

CCS438: PROPOSED ROAD RESERVE - LOT 4743, 102 NORTH ROAD, YAKAMIA

Land Description	: 102 North Road, Lot 4743 Yakamia.
Proponent / Owner	: (Lot 4743) City of Albany, (Lot 420) Archimedes Pty Ltd
Business Entity Name	: Archimedes Pty Ltd Director being Martin J Shuttleworth
Attachments	: Concept Plan and Subdivision Plan
Supplementary Information	: <ul style="list-style-type: none">• Bushfire Management Plan• Standards: AS 2059-2009: Construction of buildings in bushfire prone areas• Bushfire Attack Level (BAL) Public Land Management Policy
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Authorising Officers:	: Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany *Strategic Community Plan 2032*:
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.
2. The item relates to the following strategic objectives of the City of Albany Local Planning Strategy 2019 (the Planning Strategy).
 - Plan for predicted population growth to 2026.
 - Consolidate existing urban form and improve land use efficiency.

Maps and Diagrams:



In Brief:

- **Lot 4743:** The City of Albany is the owner of Lot 4743 (No. 102) North Road, Yakamia (henceforth referred to as the “City’s land”).
- **Lot 420:** Lot 420 (No. 58) Sydney Street, Yakamia adjoins the City’s land on its western boundary.
- The owner of Lot 420, Mr Shuttleworth, has approached the City with a request to:
 - Share the internal subdivisional road with their proposed development; and
 - To enable the subdivision and development of the entire Lot 420, the permission to clear and manage a 7m wide portion of vegetation on the City’s land in addition to the proposed road and road reserve.
- Presented for Council consideration noting, staff have formed the position that the request can be supported, noting:
 - The proposal will promote development that is orderly and appropriate for the Yakamia areas;
 - The subject lots are identified as “Future Urban” in the Yakamia Structure Plan.
 - The concept plan, which includes the City’s land (lot), demonstrates is appropriate for the area now and into the future.
 - Support will be subject to the condition that developer, Mr Shuttleworth funds and accepts responsibility for obtaining all the relevant approvals and clearing permits required under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

RECOMMENDATION

CCS438: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- (1) SUPPORTS the subdivision application that will include Lot 4743 North Road, subject to the proponent funding and accepting responsibility for obtaining all the relevant environmental approvals including clearing permits and EPBC Act approvals.**
- (2) APPROVES the formation of a 20m wide Road Reserve on the boundary of Lot 420 (No. 58) Sydney Street Yakamia WA 6330.**
- (3) NOTES that to form the Road Reserve, the City of Albany will be required to cede a 10 metre wide strip of land from LOT 4743 to the Crown.**
- (4) NOTES that the ceded land will form a 20 metre wide Road Reserve between Lot 420 (No. 58) Sydney Street and Lot 4743 North Road.**
- (5) AUTHORISE the Chief Executive Officer to make suitable arrangements with the proponent, for the purpose of bushfire risk mitigation, to remove vegetation, and establish and maintain an additional 7 metre wide vegetation management zone on Lot 4743.**

BACKGROUND

3. The owner of Lot 420, Mr Shuttleworth is preparing a residential subdivision application for their land.
4. An overall concept plan that includes the City’s land was also prepared to show how the development of the area can occur in an orderly manner and how the proposed subdivision of Lot 420 fits within this plan.
5. A Bushfire Management Plan (BMP) was prepared for the proposed subdivision.

6. The subdivision plan is for 28 lots fronting Sydney Street and Target Road and a new proposed internal road. This plan shows a road reserve (10 m wide) and a vegetation clearing/management area of 7 m on the City's land.
7. The owner of Lot 420 has approached the City with the following requests:
 - a. To share the internal subdivisional road with their proposed development. This will require the City to agree to a subdivision application that will include a 10 m wide area of City land as a road reserve.
 - b. To enable the subdivision and development of the entire Lot 420, the vegetation will need to be cleared and maintained in a low-fuel state on a 7 m wide portion of the City's land that is additional to the proposed road and road reserve.

DISCUSSION

Topography:

8. The City of Albany is the owner of Lot 4743 (No. 102) North Road, Yakamia.
9. The City's land is located between North Road and Target Road, Yakamia and is approximately 19 ha in area.
10. The City's Administration building is located on the southern part of this lot.
11. The majority of this lot, a part from a number of firebreaks in various locations, remains undeveloped.
12. Lot 420 (No. 58) Sydney Street, Yakamia adjoins the City's land on its western boundary.
13. Lot 420 is 2.4 ha in area, privately owned and undeveloped.
14. Both of these lots are zoned "Future Urban" and are included in the Yakamia Structure Plan.
15. According to the Yakamia Structure Plan, the City's land (Lot 4743) is designated for the following purposes:
 - a. The Range Road Alignment;
 - b. Yakamia Creek and environmental conservation/foreshore reserve areas; and
 - c. 4.8 ha of this land is for residential development and associated Public Open Space.
16. Lot 420 is designated for residential development.

