



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 9 April 2025

6.00pm

Council Chambers

The Five Strategic Pillars



Development & Infrastructure Services Committee
Terms of Reference

Functions:

This Committee is responsible for:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment.
- Shared responsibility for climate action.
- Responsible growth, development, and urban renewal.
- Creating interesting, vibrant, and welcoming places.
- Valuing and preserving local history, heritage, and character.
- Ensuring a safe, sustainable, and efficient transport network.

It accomplishes this by:

- Developing policies and strategies.
- Creating progress measurement methods.
- Receiving progress reports.
- Considering officer advice.
- Debating current issues.
- Offering advice on effective community engagement and progress reporting.
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly Meeting

Location: Council Chambers

Executive Officers:

- Executive Director Infrastructure, Development & Environment Services
- Manager Development Services
- Manager Engineering & Sustainability

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 09/04/2025

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
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1. **DECLARATION OF OPENING** - The Chair declared the meeting open at 6.01pm.

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 past, present and emerging”.

3. **RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Mayor	G Stocks
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Councillors:

Deputy Mayor Councillor	P Terry
Councillor	R Sutton
Councillor	D Baesjou
Councillor	M Traill (Deputy Chair)
Councillor	L MacLaren
Councillor	M Lionetti

Staff:

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Manager Development Services	J van der Mescht
Meeting Secretary	N Banyard

Apologies:

Councillor	A Cruse (Leave of Absence)
Councillor	S Grimmer (Apology)
Councillor	T Brough (Apology)
Councillor	C McKinley (Apology)

There were no media representatives, and 3 members of the public in attendance (2 via Zoom)

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil		

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME

Conduct of Persons at Meetings: Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.

Prevention of Disturbance:

- Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
- Attendees must:
 - Refrain from interrupting the meeting through approval, dissent or conversation.
 - Conduct themselves appropriately and follow directions if asked to leave.
 - Avoid obstructing access to the meeting or causing disturbances.

Public Question Time. In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:

- Public Question Time is limited to 30 minutes, extendable at the discretion of the Presiding Member.
- The Presiding Member may decline to respond to a question if:
 - The same or a similar question was asked at a previous meeting.
 - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.

Contents of Minutes As per the *Local Government (Administration) Regulations 1996*, regulation 11:

- The minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of the response.

Documents Tabled at Meetings. Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

6.03pm Reegan Cake, Dynamic Planning.

Summary of key points:

Mr Cake spoke in support of the Authorising Officer Recommendation DIS437: North McKail Local Structure Plan

6.07pm Steven Jersky, Harley Dykstra.

Summary of key points:

Mr Jersky spoke in support of the Authorising Officer Recommendation DIS436: Initiation to Adopt Amendment No. 2 to City of Albany Local Planning Scheme No. 2 for Advertising

There being no further speakers the Chair declared Public Question Time closed at 6.11pm

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 09/04/2025

7. PETITIONS AND DEPUTATIONS Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

MOVED: COUNCILLOR SUTTON

SECONDED: DEPUTY MAYOR TERRY

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 12 March 2025 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 7-0

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

DIS436: INITIATION TO ADOPT AMENDMENT NO. 2 TO CITY OF ALBANY LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING – VERSION 2

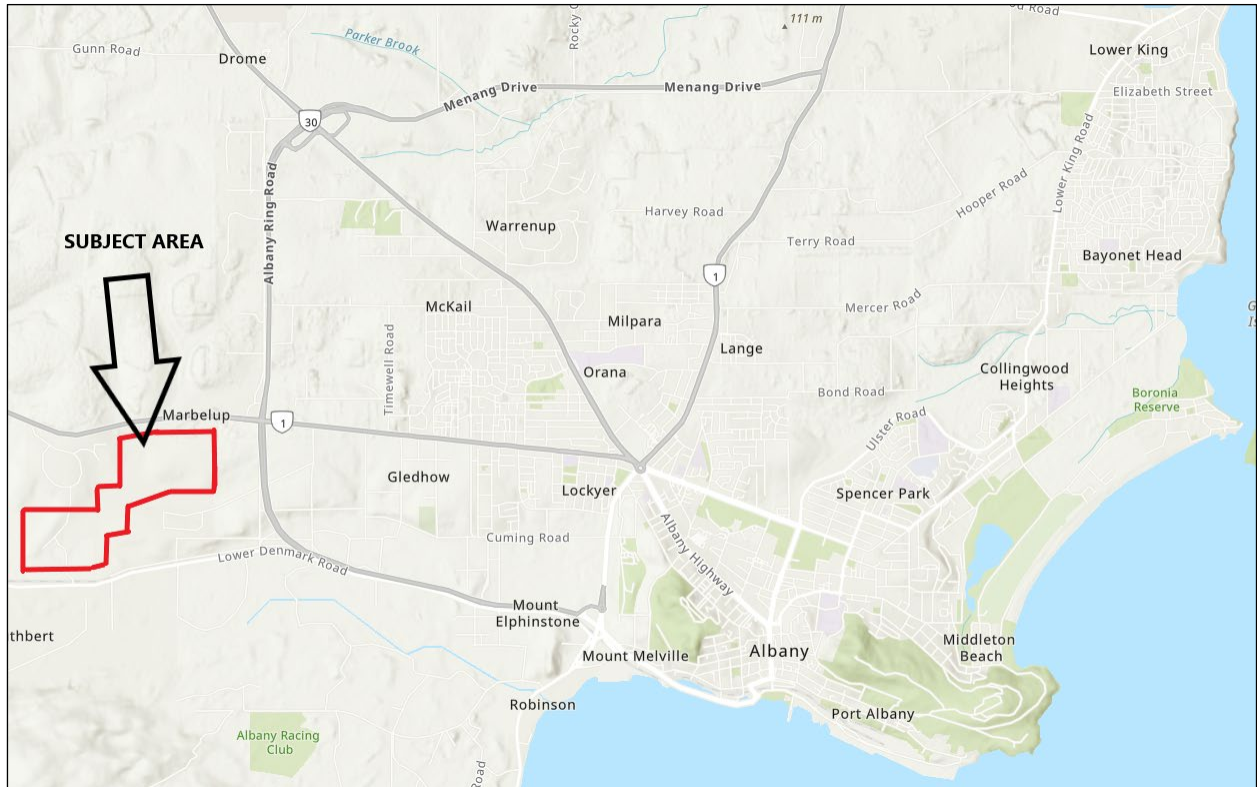
Land Description	:	Lot Number	Registered Proprietor
		124	Brian Fuller
		125	Dora Porter
		9001 & 200	Barry Panizza
		44 & 201	Ramon Panizza
			Emma Panizza
		33	State of Western Australia
Proponent / Owner	:	See above	
Attachments	:	1. Scheme Amendment Report 2. Appendix A – Rezoning Plan 3. Appendix B - Opportunities and Constraints Plan 4. Appendix C - Local Water Management Strategy 5. Appendix D - Site Soil Evaluation 6. Appendix E - Bushfire Management Plan 7. Appendix F - Traffic Study.	
Supplementary Information & Councillor Workstation	:	Nil	
Report Prepared By	:	Manager Development Services	
Authorising Officer:	:	Executive Director Infrastructure, Development & Environment	

