



ATTACHMENTS

Development and Infrastructure Services Committee Meeting

6 December 2017

6.00pm

City of Albany Council Chambers

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	DIS067	CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO.28 – Lot 312 Bay View Drive, Little Grove. <ul style="list-style-type: none"> • Local Planning Scheme Amendment No 28 • Amendment Document 	15
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CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 AMENDMENT No. 20 SCHEDULE OF MODIFICATIONS	
Proposed provisions (as advertised)	Recommended provisions (post advertising)
<p>The City of Albany under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:</p> <p>1. Incorporating Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a ‘Special Control Area’ and changing the residential density code from R30 to R60.</p> <p>2. Modifying the Local Planning Scheme No.1 by incorporating the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text in the following manner:</p> <p>Part 6 – Special Control Areas 6.8 Amity Quays Special Control Area</p> <p>6.8.1. The purpose of the amity Quays Special Control area is to –</p> <p>a) Increase the residential density code from R30 to R60; b) Ensure appropriate noise mitigation measures are incorporated within the development to address noise impact from road and rail; and c) Encourage high quality built form given the prominent location on Princess Royal Drive and proximity to the Amity</p>	<p>The City of Albany under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:</p> <p>1. Incorporating Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a ‘Special Control Area’ and changing the residential density code from R30 to R60.</p> <p>2. Modifying the Local Planning Scheme No.1 by incorporating the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text in the following manner:</p> <p>Part 6 – Special Control Areas 6.8 Amity Quays Special Control Area</p> <p>6.8.1. The purpose of the Amity Quays Special Control area is to facilitate residential development of the site based on the R60 density Code.</p>

<p>Historic Precinct.</p> <p>6.8.2. In considering an application for planning approval within the Amity Quays Special Control Area, the Local Government shall have particular regard to –</p> <ul style="list-style-type: none">a) The provisions of the Environmental Protection (Noise) regulations 1997 and any advice received from the Environmental Protection Authority in relation to noise impacts from road and rail; andb) Any relevant design guidelines administered by the local Government. <p>6.8.3. The Local Government may grant approval and impose conditions on the approval to require the applicant to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.</p>	<p>6.8.2. In considering an application for planning approval within the Amity Quays Special Control Area, a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> before subdivision or development of the land within the Amity Quays Special Control Area.</p> <p>6.8.3. The Local Development Plan is to address the following matters:</p> <ul style="list-style-type: none">a) Ensure appropriate noise mitigation measures are incorporated within the development to address noise from nearby road and rail.b) Incorporation of an Urban Water Management Plan which will have regard to adjacent constructed wetlands and Princess Royal Harbour.c) Vehicular access to and from the site to comply with Austroads Design Guidelines.d) Design Guidelines to achieve high quality built form in keeping with the prominent location on Princess Royal Drive and proximity to the Amity Historic Precinct.e) The Design Guidelines are to have regard to view corridors from development adjacent to Festing Street by incorporating appropriate height and setback
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6.8.4. The Local Government shall request the commission impose a condition on any subdivision approval requiring a notification to be placed on the Certificate of Title stating that the land may be affected by noise from the nearby road and rail.

standards.

f) Site remediation to the satisfaction of Department of Environmental Regulation.

6.8.4. The Local Government may grant approval to development that is in accordance with the adopted Local Development Plan including:

a) Quiet house design and construction methods/materials to reduce noise impacts, in accordance with State Planning Policy 5.4.

i. Two options to mitigate noise exceedance includes:

- 1. Limitation in building height (single storey) on dwellings along the Northern Boundary of the development; or
- 2. Build a noise wall (may include parapet wall) 4.5m high along the northern boundary.

b) Provision of a passing bulge on Princess Royal Drive located at the Western intersection to the specification of Main Roads WA.

c) Implementation of an Urban Water Management Plan to the satisfaction of the Local Government. All stormwater to be contained on site or appropriately treated and connected to the local drainage system. No stormwater to be discarded into the rail corridor.

d) For development at the R60 density code, the maximum building height is 10m to the top of the roof and setback between developments is to be incorporated to enable view corridor(s) to dwellings on Festing Street.

<p>3. Amending the Scheme Maps accordingly.</p>	<p>e) Confirmation that the site has been remediated to the satisfaction of Department of Environmental Regulation.</p> <p>6.8.5. The Local Government shall request the WAPC impose conditions on any subdivision approval requiring:</p> <p>a) A notification to be placed on the Certificate of Title stating that the land may be affected by noise from the nearby road and rail.</p> <p>b) Adoption of a Local Development Plan to guide the design of development, with consideration given to a noise;</p> <p>c) Preparation and implementation of an Urban Water Management Plan, considerate of the sensitive environment (harbour and constructed wetlands) and the Department of Water and Environmental Regulation Better Urban Water Management Framework;</p> <p>d) Provision of a passing bulge on Princess Royal Drive located at the Western intersection to the specification of Main Roads WA; and</p> <p>e) Confirmation that the site has been remediated to the satisfaction of Department of Environmental Regulation.</p> <p>3. Amending the Scheme Maps accordingly.</p>
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Schedule of Submissions

LOCAL PLANNING SCHEME AMENDMENT No.20 – LOTS - AMITY QUAYS, ALBANY

Submission comment in 'Black'

City response in 'Blue'.

City recommendation in 'Red'.

Note: This is a broad summary of the submissions only.

A copy of the submissions in full has been provided to the Council as a separate document.

No.	Address	Copy/Summary of Submissions
1.	ATCO Gas Australia	<p><u>Existing infrastructure/Excavation Work</u> ATCO Gas has Medium Pressure gas mains, Abandoned Gas Mains, Residential gas mains and associated gas infrastructure in the identified area, predominantly within the surrounding road reserves however also within the said Lots.</p> <p>ATCO Gas do not have any objection to the proposed Amendment 20 to the Local Planning Scheme 1, subject to the Medium Pressure Gas Pipelines, Abandoned Gas Mains and Gas infrastructure being recognised and factored into any future designs for the areas where the ATCO Gas assets will be impacted.</p> <p>Any impact on the gas infrastructure and network due to the Amendment being approved may require the gas infrastructure to be relocated and costs met by the proponent. ATCO Gas requests the proponents contact ATCO Gas if this identified.</p> <p>Standard cost models require funding for the gas installation enhancements from the developer(s), however additional opportunities for reducing or sharing of costs could be achieved via incorporation of LPG energy efficient appliances such as LPG powered Co-Generation and Tri-Generation power facilities.</p> <p><u>Existing infrastructure/Excavation Work</u> Before any excavation work commences, the exact location of certain underground services is established by the developer in accordance with the Occupational Safety and Health Regulations 1996. Services include electrical power cables, gas pipes, sewer pipes, water pipes, telephone and telecommunications cables, drainage pipes and soakwells, fuel lines and storage tanks.</p> <p>Comments noted. No modification to amendment required.</p>
2.	Telstra Corporation Ltd	<p><u>Latest Telecommunications Policy</u> Telstra Corporation Limited has no objection.</p> <p>The Federal Government has deemed developers are now responsible for telecommunications infrastructure on all developments, i.e. conduits, pits and the cost of the cable installation by Telstra or other carrier. Telstra can provide a quote for the pit and pipe and/or cable. This is explained on the Telstra Smart Community website.</p> <p><u>Latest Telecommunications Policy</u> The provision of infrastructure requires careful planning, design, contracting and construction. In order to best meet the developers' schedule, it is critical that developers seeking infrastructure provide advance notice to Telstra. Prior to development, the owner/developer will have to submit an application to Telstra.</p> <p>Comments noted. No modification to amendment required.</p>
3.	Public Transport Authority (PTA)	<p><u>Noise/Vibration</u> The PTA has consulted with Brookfield Rail (the operator of the rail freight network) and on their behalf, provides the following comments on the proposed scheme amendment:</p> <ul style="list-style-type: none"> • Brookfield rail is not supportive of 'non-compatible'/'sensitive uses' abutting the operational freight line. • Given the proximity of the proposed amendment to the freight railway, the WAPC's State Planning Policy (SPP) 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4) is applicable. In accordance with the Implementation Guidelines, the policy is best applied as early as possible, including at the scheme amendment stage. <p>If the proposed scheme amendment is to proceed then the following development conditions need to be applied:</p>

