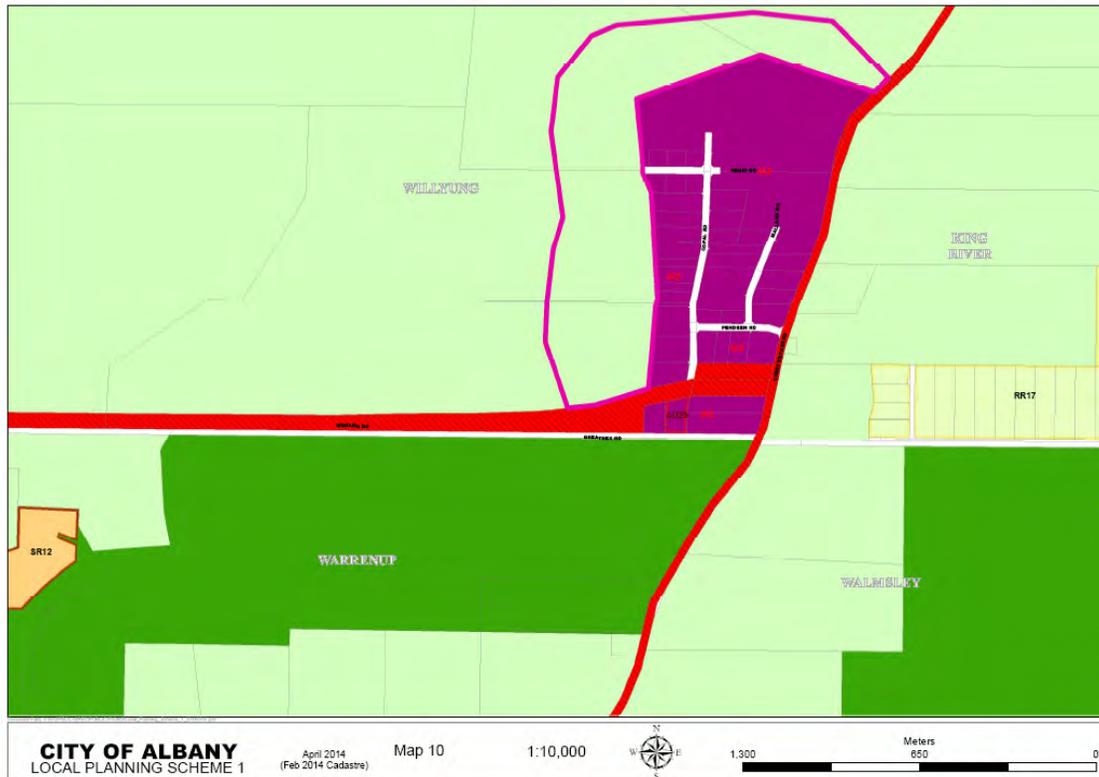
Figure 1 – District Location Plan



Source : Google Maps (11 Oct 2013)

LPS 1 Zoning & Land Use

Under the City of Albany LPS #1, the Pendeen Industrial Area comprises an inner core Pendeen Road / Gopal Road / Mallard Road '**General Industry**' zone (denoted IA2), surrounded by the '**General Industry - Rural Buffer**' zone (denoted IA2BA), and that is surrounded by '**Rural**' zone land (shown coloured light green).

Figure 2 – City of Albany Local Planning Scheme No.1

Source : City of Albany (28 April 2014)
(Map #10 – Willyung)

The objectives for the General Industry Zone, as specified in LPS #1 stipulate :

4.2.14 General Industry Zone

- (a) *Provide for the establishment of industries, including medium and large-scale activities on land which provides for manufacturing, processing, fabrication, storage and distribution of goods, utilities and communications and associated uses that contribute to Albany's economic growth and its regional centre status within the Great Southern region;*
- (b) *Restrict retail activities from premises to those activities that are incidental to the primary industrial function on the site;*
- (c) *Provide for any required buffer areas around land uses in accordance with the Environmental Protection Authority's Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses and regulate development within the buffer area to ensure compatibility with the industrial activities and surrounding land uses; and*
- (d) *Restrict the sizes and location of signs and encourage on-site landscaping to improve the visual amenity within the zone.*

The land use applicable in each zone is specified in Table 1 of LPS #1, and further relevant Appendices.

