

MINUTES

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
MINUTES –03/12/2014

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1. DECLARATION OF OPENING

5.30PM The Mayor declared the meeting open.

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 (Chair)
Member	A Hortin JP
Member	R Hammond
Member	R Sutton
Member	G Gregson

Staff:

Executive Director Planning & Development Services	D Putland
Manager Planning	J van der Mescht
Planning Officer	T Gunn
Senior Planning Officer	A Bott
Senior Planning officer /Statutory Planning and Compliance	T Wenbourne
Senior Building Compliance Officer	A Harris
Minutes	J Cobbold

Apologies:

Member	V Calleja JP (Chair)
Member	S Bowles
Member	N Williams
Member	B Hollingworth
Member	A Goode JP

PLANNING AND DEVELOPMENT COMMITTEE
MINUTES –03/12/2014

4. **DISCLOSURES OF INTEREST** Nil
5. **REPORTS OF MEMBERS** Nil
6. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE** Nil
7. **PUBLIC QUESTION TIME**

Mr Smithson addressed Committee regarding 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

8. **APPLICATIONS FOR LEAVE OF ABSENCE** Nil
9. **PETITIONS AND DEPUTATIONS** Nil
10. **CONFIRMATION OF MINUTES**

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON
SECONDED COUNCILLOR SUTTON

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.

CARRIED: 5-0

11. **PRESENTATIONS**

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

12. **UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS** Nil

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:



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: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR GREGSON**

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.**

CARRIED: 5-0

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</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</i></p>

<p><i>between the original Development Guide Plan and actual subdivision layout and the retention of a redundant 'Landscape Area'.</i></p>				<p><i>'Landscape Area'.</i></p>
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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:

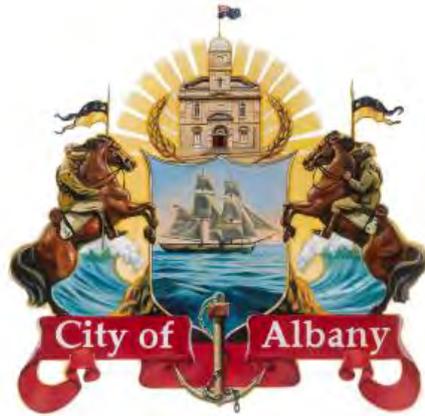
- To adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission, subject to modification; or
- Not to adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen 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	:	<ol style="list-style-type: none">1. Local Planning Scheme No. 12. Albany Local Planning Strategy 20103. City of Albany Strategic Community Plan 20234. City of Corporate Business Plan 2013-20175. 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** Nil
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** Nil
16. **REPORTS OF CITY OFFICERS** Nil
17. **MEETING CLOSED TO PUBLIC – 6.00pm**
18. **CLOSURE** There being no further business the Mayor declared the meeting closed at **6.03PM**



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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Attachment	Report No.	Description	Page No.
A	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	1

SMITHSON PLANNING

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 PO Box 5377 Albany WA 6332 smithson@smithsonplanning.com.au
Tel : (08) 9842 9841 Fax : (08) 9842 9843 Mob : 0428 556 444



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.