		<ul style="list-style-type: none"> • Acoustic Noise and Vibration Study must be undertaken; • Noise abatement measures in accordance with SPP 5.4 implemented by developers/owners; • Quiet House design to be included in any approvals; • Noise notations on all titles to demonstrate that buyers are aware they are purchasing residential properties alongside a freight rail line. <p><u>Noise/Vibration</u> The City requested that the consultant undertake an investigation to determine whether or not noise and vibration measures should be implemented in accordance with <i>State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i>.</p> <p>A noise and vibration assessment was undertaken to determine that:</p> <ul style="list-style-type: none"> a) Two treatment options are available to mitigate noise exceedance. These are: <ul style="list-style-type: none"> i. Limitation in building height on the dwellings along the Northern Boundary of the development; ii. Build a noise wall 4.5m high which reduces the noise levels on proposed dwellings. This will also reduce the required acoustic treatments. b) Vibration is not expected to be at a scale whereby residents will be impacted. <p>It is recommended that the following provision is included to address noise exceedance:</p> <ol style="list-style-type: none"> 1. Quiet house design and construction methods/materials to reduce noise impacts, in accordance with State Planning Policy 5.4. <ul style="list-style-type: none"> a) Two options to mitigate noise exceedance includes: <ol style="list-style-type: none"> 1. Limitation in building height (single storey) on dwellings along the Northern Boundary of the development; or 2. Build a noise wall (may include parapet wall) 4.5m high along the northern boundary. <p><u>Stormwater</u> No run off - all storm water must be contained on the developed property and not discharged onto the rail corridor.</p> <p><u>Stormwater</u> Stormwater will not be discharged into the rail corridor due to the land sloping away from the corridor.</p> <p>The City requested that the consultant develop a Local Water Management Strategy (LWMS).</p> <p>A LWMS was developed to confirm that stormwater can be contained on-site or appropriately treated and connected to the local drainage system.</p> <p>It is recommended that the following condition is included to address stormwater management:</p> <ol style="list-style-type: none"> 1. Implementation of an Urban Water Management Plan to the satisfaction of the Local Government. All stormwater to be contained on site or appropriately treated and connected to the local drainage system. No stormwater to be discarded into the rail corridor.
4.	Main Roads Western Australia	<p><u>Noise/Vibration</u> Main Roads provides the following comments in regard to the proposed scheme amendment:</p> <ul style="list-style-type: none"> • Princess Royal Drive is the only access to Albany Port for heavy vehicles, the road currently carries 8500 vehicles per day with 25% being heavy vehicles. The planning report mentions that "noise from traffic using Princess Royal Drive also needs to be taken into account". As the bulk of heavy vehicles accessing the port are road trains up to 36.5m in length and 120 tons in weight, vibration will also be a significant consideration. A detailed study into the effects of noise and vibration from the adjoining rail line and Princess Royal Drive should be undertaken by the applicant to determine if the site is suitable for residential purposes and if the surrounding noise and vibration conditions can be mitigated by building design and site engineering. <p><u>Noise/Vibration</u> Refer to submission 3 for response to comments pertaining to noise and vibration.</p> <p><u>Access/Princess Royal Drive</u></p> <ul style="list-style-type: none"> • Access to the subject land is currently from Princess Royal Drive via Amity Quays with two intersection connections onto Princess Royal Drive. The proposed increase in residential density will significantly increase the number of traffic movements to and from the land. The primary function of Princess Royal Drive is to provide safe

		<p>and efficient access to the port for heavy vehicles, levels of service and safety must be maintained for current and projected freight and local traffic volumes. Therefore Main Roads will seek to impose the following conditions upon development of the land:</p> <ul style="list-style-type: none"> o The rationalisation of access points from Princess Royal Drive to the land. o The construction of turning pockets and associated widening on Princess Royal Drive at the applicant's expense. <p>Access/Princess Royal Drive The City requested that the consultant undertake transport investigations. A traffic assessment was undertaken to determine the impact on Princess Royal Drive of additional traffic generated by an increase in residential density from R30 to R60.</p> <p>It is recommended that the following condition is included to address transport:</p> <ol style="list-style-type: none"> 1. Vehicular access to and from Princess Royal Drive to comply with Austroads Design Guidelines. Provision of a passing bulge on Princess Royal Drive located at the Western intersection to the specification of Main Roads WA.
5.	Southern Ports Authority	<p>Noise/Vibration Southern Ports Authority (SPA) continues to engage on freight corridor protection to protect the interests of the State, the port and our customers. On behalf of our port customers present and future, SPA provides the following comments:</p> <ol style="list-style-type: none"> 1. Given the proximity of the proposed amendment to the freight railway, the Western Australian Planning Commission's <i>State Planning Policy (SPP 5.4) Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i> must be rigorously applied. In accordance with the SPP5.4 Implementation Guidelines, the policy is best applied as early as possible, including at the Scheme Amendment stage. I formally request that this take place in relation to the proposed Scheme Amendment No.20. <p>If the proposed Scheme Amendment is to proceed then the following development conditions need to be applied:</p> <ol style="list-style-type: none"> 1. Rigorous acoustic and vibration studies must be undertaken; 2. Noise abatement measures and appropriate treatment packages in accordance with SPP5.4 must be implemented by the developers and appropriately inspected and validated by the approval authority; 3. Quiet House design principles to be included in any approvals; and 4. Application of appropriate Notations (memorials) on all Land Titles created that demonstrate to potential buyers that they are purchasing habitable land that will be affected by a growing freight rail line. <p>Noise/Vibration Refer to submission 3 for response to comments pertaining to noise and vibration.</p>
6.	Department of Transport	<p>Noise/Vibration Given the close proximity of the two major freight routes articulated above - a high quality built form incorporating contemporary noise and vibration mitigation would be expected at this site.</p> <p>The DoT has no objection to this proposal, however requests that:</p> <ol style="list-style-type: none"> 1. The proponent removes reference to Environmental Protections (Noise) Regulations 1997 from the scheme amendment provisions. Transport noise does not apply to the Environmental Protections (Noise) Regulations 1997; 2. The proponent demonstrates compliance with SPP 5.4, including undertaking a screening noise assessment and, if appropriate, the preparation of a noise management plan, and implements recommendations arising from the assessment to mitigate noise; and 3. The proponent incorporates notifications on titles to make the potential buyers aware of the likely noise and vibration levels generated from the nearby freight road and railway. <p>Noise/Vibration Refer to submission 3 for response to comments pertaining to noise and vibration.</p> <p>In addition, it is recommended that the Department of Transport recommendation to remove any reference to the Environmental Protections (Noise) Regulations 1997 is upheld. The reason being; the Environmental Protections (Noise) Regulations 1997 do not control noise associated with transport or rail.</p>