Chester Pass Road is denoted a '**Major Road**' under LPS #1, and forms part of Australian National Highway One connecting Albany to Esperance (via Jerramungup).

The Albany ring road, Menang Drive, is also denoted a '*Major Road*' under LPS #1, and connects Chester Pass Road to Albany Highway, as well as providing sole vehicle access to the Pendeen industrial area.

Following discussions with Main Roads WA, those lots immediately south of the subject lands have been amalgamated into the Menang Drive and Chester Pass Road reserves. The lands have been cleared, and all buildings demolished or otherwise removed, with extensive revegetation taking place to the landscape strip.

Palmer Earthmoving was contracted by Main Roads WA to 'form & rip' the road reserve immediately north of Menang Drive (immediately south of the subject lands) where it intersects with Chester Pass Road, and a series of native vegetation plantings were commenced to re-establish the landscape buffer between the land use of Pendeen Industrial Estate and the adjoining major road (as per the intent of the Scheme provisions).

In accordance with provisions of LPS #1, the four parcels of land fronting Pendeen Road affected under the proposed modification are zoned General Industry, and feature the noted land use activity :

- ❖ Lot 61 (#27) – Heavy vehicle workshop, storage & maintenance (Albany Truck Centre)
- ❖ Lot 62 (#21) – Earthmoving equipment storage & maintenance (Palmer's Earthmoving)
- ❖ Lot 163 (#17) – Earthmoving equipment storage & maintenance (Palmer's Earthmoving)
- ❖ Lot 64 (#13) – Vacant land (Gatti Investments).

In relation to the General Industry zone, Clause 5.5.12 of LPS #1 stipulates :

5.5.12.2 In addition to any general provisions contained within the Scheme, special provisions relating to specific industry zones contained in Schedule 11 will apply.

5.5.12.3 Where an industrial area is contained in Schedule 11, a person may only use land, or any structure or buildings on that land for those purposes set out against the land within Schedule 11 and subject to compliance with any conditions set out in Schedule 11 with respect to that land.

Within LPS #1 – Schedule 11 – Industrial Area 2 (Pendeen) – Clause 1. Subdivision states :

- 1.1 Subdivision of the land shall generally be in accordance with Development Guide Plan IA2 endorsed by the CEO (of the City of Albany), with any minor variations approved by the Western Australian Planning Commission.

It is considered that the proposal to remove the 20m landscape buffer fully complies with the intent, objectives and development provisions associated with General Industrial Area IA2.

The Development Guide Plan for IA2, applicable to the Pendeen Industrial Estate, is referred to in LPS #1 at Clause 5.5.12 and Schedule 11, but is not itself a map included in LPS #1.