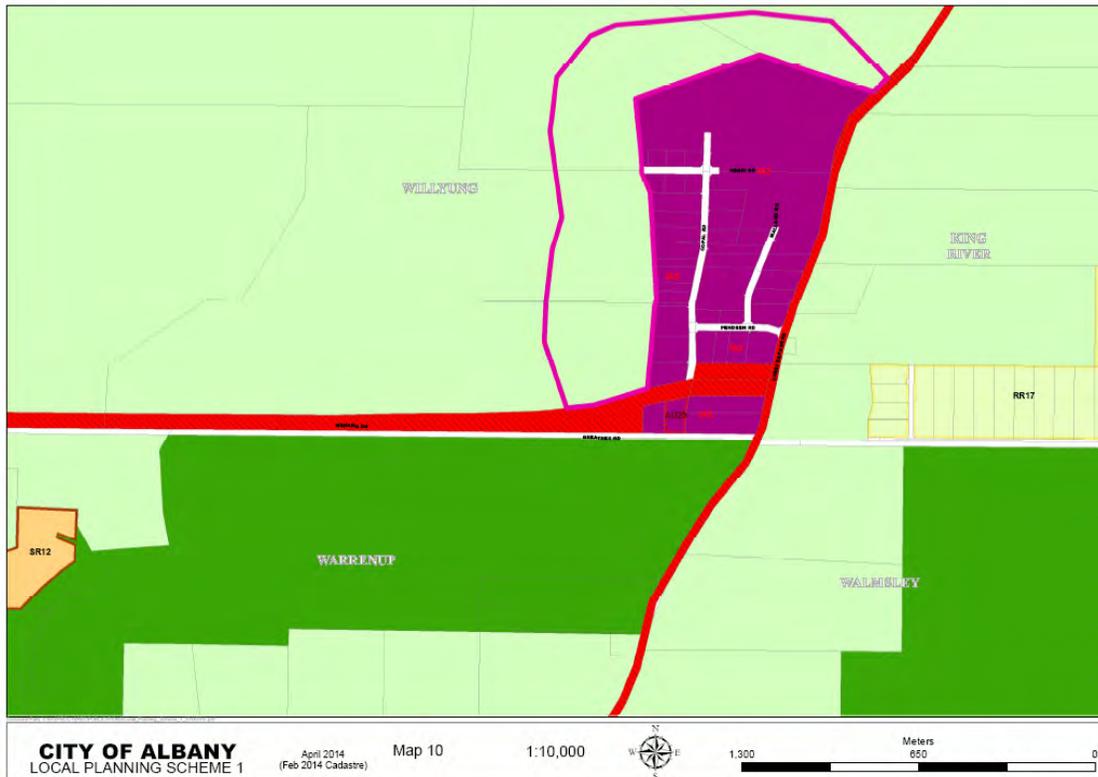
Figure 1 – District Location Plan



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 (Palmers Earthmoving)
- ❖ Lot 163 (#17) – Earthmoving equipment storage & maintenance (Palmers 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.

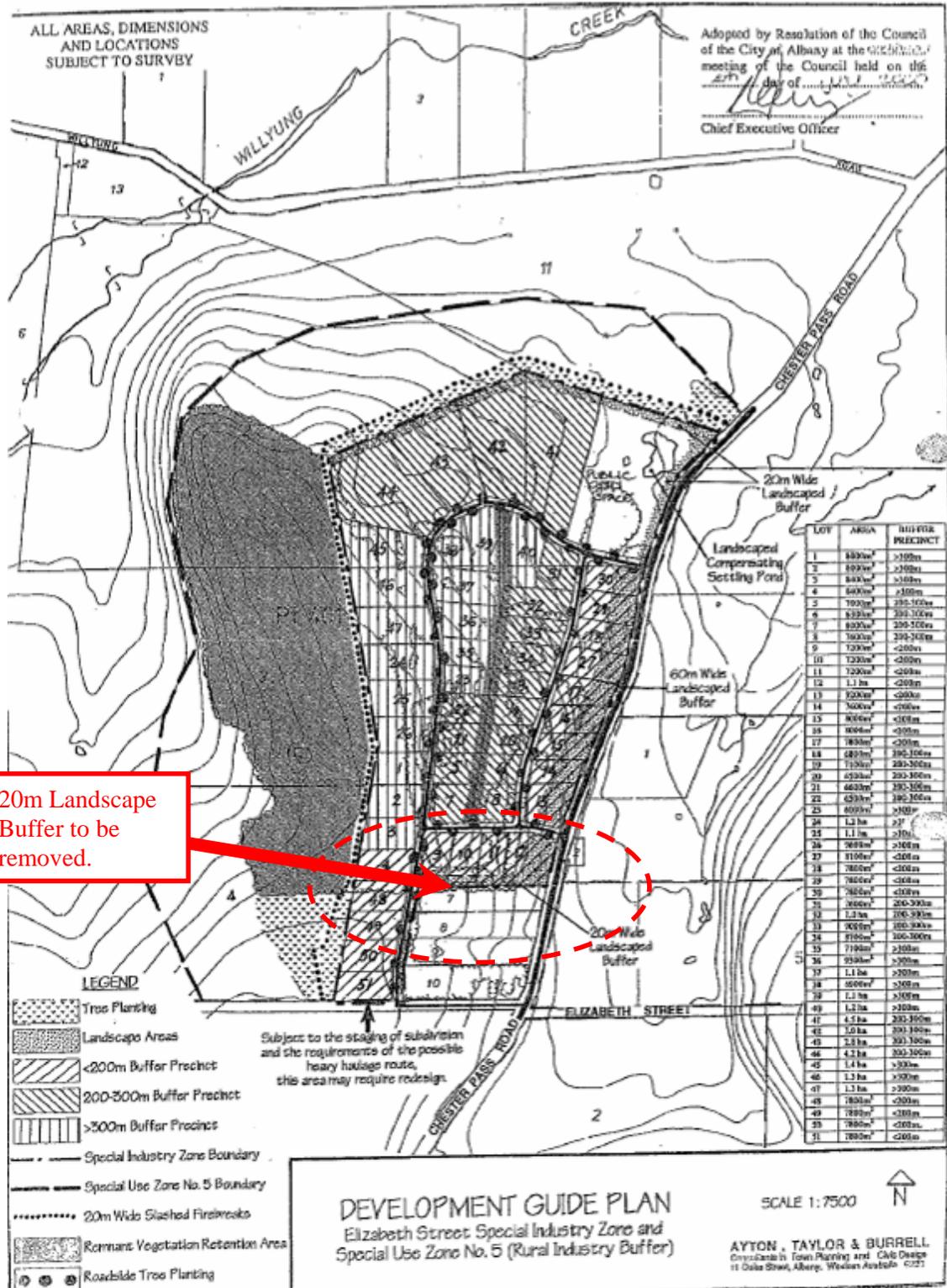
As discussed with officers of the City of Albany, we are of the opinion that the proposed variation does not constitute a Scheme Amendment, but a minor modification to the Development Guide Plan.