Yakamia / Residential Land Use:

17. There is renewed interest in the development of the Yakamia area.
18. The Yakamia area is one of the preferred residential expansion areas for Albany. The area is zoned Future Urban and a structure plan has been completed for it.
19. The City's Planning Team are having regular discussions with landowners and developers who are considering or preparing plans for development in the area.
20. It is clear from these discussions that the cost of providing reticulated sewer, the development of Range Road, environmental clearing/offset requirements and complying with the bushfire guidelines are the main matters of concern that need to be balanced with lot yield to make projects more feasible.
21. The concept plan that was prepared for the area generally aligns with the structure plan and is considered an efficient layout for the area and the concept is in the main supported by the City's Planners.

Feasibility / Bushfire Mitigation:

22. The location of the proposed Road Reserve has merit.
23. The required Bushfire Attack Levels (BAL 29 or lower) rating for the proposed development cannot be achieved, unless vegetation is cleared on City's land.

24. If the identified vegetation is not cleared, development will be constrained and the development would not be feasible.
25. To support the request to share the road, the CEO will need to sign the subdivision application that will include 10 m of road reserve.
26. To formalise the arrangements for the vegetation management area, an easement to the benefit of the owner and successors in title, i.e. adjoining lot owners, could be lodged on the title. Such an easement will allow the lot owners to maintain the 7 m-wide vegetation management area, until the City or successors in title of Lot 4743 develop that portion of land. The City can alternatively also agree to maintain this area of land on behalf of the developer for a set fee.
27. Any support for this request should however be on the condition that the developer funds and accepts responsibility for obtaining all the relevant environmental approvals including, clearing permits and EPBC Act approvals.
28. Supporting the request will promote the orderly and proper planning and development of this land and the area. Staff are therefore of the opinion that the request can be supported.

GOVERNMENT & PUBLIC CONSULTATION

29. The Structure Plan was publicly advertised. Government agencies would again be consulted as part of the subdivision application process.

STATUTORY IMPLICATIONS

30. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

31. The Council adopted Bushfire Attack Level (BAL) Public Land Management Policy, applies to future development and building applications.
32. The subject land is freehold land owned by the City, therefore this policy position does not apply.

RISK IDENTIFICATION & MITIGATION

33. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation & Financial. Risk: It may be perceived that the City of Albany is setting a precedent allowing clearing of City land to improve Bushfire safety on adjoining properties.</p> <p>The consequence rating of Medium has been assigned, even though unsubstantiated, may result in moderate news.</p>	Possible	Moderate	Medium	<p>Clear vegetation on land requires approval under vegetation clearing legislation and processes, such as clearing permits.</p> <p>Removal or modification of vegetation, are subject to appropriate clearing approvals.</p> <p>Both 'clearing' and 'modification' of vegetation to reduce bushfire risk is considered 'clearing' under the EP Act, and requires a clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).</p>

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
				<i>The proposal to remove vegetation to enact BAL protection is considered measured and appropriate.</i>
<p>Opportunity:</p> <ul style="list-style-type: none"> <i>This proposal facilitates appropriate and orderly residential development in the Yakamia area.</i> <i>The establishment of the proposed road will contribute to project feasibility and the associated clearing of vegetation will reduce the bushfire hazard to existing and future residents.</i> 				

FINANCIAL IMPLICATIONS

34. All costs associated with the proposal will be borne by the proponent.

LEGAL IMPLICATIONS

35. Legal advice will be sought when any easements etc. are prepared and processed.

36. All legal costs associated with this should be borne by the proponent.

ENVIRONMENTAL CONSIDERATIONS

37. The vegetation located on the proposed site, is known to be habitat for Western Ringtail Possums and endangered Cockatoo species.

38. Given the type of vegetation that will have to be cleared, a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and a clearing permit will be required.

ALTERNATE OPTIONS

39. Council may consider to resolve:
- To not agree or modify the proposal; or
 - Support the proposal subject to conditions.

CONCLUSION

40. It is recommended that the Authorising Officer Recommendation is supported, noting:
- The proposal will promote development that is orderly and appropriate for the Yakamia areas;
 - The subject lots are identified as “Future Urban” in the Yakamia Structure Plan.
 - The concept plan, which includes the City’s land (lot), demonstrates is appropriate for the area now and into the future.
 - Support is based on the condition that developer, Mr Shuttleworth funds and accepts responsibility for obtaining all the relevant approvals and clearing permits required under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Consulted References	:	<ul style="list-style-type: none"> State Planning Policy 3.7 – Planning in Bushfire Prone Areas. Albany Local Planning Strategy. Yakamia Structure Plan.
File Number (Name of Ward)	:	<ul style="list-style-type: none"> Lot 102 North Road and 58 Sydney Street A86373 (Yakamia Ward)
Previous Reference	:	<ul style="list-style-type: none"> Nil