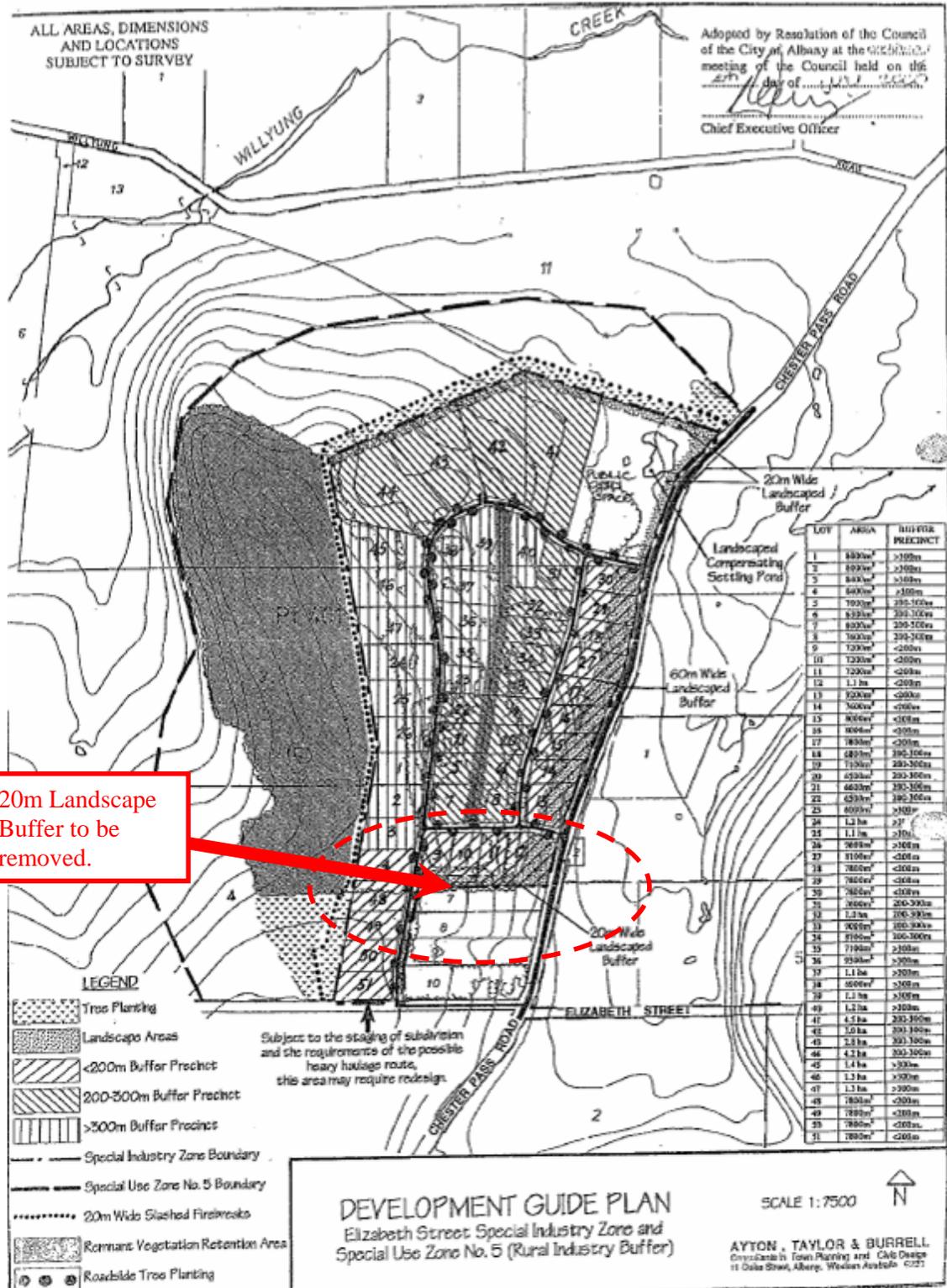
As discussed with officers of the City of Albany, we are of the opinion that the proposed variation does not constitute a Scheme Amendment, but a minor modification to the Development Guide Plan.

The specific proposal was canvassed in the Draft LPS #1 review process of 2013, and our submission K-18 was advertised along with all the other proposed modifications, and subsequently endorsed by the City of Albany for final approval at a Special Council meeting of 30 April 2013 – recent discussions suggest that the position of Council's officers has not varied over the past three years and they maintain their support for the outcome.

However, as raised by the WA Department of Planning during the LPS #1 review process, the Department was of the opinion that the community had not had a chance to comment on the proposed change, and accordingly, removed modification K-18 from the final approval process and the gazetted LPS #1.

It is now necessary for the Council to adopt the revised plan, and in view of the Department's officer comments, Smithson Planning would recommend the proposed Development Guide Plan IA2 be advertised for a period, and any submissions considered by the City of Albany.

Figure 3 – Elizabeth Street Special Industry Zone (Current).



Source : City of Albany (Development Guide Plan - Existing)

Figure 4 – Aerial Photo of Pendeen Road, Willyung.

Source : Google Earth (11 Oct 2013)

Main Roads WA are not required to gain planning consent for development of their reserved lands. It is clear from the negotiations undertaken in respect to the amendments to Town Planning Scheme No.3 supporting the introduction of the Elizabeth Street Special Industry zone that there was always an expectation that the lands about the Albany Ring Road reserve would be subject to resumption / compulsory acquisition, earthworks, and revegetation to form a landscape buffer.

That process has been undertaken, and the vegetation buffer re-established – whereupon the landscape buffer affecting the subject lands is redundant, virtually non-existent, and a hindrance to property development.