7.	Department of Aboriginal Affairs	<p>Review of the Register of Places and Objects as well as the Department of Aboriginal Affairs (DAA) Aboriginal Heritage Database concludes that there are no known Aboriginal heritage places within the Amity Quays, Albany. Therefore based on the information held by the DAA no approvals under the <i>Aboriginal Heritage Act 1972</i> (AHA) are required.</p> <p>The Department of Aboriginal Affairs did not raise any issues in relation to the proposed scheme amendment.</p>
8.	Department of Fire and Emergency Services	<p>Hazard separation should be considered and integrated during the strategic planning stages.</p> <p>The development design should optimise hazard separation through the provision of public roads/laneways or managed public open spaces between the bushfire hazard(s) and proposed development.</p> <p>The siting and design should incorporate defensible space and significantly reduce the heat intensities at the building surface minimising the bushfire risk to people, property and infrastructure.</p> <p>Cul-de-sacs, dead end roads and emergency access ways are to be avoided in bushfire prone areas. Appropriate design will greatly assist with bushfire prevention and suppression activities.</p> <p>Vehicle access should be optimised and consideration must be given to the type of appliance that may attend the development in subsequent planning stages.</p> <p>In line with the above assessment, it is critical that the siting and design of development submitted at subsequent levels of planning ensure site analysis and design respond to the intent and objectives of SPP 3.7.</p> <p>DFES recommends wording in “<i>Part 6 – Special Control Areas</i>” be added as follows:</p> <p><i>The application of SPP 3.7 and associated Guidelines for Planning in Bushfire Prone Areas including the development of an appropriate Bushfire Management Plan.</i></p> <p>The City is reluctant to put in the scheme the requirement for:</p> <ol style="list-style-type: none"> 1. Compliance with SPP 3.7 and 2. The development of a Bushfire Management Plan. <p>Circumstances (e.g. extent of vegetation) may change meaning that compliance with SPP 3.7 is not necessary.</p> <p>In accordance with the PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) AMENDMENT REGULATIONS 2015, development in Bushfire Prone areas is required to comply with SPP3.7. There’s no need to reiterate this in the City’s scheme.</p>
9.	Department of Water (DOW)	<p>DoW has no objection to increasing the residential density of the land zoning, however, the following advice is provided given the site’s proximity to Princess Royal Harbour and the Albany foreshore wetlands.</p> <p>Princess Royal Harbour is a high value and regionally significant waterway with important ecological, recreational and social values. Planning measures are required to ensure the development does not impact on the values of the harbour. The constructed wetlands adjacent to the site are designed to treat stormwater from the Princess Royal Harbour catchment which the site is located within prior to discharge into the waterway.</p> <p><u>Local Water Management Strategy</u> Under the <i>Better Urban Water Management Framework (2008)</i> a Local Water Management Strategy is required to support an amendment of a Local Planning Scheme.</p> <p>As stormwater from the development will be connected to the wetlands, the proposal will need to address a strategy for stormwater management which ensures treatment occurs on-site prior to discharge into the wetlands. It is recommended that stormwater treatment occurs to the 1 in 1 year ARI event and that all stormwater can be safely conveyed off-site. Water quality entering the wetlands from the development should be of a standard which maintains or improves existing water quality of the wetlands.</p> <p><u>Local Water Management Strategy</u> The Department of Water requested measures to ensure development does not impact on environmental attributes, including constructed wetlands and the Princess Royal Harbour. In particular, the DoW requested the development of a Local Water Management Strategy (LWMS) in accordance with the <i>Better Urban Water Management Framework (2008)</i>.</p> <p>City engineers do not believe that a Local Water Management Strategy (LWMS) is warranted and would agree that an Urban Water Management Plan (UWMP) is better suited.</p>

		<p>City engineers also believe that a UWMP could be limited to provide information relevant to the changing developmental elements. For example:</p> <ul style="list-style-type: none"> • Suitable (increased) house connections for Stormwater; • Correctly sized road stormwater system that accounts for increased (maximum) impervious surfaces; • Protection from overland runoff and any subsurface discharge associated with water from catchment above (Mt Melville) and from Brookfield Rail reserve. (ie requirement to assess and protect any required overland flow path and subsurface cut-off drains from catchment above as this is located at the break of slope where groundwater discharge will occur); • Overland flood path that accounts for high density building (no runoff onto neighbouring developments) • Paved surface runoff treatment for water quality before discharge into stormwater system or Princess Royal Harbour • Address contamination risk associated with any design element that include increase in infiltration (considering any soil contamination factors). <p>Given that this area is located at the bottom of the catchment, City engineers do not anticipate that attenuation will be a major requirement, provided any pipe system is adequately designed. City engineers believe that water quality treatment will be important. If the Developer wishes to direct stormwater to the lakes, then adequate environmental controls including water quality issues need to be addressed and parameters may be best requested from DoW.</p> <p>The City requested that the consultant develop a Local Water Management Strategy (LWMS).</p> <p>A LWMS was developed to confirm that stormwater can be contained on-site or appropriately treated and connected to the local drainage system.</p> <p>It is recommended that the following condition is included to address stormwater management:</p> <ol style="list-style-type: none"> 1. Implementation of an Urban Water Management Plan to the satisfaction of the Local Government. All stormwater to be contained on site or appropriately treated and connected to the local drainage system. No stormwater to be discarded into the rail corridor. <p><u>Public Open Space</u> As no POS is proposed to be available as part of the scheme amendment it is recommended that a cash contribution is provided to the City of Albany to improve the condition and amenity value of the wetlands, including access, weed control, improved signage and revegetation. Pedestrian connectivity between the development and the wetlands should be encouraged through improved access as part of the proposal.</p> <p><u>Public Open Space</u> The DoW recommended that a cash contribution is provided to the City of Albany to improve the condition and amenity value of the wetlands, including access, weed control, improved signage and revegetation.</p> <p>Requirements for POS contributions are dealt with at the subdivision stage in accordance with the Commissions Development Control Policy 2.3, which states:</p> <p><i>4.3.1 Sections 20C (1) to 20C (7) of the Act contain provisions under which a cash payment can be made by the subdivider in lieu of providing land for open space.</i></p>
10.	Department of Planning – Coastal Division	<p><u><i>State Planning Policy No. 2.6 State Coastal Planning Policy</i></u> The amendment report prepared by Ayton Baesjou Planning does not identify or address the requirements of <i>State Planning Policy No. 2.6 State Coastal Planning Policy</i> (SPP2.6). Addressing these policy requirements is important given the proposal to double the density; is situated behind major infrastructure such as the sea wall along Princess Royal Harbour; and Princess Royal Drive being a major point of access to the city centre.</p> <p>It is understood that the sea wall along Princess Royal Drive was constructed by Main Roads WA some time ago to protect the road. It is not clear whether the existing wall would provide sufficient protection to meet the current requirements of SPP 2.6. Given the significance of this infrastructure to Main Roads WA and the City of Albany, the amendment report needs to address this matter, as without continuous protection the site will be vulnerable to the adverse impacts of coastal hazards. Doubling the density increasing risk to lives and property is not supported until a clear framework for the ongoing management (including ownership and funding of ongoing care, control and maintenance) is put in place.</p> <p>Until SPP2.6 is addressed the amendment should not proceed. The consultant report accompanying the amendment should be updated to address the policy requirements of SPP2.6.</p> <p><u><i>State Planning Policy No. 2.6 State Coastal Planning Policy</i></u> The Department of Planning – Coastal Division requested additional work be undertaken to address requirements of the State Planning Policy 2.6.</p>