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).

www.smithsonplanning.com.au

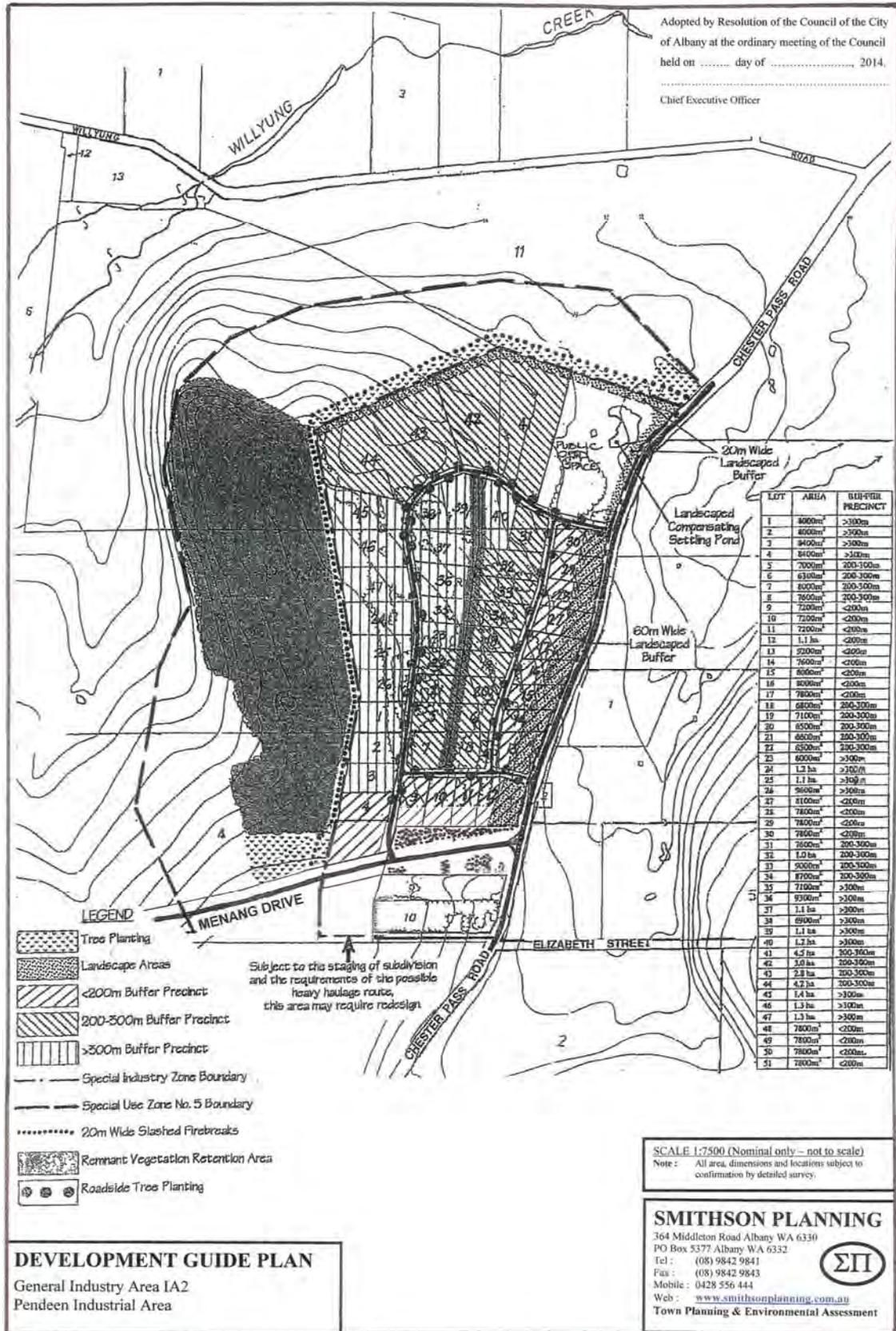