In accordance with established agreements between Main Roads WA, the City of Albany and road construction contractors, native tree species endemic to the area have been planted in this location, and will with maturity provide an effective long-term strategic landscape buffer between the Pendeen Industrial Estate, Chester Pass Road, Menang Drive and the adjoining rural lands.

External boundary fencing has already been constructed by Peters Investments (Lot 61) and Palmer Earthmoving (Lots 62 & 163) – Gatti Investments (Lot 64) remains unfenced.

The remaining vegetation on the three sites comprises :

- ❖ Peters Investments (Lot 61) : the two large trees at the rear
- ❖ Palmer Earthmoving (Lots 62 & 163) : cleared lands
- ❖ Gatti Investments (Lot 64) : Chester Pass Road in tact / Menang Drive semi-cleared.

Figure 5 – Albany Ring Road Realignment (Potential Future >10 years)

Source : Main Roads WA Albany dated : 07 December 2011
(Chester Pass Road & Menang Drive)

Aside from this preliminary plan from 2011, Main Roads WA has not declared any land requirements during the LPS #1 review process of 2013, and there is no provision for the proposed realigned road reserve in the gazetted scheme. Main Roads WA has further confirmed that there is no money in the 5-year capital works program for the project, the project has no legs either legally or practically for probably at least 10 years.

Conclusion

The subject lands are part of an industrial estate designed specifically to cater for transport and heavy haulage vehicles, storage and maintenance.

The annotated 20m wide landscape buffer at the rear of the subject lands on the current Development Guide Plan IA2 is now redundant for the purposes of protecting visual amenity and landscape buffer, and its removal was clearly canvassed during the LPS #1 review process, as endorsed by the Council in 2013.

The removal of the specified landscape buffer will enable those three private landowners to make full use of their four industrial lots (increasing property values and encouraging investment confidence), in accordance with the provisions of the City of Albany LPS #1.

Yours faithfully

SMITHSON PLANNING

Neil R. Smithson

Neil R. Smithson

Managing Director

PIA^{CPP}, EIANZ, NELA, LGPA, AAPC, NTWA, FDI, CSC 2003

Figure 6 – General Industry Area #2 DGP (Proposed).