		<p>Section 77 of the <i>Planning and Development Act 2005</i> requires local governments, when preparing or amending a local planning scheme, to have due regard to the State Coastal Planning Policy 2.6 where it affects its district.</p> <p>Relevant measures defined by the state planning policy 2.6 include:</p> <p><i>5.5 Coastal hazard risk management and adaptation planning</i> <i>(i) Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe. Coastal hazard risk management and adaptation planning should include as a minimum, a process that establishes the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring and review, and communicate and consult.</i></p> <p>Subsequently, the consultant was requested to undertake an assessment of coastal processes determining that: The proposed development has a low level of risk of coastal inundation over the 100 year planning timeframe, as its development level is above the 500 year ARI inundation level. Therefore adaptation and mitigation measures are not required.</p>
11.	Department of Parks and Wildlife	<p>The Department of Parks and Wildlife South Coast region has no issues on this proposal.</p> <p>It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.</p> <p>The Department of Parks and Wildlife has no issues pertaining to the proposed amendment.</p>
12.	Water Corporation	<p>The scheme amendment report has addressed issues related to wastewater and water service provision. Accordingly we have no further comments to provide.</p> <p>The Water Corporation has no issues pertaining to the proposed amendment.</p>
13.	Department of Health	<p>The DOH has no objection to the proposed amendment provided all developments are required to connect to scheme water and reticulated sewerage in accordance with the draft <i>Country Sewerage Policy</i>.</p> <p>The Department of Health has no issues pertaining to the proposed amendment.</p>
14.	Department of Environment Regulation	<p><u>Contamination</u> Lots 1533-1550, Amity Quays are currently classified contaminated - remediation required under the Contaminated Sites Act 2003. Lot 1533-1541 historically formed the Albany Gasworks site, which operated between 1891 and 1971 and was classified following the discovery of subsurface contamination. Soil and groundwater contamination was also detected beneath Lots 1542-1550.</p> <p>Remedial works have been conducted at the site in 2015. However, documentation relating to these works, including a Mandatory Auditors Report, has not been submitted to DER.</p> <p>DER considers this proposal to be an interim step in the planning process and as such does not recommend that any contamination conditions be imposed at this stage. However, as remediation of the site is required before it can be developed for a more sensitive use, DER recommends that contamination conditions be placed on any future WAPC and/or Local Government Authority subdivision/development applications in order to ensure that the site is suitable for the proposed residential use.</p> <p><u>Contamination</u> In order to ensure that the site is suitable for the proposed residential use, it is recommended that a contamination condition is included in the amendment for implementation at the subdivision/development stages.</p>
15.	C & S Anderson 19 Festing Street, Mt Melville	<p><u>Views</u> In 2007, we purchased this property solely because of the views it affords and we feel we are going to be highly disadvantaged and our property substantially devalued with this proposal to build high density buildings which will be 2 or possibly 3 storey buildings high, to be erected in front of property.</p> <p>We are opposed to both the two or three storey apartments being located there and zoning changed from R30 to R60 increased density, with the many foreseeable problems that could arise. We understand the land in question has a history of contamination from previous use, and are aware this land has been reclaimed from the harbour waters and question its possible long term safety in view of this.</p> <p><u>Views</u> Lots on Festing Street and the subject of the amendment are zoned Residential R30.</p>

Under the R30 density coding, development may occur, as listed under category 'B' in table 3 of the Residential Design Codes (see table below).

Under the proposed R60 density coding, development may occur at heights listed under category 'C' in table 3 of the Residential Design Codes (see table below).

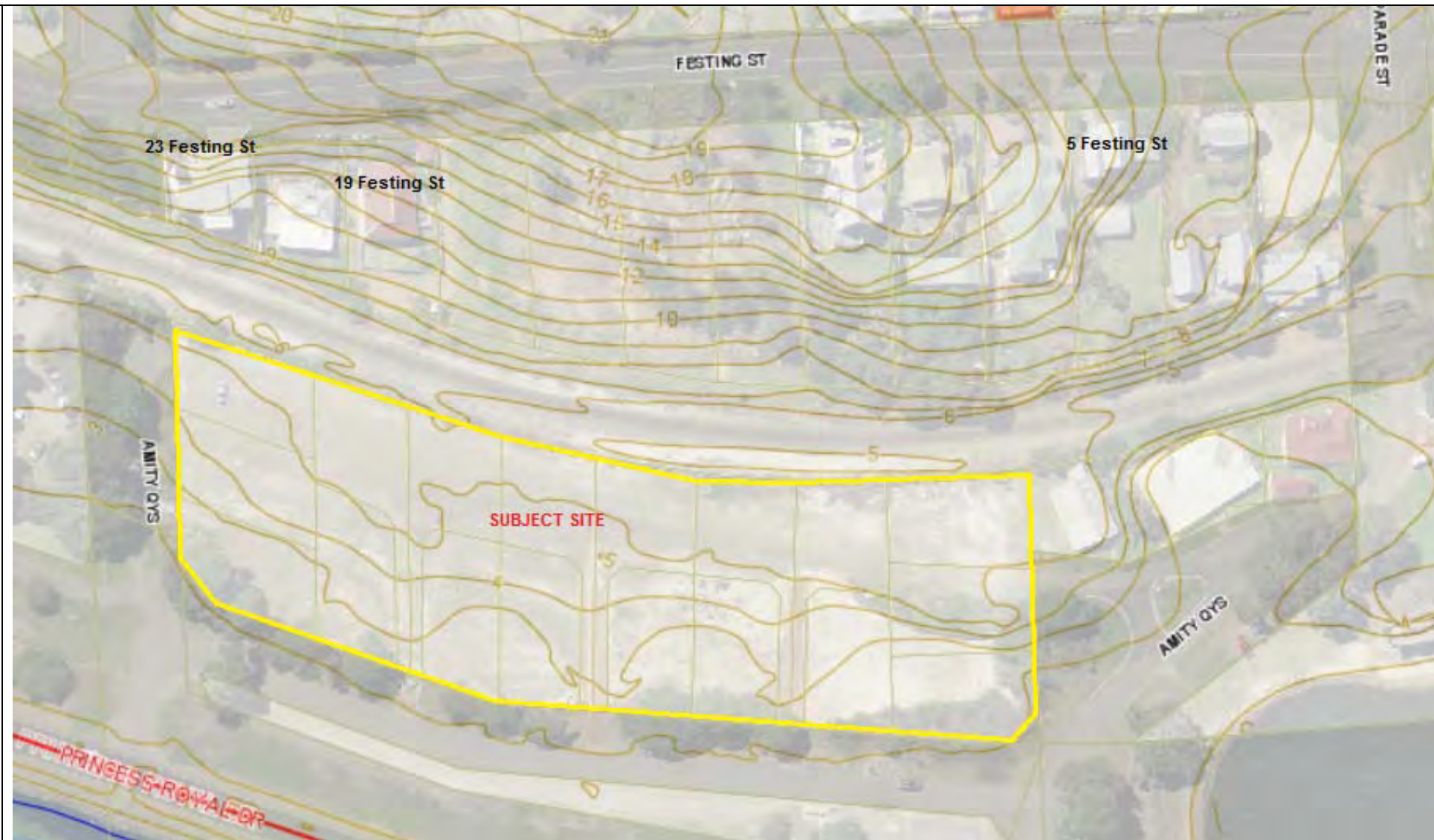
The R60 density enables an additional 3m in height to the existing height limits.

Maximum building heights (i)		
	Category	
	B	C
Tops of external wall (roof above) (ii)	6m	9m
Top of external wall (concealed roof)	7m	10m
Top of pitched roof (iii) (iv)	9m	12m

The natural ground level height at the subject land is 5m at the highest (refer to contour height datum diagram below).