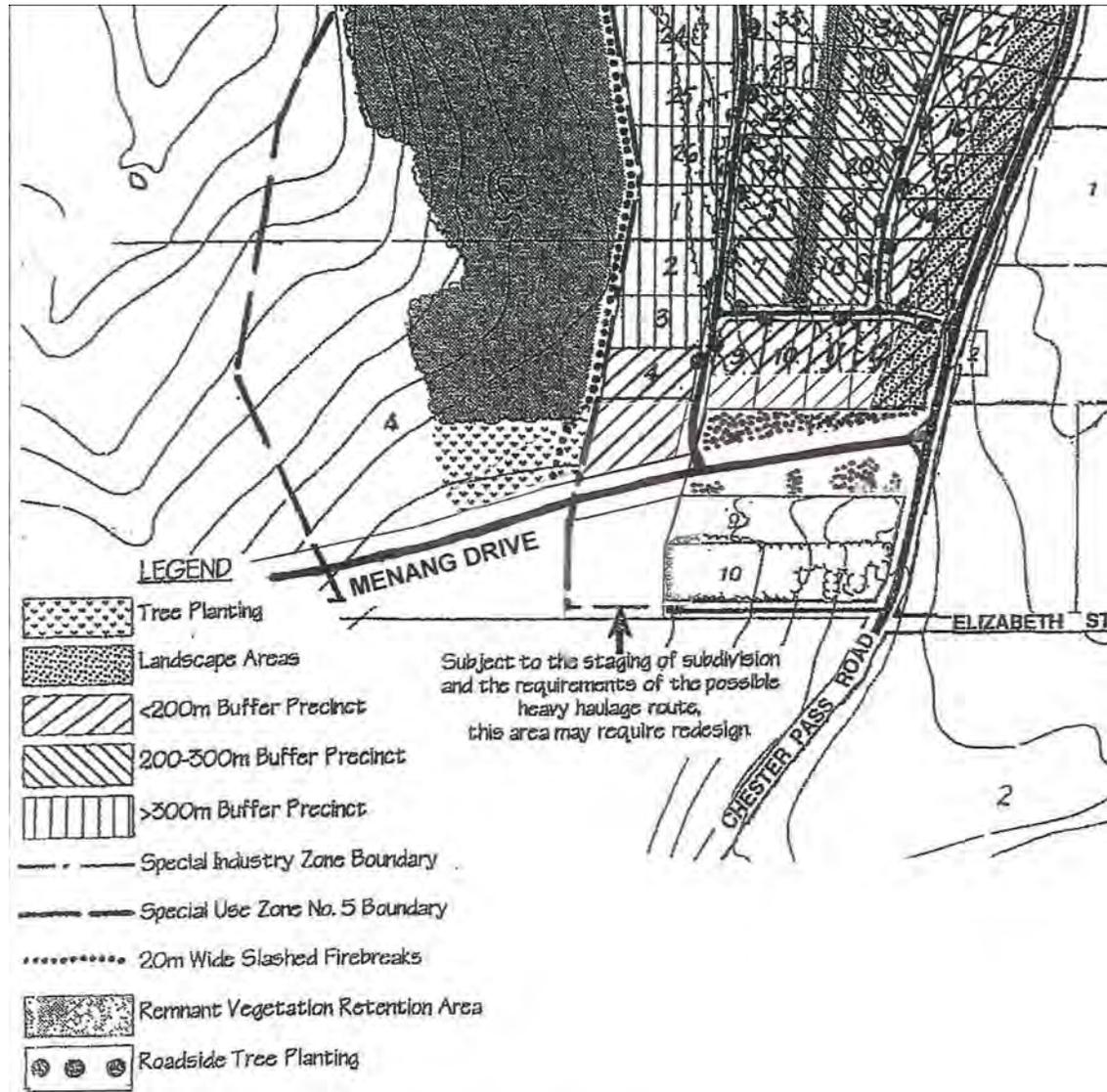


Figure 7 – General Industry Area #2 DGP - (Enhanced).