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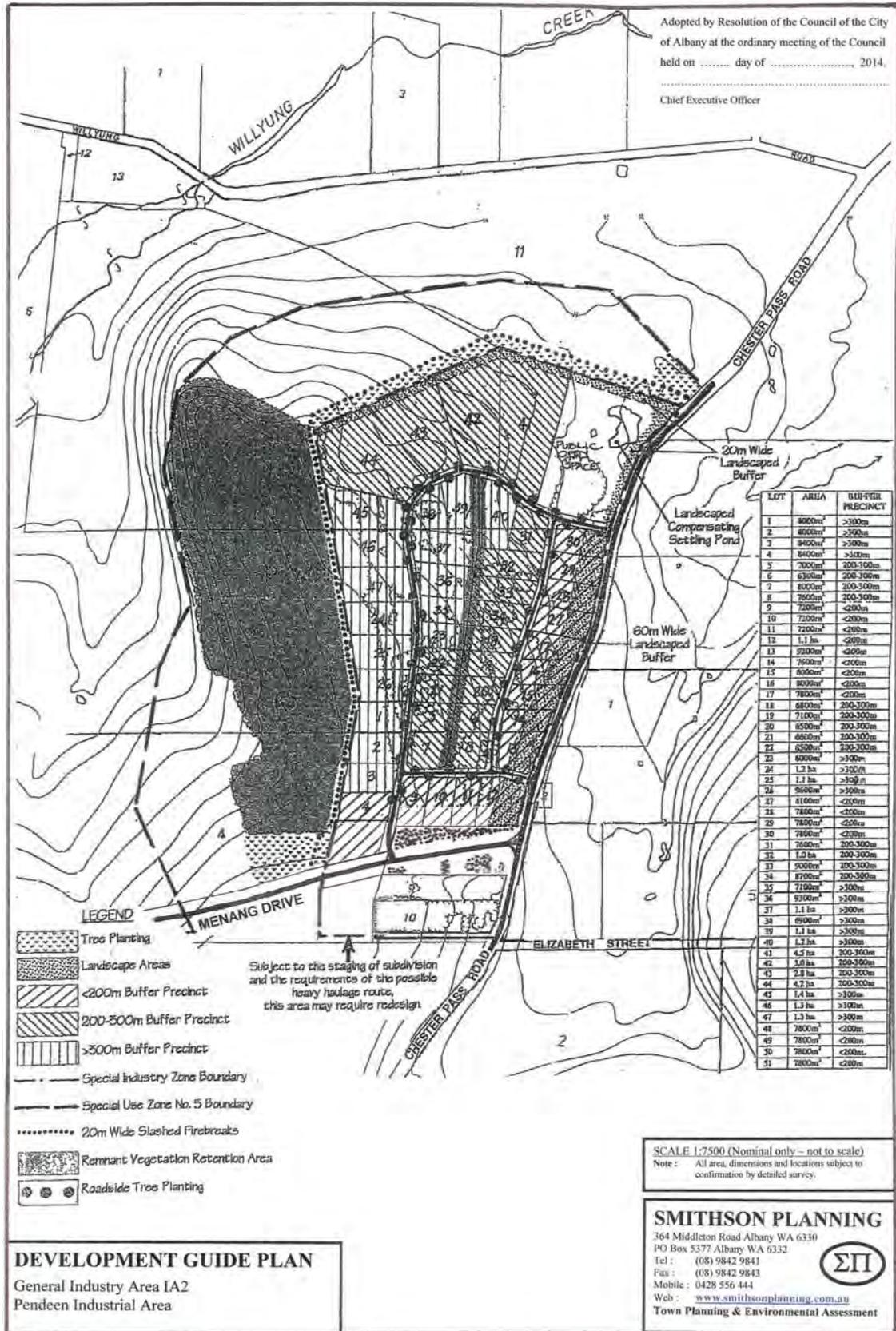
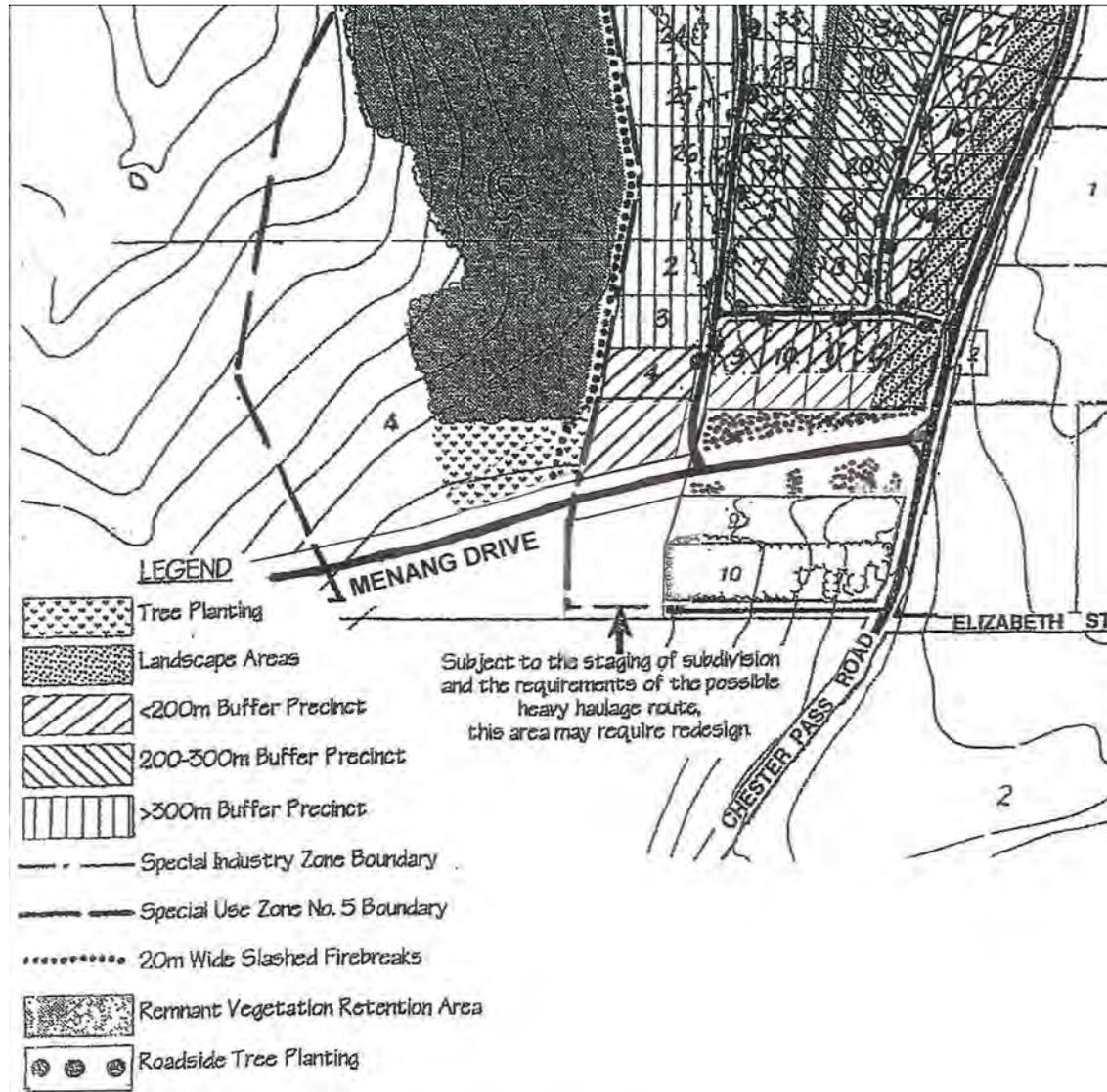