The medium natural ground level height for lots at Festing Street is approximately 11m (refer to contour height datum diagram below).

[Contour height datum diagram](#)

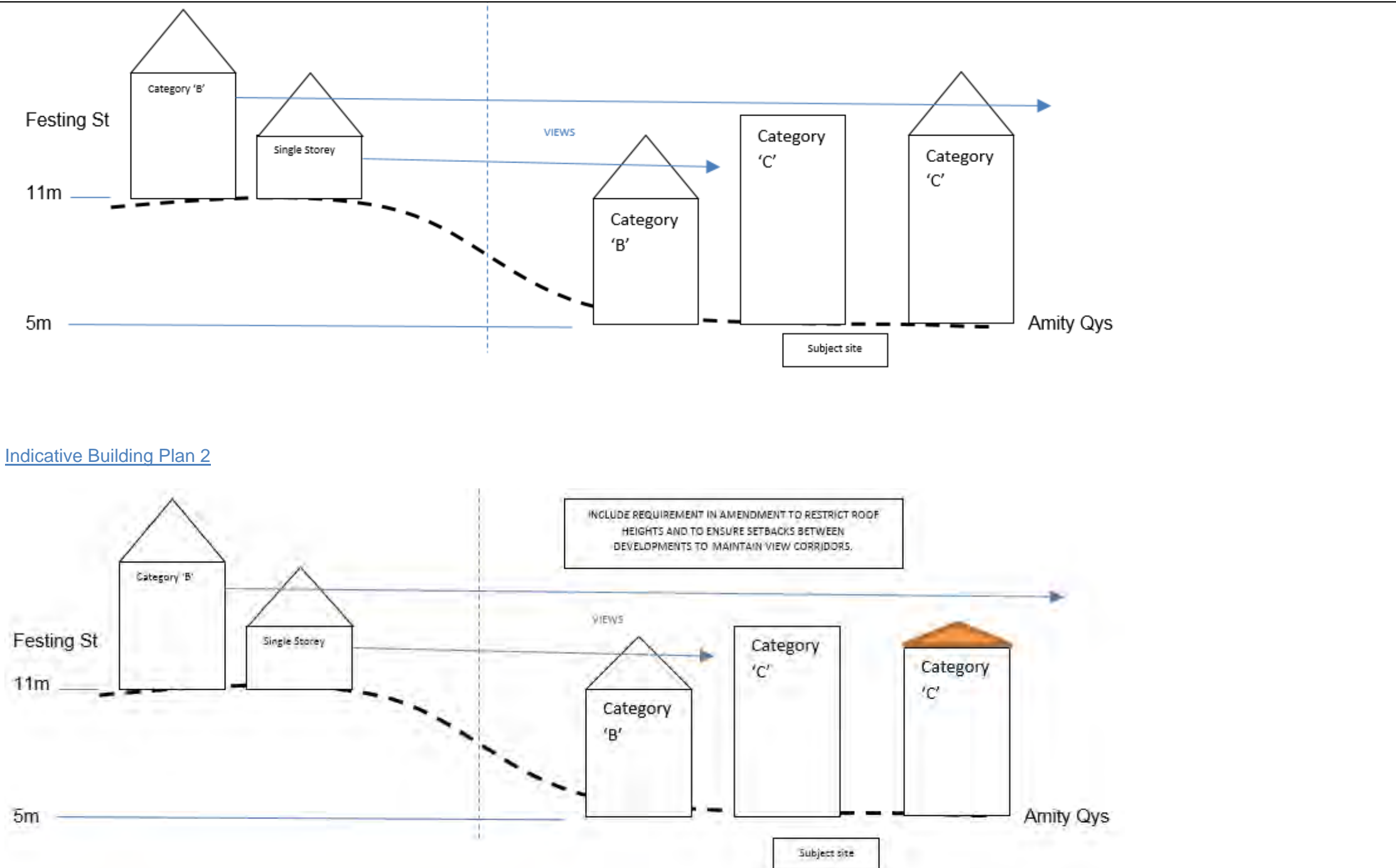


There's a difference in natural ground level height of approximately 6m between the amendment site and properties fronting Festing Street.

Due to the differentiation in heights:

- If development occurs in accordance with category B, on the subject amendment site, partial views are maintained for single storey developments on lots fronting Festing Street (refer to indicative building Plan 1 below);
- If development occurs in accordance with category C, on the subject amendment site, views are not maintained for single storey developments on lots fronting Festing Street (refer to indicative building Plan 1 below);
- If development occurs in accordance with category C, on the subject amendment site, partial views are maintained for double storey developments on lots fronting Festing Street (refer to indicative building Plan 1).

[Indicative Building Plan 1](#)

	 <p><u>Indicative Building Plan 2</u></p> <p>It is recommended that the following condition is included to address concerns in relation to building heights and views.</p> <ol style="list-style-type: none"> 1. For development at the R60 density code, the maximum building height is 10m to the top of the roof and setback between developments is to be incorporated to enable view corridor(s) to dwellings on Festing Street.
<p>16. T & J Landgraff 5 Festing Street Albany</p>	<p><u>Views</u> Our prime view of the harbour is over the new development site due to large trees blocking our view at the museum site.</p> <p>We have only recently purchased our property (less than 2 years), and we were satisfied at the time that a maximum of two storey (6m) residences could be built on the proposed site. We believe the original plan gives surety to all; however restrictions still need to be in place to protect the amenity of existing and future property owners.</p> <p>We understand the need for increased density but this must be done with due respect to current property owners not just those within the new development.</p>

		<p>We also believe the proposal is at odds with your 'Albany Historic Town Design Policy' objectives which gave us comfort when we chose Albany and our property.</p> <p>This proposal that satisfies the developer's need to cram as many houses onto the site as possible giving high profits but will result in a ghetto appearance blocking the foreshore that now is the scourge of places such as Spain and the Gold Coast of eastern Australia. We believe it will not be in keeping with the historic ambience of the vicinity.</p> <p>Views Refer to submission 14, which recommends the introduction of a provision to support view corridors.</p>
17.	A & F Rayfield 23 Festing Street, Albany	<p>Views We have inspected the plans and have serious concerns in relation to the maximum height allowed for a new structure on this site (three storeys). We strongly object to any dwellings being built to a height of more than a standard two storey dwelling.</p> <p>The reason for our objection is that, given the close proximity to the new development and our home, our views of the harbour from our dwelling will be seriously interrupted. The ground floor of our home is a major source of income for us, as we run short stay accommodation from here, and the views are a major drawcard.</p> <p>Views Refer to submission 14, which recommends the introduction of a provision to support view corridors.</p>

CITY OF ALBANY

LOCAL PLANNING SCHEME NO. 1

AMENDMENT No 28

MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

LOCAL AUTHORITY: **CITY OF ALBANY**

DESCRIPTION OF LOCAL PLANNING SCHEME: **LOCAL PLANNING SCHEME No. 1**

TYPE OF SCHEME: **DISTRICT SCHEME**

SERIAL No. OF AMENDMENT: **AMENDMENT No. 28**

PROPOSAL:

- i. Designating Lot 312 Bay View Drive as an ‘Additional Uses’ site No. 33 and including it in Schedule 2 of the Scheme Text in the following manner:*

Schedule 2 – Additional Uses (Cl 4.5)			
No.	Description of Land	Additional Use	Conditions
AU 33	Lot 312 Bay View Drive, Little Grove	Grouped Housing (‘A’) Multiple Housing (‘A’)	<ul style="list-style-type: none"> I. At the time of subdivision and/or development, the local government may request the provision of a Local Area Plan (to be adopted as a Local Planning Policy) to guide development of ‘Additional Uses’. II. The R30 code and Mixed Use Development requirements, as set out in the Residential Design Codes (Part 6) shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses. III. Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use in the future.