DEVELOPMENT GUIDE PLAN
 General Industry Area IA2
 Pendeen Industrial Area

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

www.smithsonplanning.com.au

Appendix A PENDEEN ROAD LAND USE

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

www.smithsonplanning.com.au



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

www.smithsonplanning.com.au

Appendix C

PENDEEN ROAD LANDSCAPING & FENCING

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

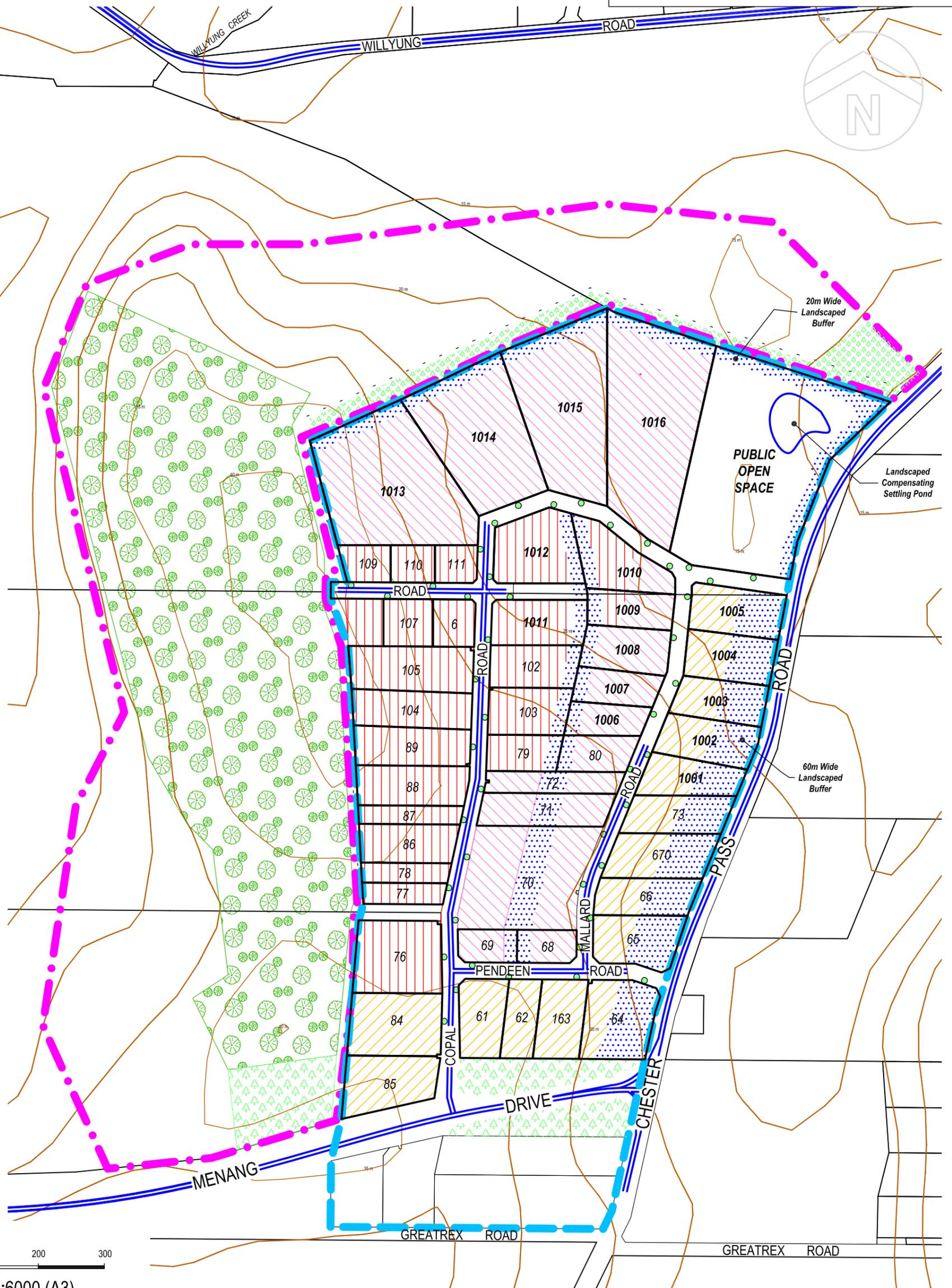
General Industrial Area IA2

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