Figure 7 – General Industry Area #2 DGP - (Enhanced).



DEVELOPMENT GUIDE PLAN
 General Industry Area IA2
 Pendeen Industrial Area

Source : Smithson Planning, Development Guide Plan IA2 (Proposed) – Enlarged.

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Appendix A

PENDEEN ROAD LAND USE

Pendeen Road : Land uses on south side (TCA, Palmer, Vacant)

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06 Jul 2011



06 Jul 2011



08 Jul 2014

Source : Smithson Planning

Appendix B

MENANG DRIVE LANDSCAPING

Menang Drive & Chester Pass Road road reserves – landform & revegetation



08 Jul 2014



06 Jul 2011



06 Jul 2011

Source : Smithson Planning

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Appendix C PENDEEN ROAD LANDSCAPING & FENCING

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Peters Investments – rear boundary fence & revegetation



08 Jul 2014

Palmer Earthmoving – rear boundary fence & revegetation



06 Jul 2011

Gatti Investments – no boundary fence & the current vegetation buffer



08 Jul 2014

Source : Smithson Planning

DEVELOPMENT GUIDE PLAN

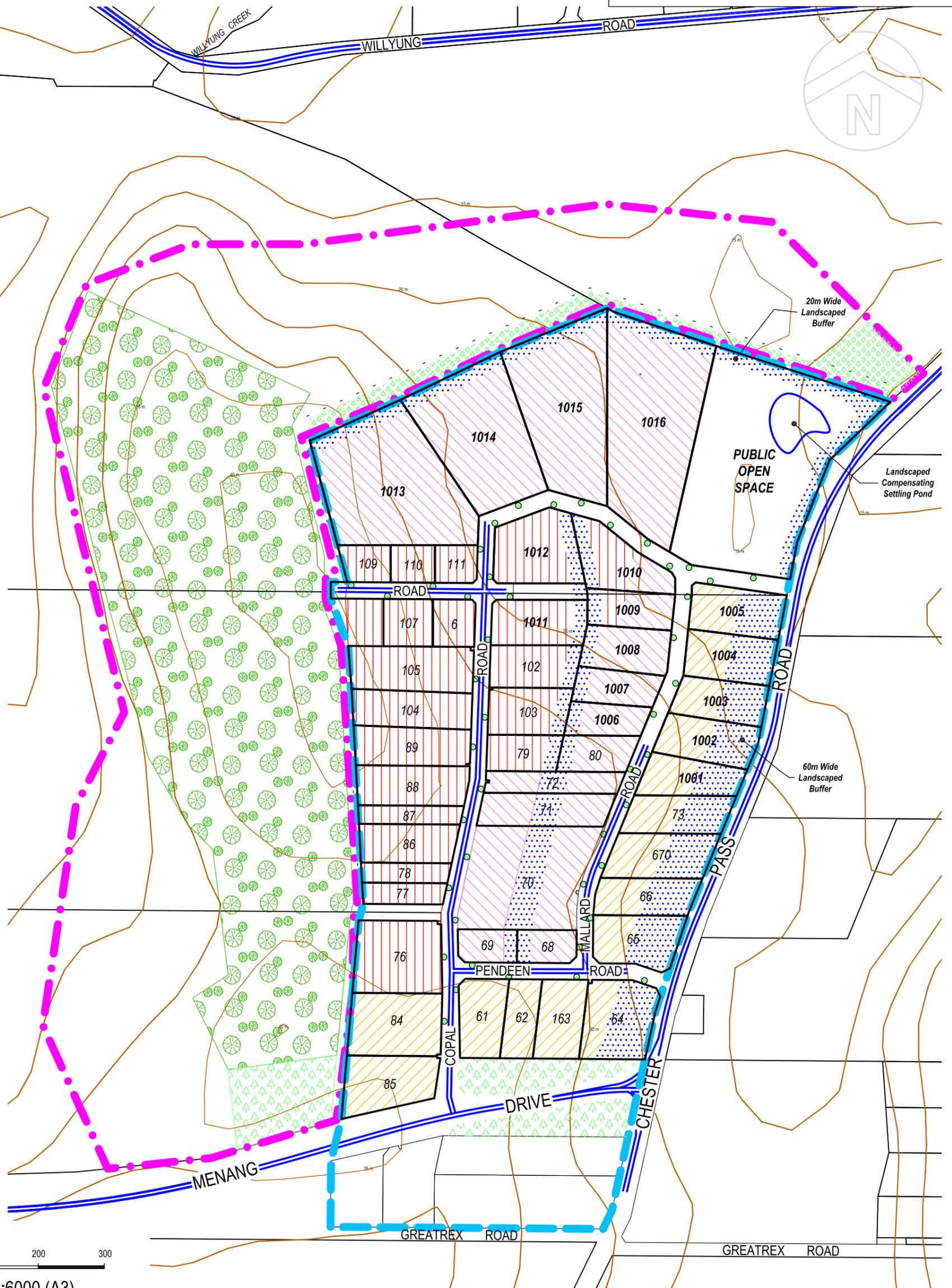
General Industrial Area IA2

Pendeen Industrial Estate

Adopted by Resolution of the Council of the City of Albany at the ordinary meeting of the Council held on the day of 201....

Chief Executive Officer

LOT	AREA
61	8169m ²
62	5995m ²
163	8396m ²
64	1.2355ha
65	9906m ²
66	8486m ²
670	1.0546ha
68	4447m ²
69	4425m ²
70	2.8486ha
71	9583m ²
72	6781m ²
73	8914m ²
76	1.4334ha
77	4018m ²
78	4040m ²
79	6089m ²
80	6122m ²
84	1.3218ha
85	1.1135ha
86	8533m ²
87	4430m ²
88	1.0143ha
89	1.0144ha
102	8629m ²
103	8701m ²
104	9937m ²
105	1.2631ha
6	4560m ²
107	5378m ²
109	4043m ²
110	4020m ²
111	4054m ²
1001	8214m ²
1002	9477m ²
1003	8395m ²
1004	9521m ²
1005	9835m ²
1006	5766m ²
1007	6606m ²
1008	8746m ²
1009	7171m ²
1010	1.0609ha
1011	9883m ²
1012	1.3103ha
1013	3.8314ha
1014	3.0057ha
1015	3.2750ha
1016	4.2003ha
POS	6.6351ha



0 100 200 300
Scale 1:6000 (A3)

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Town Planning & Environmental Assessment



Project: Pendeen Industrial Estate
Suburb: Willyung
Local Gov: City of Albany
Date: Oct 2014

- Tree Planting Area
- Landscape Area
- <200m Buffer Zone
- 200-300m Buffer Zone
- >300m Buffer Zone
- 20m Wide Firebreaks
- Remnant Vegetation Area
- Industrial Buffer Area
- General Industrial Area IA2
- Roadside Tree Planting