- and*
- ii. amending the Scheme Maps accordingly.*

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 28

CONTENTS

1. RESOLUTION
2. REPORT
3. EXECUTION

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

**CITY OF ALBANY
LOCAL PLANNING SCHEME No. 1**

DISTRICT SCHEME

AMENDMENT No. 28

RESOLVED that the local government pursuant to Section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- i. *Designating Lot 312 Bay View Drive as an ‘Additional Uses’ site No. 33 and including it in Schedule 2 of the Scheme Text in the following manner:*

Schedule 2 – Additional Uses (CI 4.5)			
No.	Description of Land	Additional Use	Conditions
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and

- ii. *amending the Scheme Maps accordingly.*

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason.

- The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this _____ day of _____

CHIEF EXECUTIVE OFFICER

CITY OF ALBANY

LOCAL PLANNING SCHEME NO. 1

AMENDMENT No. 28

PLANNING REPORT

Contents

1. INTRODUCTION	1
2. BACKGROUND	1
LOCATION PLAN	1
SITE PLAN	5
3. PROPOSED SCHEME AMENDMENT.....	6
4. CONCLUSION	7

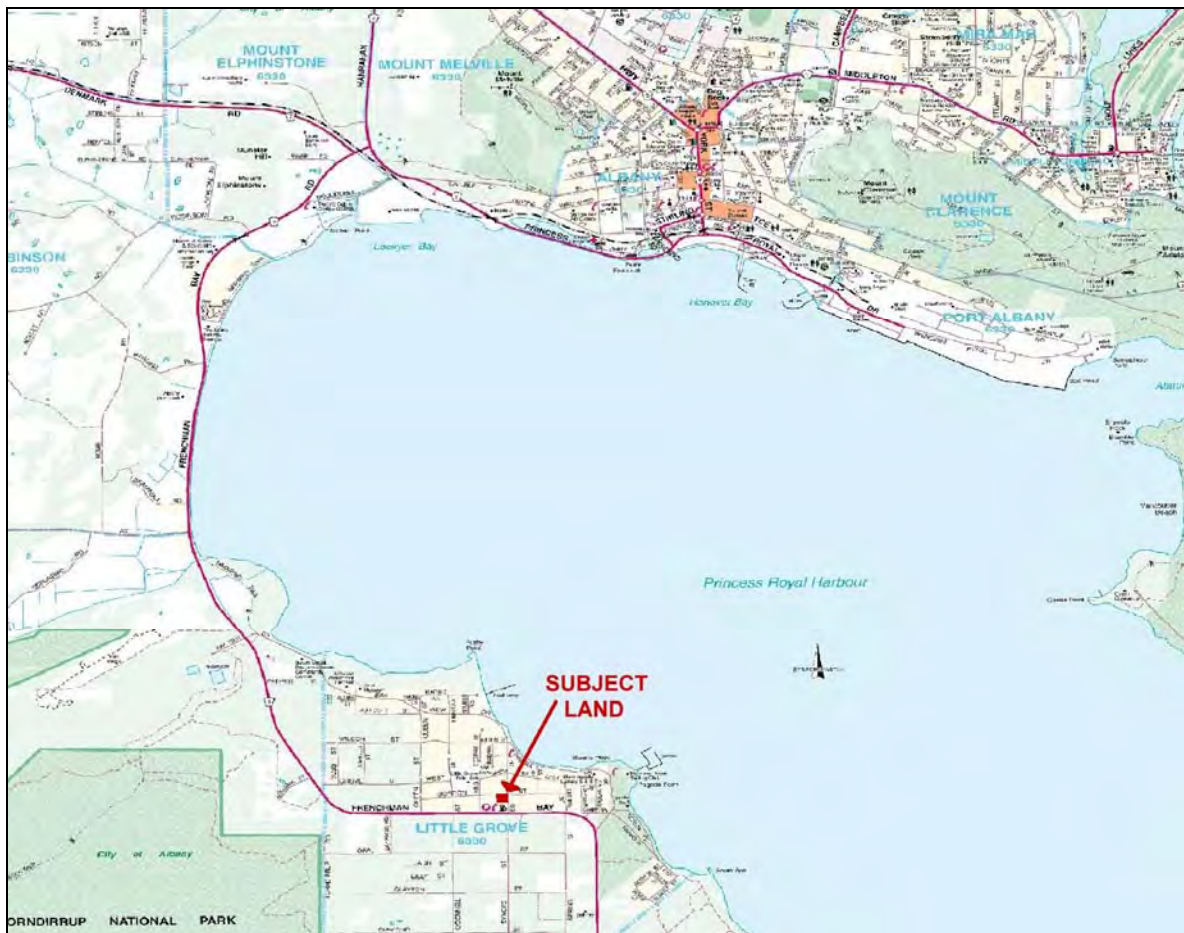
1. INTRODUCTION

The purpose of this amendment to the City of Albany Local Planning Scheme No 1 is to facilitate residential and mixed use development within the Little Grove 'Local Centre' zone by designating 'Grouped Housing' and 'Multiple Housing' development as discretionary uses within the zone.

The following report provides background information and justification for the proposed Scheme amendment.

2. BACKGROUND

Lot 312 Bay View Drive is located on the corner of Gordon Street and Bay View Drive immediately behind Lot 1 which contains the Little Grove Local Centre which is located on the corner of Frenchman Bay Road and Bay View Drive. Refer to Location Plan below.



LOCATION PLAN

Lot 312 is 1400m² in area and is currently underdeveloped. Together with Lot 1 it is zoned 'Local Centre' under the provisions of the City of Albany Local Planning Scheme No 1.

The existing local centre on Lot 1 consists of a service station and convenience/liquor store which together with access ways and car parking occupy around 65% of the site.

The shop retail floorspace is approximately 400m² in area and incidental office space occupies a further 25m².

The key planning document relating to the distribution and development of retail centres in Albany is the City of Albany's 'Activities Centre Planning Strategy' (ACPS) which was endorsed by the Council in June 2010.

The Strategy notes that Local Centres play an important role in Albany, providing a local convenience service. However, as the higher order services provided by the larger neighbourhood centres also provide a local convenience function, the need for future purely-local centres is considered limited.

Local Centres are allowed to develop Shop/Retail floorspace up to 600²m, although the ACPS notes that most will probably remain smaller than this.

The Strategy recommends that Local Centres:

- Encourage and facilitate the development of other local-serving uses at an appropriate scale within local activity centres. Such uses could include some local offices and residential development.
- Where practicable, within a 100 metre radius of local centres, facilitate increased residential density of at least R30, preferably R40. This will enhance the commercial potential of these centres.
- Allow additional, appropriately sited, local activity centres to be planned in new urban areas as part of the structure planning process, to serve as (amongst other things) focal points for increased residential densities.

The first dot point is relevant to this amendment proposal as it encourages the development of residential development as well as other local servicing uses such as some local offices. While offices are a discretionary use within the 'Local Centre' zone, a single house, grouped dwelling and multiple dwelling are not permitted.

Other uses which may be considered within the 'Local Centre' zone include:

Amusement Parlour	Industry - service
Caretaker's Dwelling	Market
Child Care Premises	Medical Centre
Civic Use	Office
Club Premises	Restaurant
Community Purposes	Service Lunch Bar
Consulting Rooms	Service Station
Convenience Store	Shop
Dry Cleaning Premises	Small Bar
Exhibition Centre	Storage
Fast Food Outlet	Tavern
Industry – Cottage	Veterinary Service

While some of the above uses may not be suitable for particular locations, their retention will allow for their consideration in an appropriate situation without having to go through the process of a Scheme amendment.

Current practice generally excludes the development of a 'Single House' and most Schemes in WA encourage 'Grouped Housing' and 'Multiple Housing' within a 'Local Centre'.

With regard to proposed retail development in the locality, the only proposal is a 'Village Centre' associated with the Big Grove Outline Development Plan. The Village Centre is nominated for convenience shopping and commercial uses along with complimentary residential uses.

The size of the centre was not determined as it was considered outside the study time frame. However, it was noted that surrounding development potential could support a small to medium sized Neighbourhood Centre.

Within this context, the Little Grove Local Centre is likely to remain a local centre and will have the capacity to extend from 400m² Shop Retail to 600m² should demand increase pending the development of the Big Grove Centre.

This additional floorspace can be more than adequately catered for within the vacant land remaining within Lot 1, together with possibly other appropriate commercial uses listed in the use class table.

As Lot 312 will not be required for Shop Retail floorspace, provision for predominantly residential mixed use development will meet the intent of the objectives contained in the 'Activity Centre Planning Strategy'. An R30 residential density is recommended with reference to Requirements 34 to 35 of Element 3 of Livable Neighbourhoods.



3. PROPOSED SCHEME AMENDMENT

In order to provide for residential mixed use development within Lot 312, it is proposed to retain the 'Local Centre' base zone, which provides for a wide range of commercial uses, and designate it as an 'Additional Uses' site with 'Grouped Housing' and 'Multiple Housing' based on the R30 Residential Density Code, as 'A' uses, i.e. uses that may be permitted at the discretion of Council.

Residential development within Lot 312 may be permitted as an interim use providing the ground floor can be converted to commercial use. Detailed design can cater for the transition from residential use by ensuring buildings are constructed to allow easy conversion to commercial (or partial) use by, for example, providing separate front and rear entrances, facades and setbacks and internal stud walls so that the front room can be converted to commercial use.

At the time of redevelopment/subdivision the provision of a Local Area Plan outlining how the site and buildings can accommodate residential mixed use development may be required by Council.

Conditions to be included in Schedule 2 – Additional Uses of the Scheme Text are recommended to cover:

- The provision of a Local Area Plan at the time of subdivision and/or development.
- The R30 code and Mixed Use Development requirements, as set out in the Residential Design Codes shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses.
- Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use in the future.

4. CONCLUSION

A there is sufficient scope for additional retail and/or commercial use to be developed on Lot 1 abutting the subject land, there is an opportunity to provide for residential development to be considered on the subject land, being Lot 312.

The City of Albany ACPS encourages the residential development and other local serving uses at an appropriate scale within Local Activity Centres.

The designation of Lot 312 as an “Additional Uses” site with “Grouped Housing” and “Multiple Housing” is recommended to meet the intent of the ACPS. An R30 Density Code for the residential component is proposed.

Preparation of a Local Area Plan at such time as development or subdivision will enable either residential development as an interim use to be considered, with the ability to accommodate appropriate commercial development in the future.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 28

The City of Albany under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

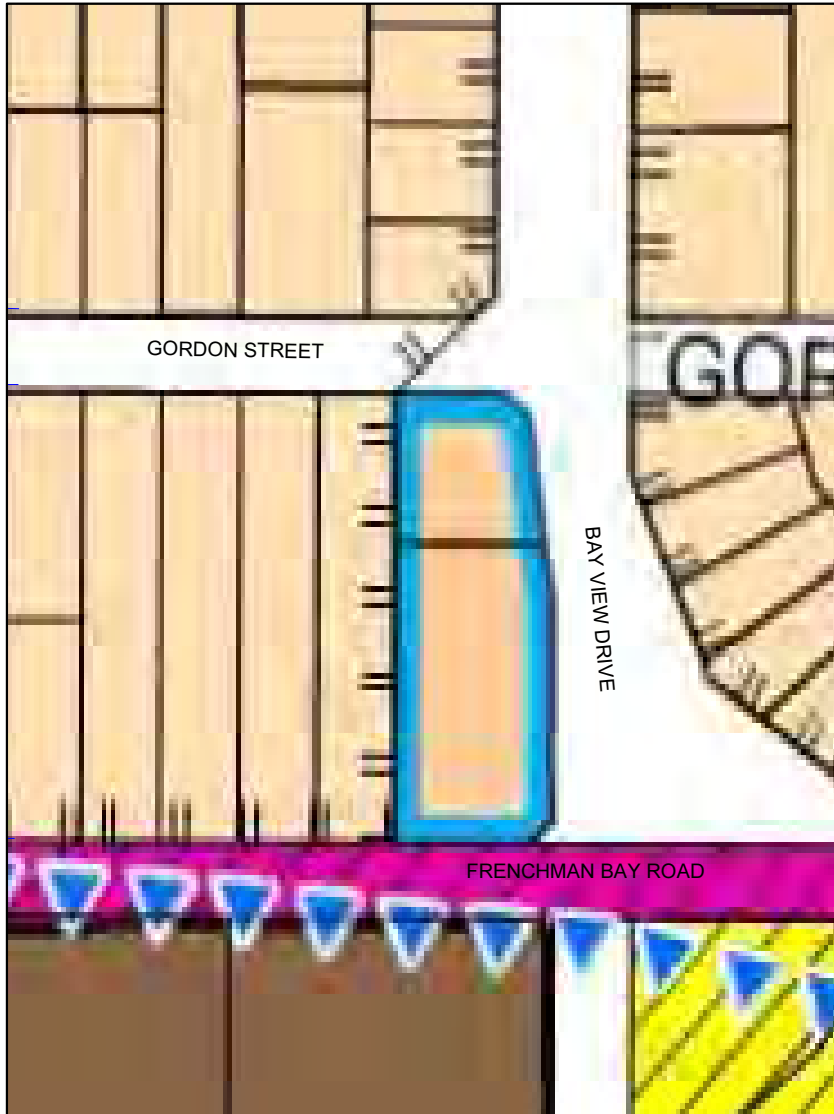
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and

- ii. *amending the Scheme Maps accordingly.*

Existing Zoning



LEGEND

LOCAL SCHEME RESERVES

(see scheme text for additional information)

- Local road
- Priority road
- Public use

LOCAL SCHEME ZONES

(see scheme text for additional information)

- Local centre
- Residential
- Rural residential

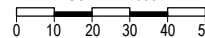
OTHER CATEGORIES

(see scheme text for additional information)

- R20 R Codes
- A1 Additional uses
- Public drinking water sources special control areas (see c.6.3)



ORIG A4
SCALE 1:2000



Proposed Zoning



ADOPTION

Adopted by resolution of the Council of the City of Albany at the Meeting of the Council held on the _____ day of _____ 20_____.

Mayor

Chief Executive Officer

FINAL APPROVAL

Adopted for final approval by resolution of the City of Albany at the Meeting of the Council held on the _____ day of _____ 20_____ and the Common Seal of the City of Albany was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor

Chief Executive Officer

Recommended/Submitted for Final Approval

**Delegated Under S.16
of the PD Act 2005**

Date

Final Approval Granted

Minister for Planning

Date



ABN: 50 860 676 021

Enquiries: Jeff Barnes on 08 9892 0535
jeff.barnes@mainroads.wa.gov.au

31 October 2017

Our Ref: File No 14/8307



Mr Andrew Sharp
Chief Executive Officer
City Of Albany
PO Box 484
ALBANY WA 6330



City of Albany Records
Doc No ICR17281047
File RD.ACQ 1
Date 02 NOV 2017
Officer LAO2,RES3 RES
EDIE
Attach
Box
Vol
Box+Vol

Dear Mr Sharp

SOUTH COAST HIGHWAY CHEYNE BEACH ROAD TO METTLER ROAD LAND REQUIREMENT – COUNCIL CONCURRENCE

Attached for consideration by the Council are plans depicting land required for improvement works to be carried out on South Coast Highway from just east of Cheyne Beach Road to Mettler Road, Green Range, road length approximately 35km. In order for the project to proceed, the land shown shaded on the enclosed copies of Land Dealings Plans 1760-001 to 1760-007 and 1760-009 to 1760-014 is required for inclusion in the road reserve.

Main Roads has approached the Department of Biodiversity, Conservation and Attractions (DBCA) and other affected parties and arrangements for acquisition are in progress. Effectively the land required is a dedication and widening of the existing road reserve within the Hassell National Park. Parliamentary approval is required to enable the excision to be finalised and this will be followed by the formal dedication as road reserve.

To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* that local governments resolve to dedicate the road. It would be appreciated if Council could consider the matter at its next meeting and provide the following statement in a letter to Main Roads marked to my attention. This will satisfy the requirements of Regional and Metro Services (RMS) at the Department of Planning, Lands and Heritage who will be arranging dedication when the land has been acquired.

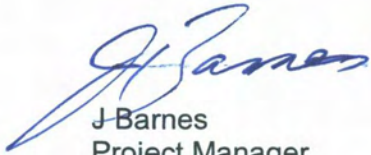
“Council at its ordinary meeting held on (Day Month Year) passed a resolution for the dedication of the land the subject of Main Roads Land Dealing Plans 1760-001 to 1760-007 and 1760-009 to 1760-014 as a road pursuant to section 56 of the Land Administration Act 1997.”

In addition please provide a copy of the minutes of the Council meeting relating to the resolution to Jeff Barnes at the address in the footer below.

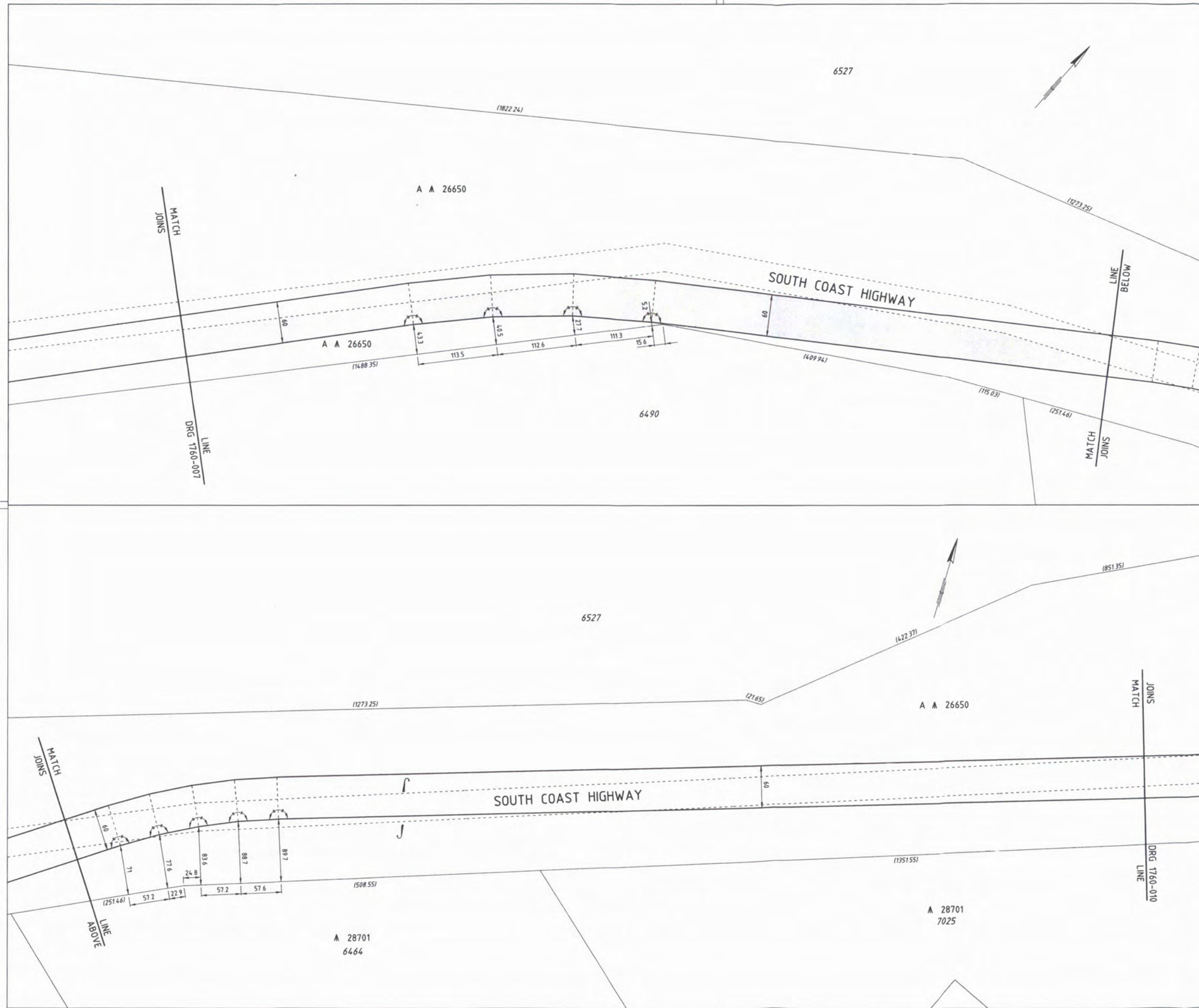
Main Roads will indemnify the Council against any costs and claims that may arise as a result of the dedication.

If you require any further information please contact me on 08 9892 0535 or by email to jeff.barnes@mainroads.wa.gov.au

Yours faithfully



J Barnes
Project Manager
Great Southern Region



AMENDMENTS	
DESCRIPTION	
DATE	
AUTHORISED	
MICRO DATE	
LEGEND	
	RATIONALISED POSITION OF ROAD RESERVE IN RELATION TO ROAD FORMATION TOTAL APPROX AREA = 106 ha
	BOUNDARY TO BE SURVEYED
NOTES	
1. DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.	
2. S.L.K IS A M.R.W.A. STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.	
3. CADASTRAL MODEL CAD1094A	
4. HORIZONTAL DATUM IS MGA 94.	
GREAT SOUTHERN REGION	
Telephone (08) 9892 0555 Fax (08) 9841 8213	
APPROVED FOR IMPLEMENTATION	
FILE NUMBER	DATE
14/1307	3/10/2017
AUTHORISED	APPROVED
<i>[Signature]</i>	<i>[Signature]</i>
FINANCE AND SERVICES PROPERTY MANAGEMENT	
Telephone 9323 4580 Fax 9323 4600	
DRAWN/DESIGNED	DATE
W.M. ROLLINGS	JAN 2017
AUDITED IN ACCORDANCE WITH STANDARD 67-08-48 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL	
<i>[Signature]</i> 29/1/17	
SOUTH COAST HWY H8	
LAND DEALINGS	
SHEET 8 OF 13	
65.8 - 69.36 SLK	
LOCAL AUTHORITY (302)	CITY OF ALBANY
DRAWING TYPE	DRAWING NUMBER
7200	1760-009
FILE NUMBER	AMEND.
13/4470	