STRATEGIC IMPLICATIONS

- This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcomes:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.
 - A safe, sustainable and efficient transport network.
 - **Pillar:** Planet
 - **Outcomes:**
 - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
 - A resilient community that can withstand, adapt to, and recover from natural disasters.
 - **Pillar:** Prosperity
 - **Outcomes:**
 - A strong, diverse and resilient economy with work opportunities for everyone.
 - A highly sought-after tourist destination.
 - **Pillar:** Leadership
 - **Outcomes:** Grow awareness, understanding and engagement in City projects, activities and decisions.

2. The *Albany Local Planning Strategy 2019* (Planning Strategy) outlines the long-term vision for land use and development in Albany. Amendment No. 2 (AMD2) does not directly align with Planning Strategy objectives for Rural Living, with strategic objectives promoting growth of rural living settlement areas expected to be maintained within existing zoned areas, and the rezoning of existing agricultural land for rural living purposes not supported.
3. As Amendment No. 2 (AMD2) does not directly align with the strategic objectives identified under the Planning Strategy, the amendment is determined a 'complex' amendment to the City of Albany Local Planning Scheme No. 2 (LPS2).

Maps and Diagrams: The following diagram illustrates the land the subject of the scheme amendment proposal.



In Brief:

- The City has received a request to transfer land zoning in Marbelup, located between South Coast Highway and Lower Denmark Road, from the 'Rural' zone to the 'Rural Residential' and 'Rural Smallholding' zones.
- The rezoning seeks to enable future subdivision of the land for rural living, to be implemented in accordance with the objectives and standards of the proposed zones.
- Assessment of the proposed rezoning identified outstanding matters, specifically in relation to flood risk mapping, that require submission of further information, demonstrating that the subject land is capable of subdivision and development, that appropriately responds to the constraints of the site.
- Notwithstanding the outstanding information, the proposal and supporting documentation provided to date are considered sufficient in their current form to progress to public advertising for comment and formal consultation with state agencies.
- Council is therefore requested to initiate the proposed amendment for advertising.

RECOMMENDATION

DIS436: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BAESJOU
SECONDED: DEPUTY MAYOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

DIS436: AUTHORISING OFFICER RECOMMENDATION

That Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, RESOLVES to adopt Scheme Amendment No. 2 to:
 - a) Rezone Lots 124 and 125 on Plan 16119 South Coast Highway, Marbelup, Lot 200 on Plan 52999 Old Elleker Road, Cuthbert from 'Rural' to 'Rural Residential' zone.
 - b) Rezone Lot 201 on Plan 52999 Old Elleker Road, Cuthbert from 'Rural' to 'Rural Smallholding' zone.
 - c) Rezone portions of Lot 44 on Plan 000584 Old Elleker Road Cuthbert and Lot 9001 on Plan 074816 Lower Denmark Road, Cuthbert from 'Rural' to either 'Rural Residential' or 'Rural Smallholdings' zone, as applicable on the proposed plan.
 - d) Rezone Lot 33 on Plan 584 Old Elleker Road, Marbelup, from 'Rural' to local reserve classification 'Drainage / Waterway'.
 - e) Change local reserve classification of Lot 7864 on Plan 16119 South Coast Highway, Marbelup from 'Infrastructure Services' to 'Drainage/Waterway'.
2. Pursuant to regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment is 'complex' in accordance with regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as it satisfies the following criteria:
 - a) the amendment is not consistent with the City of Albany Local Planning Strategy 2019, prepared for the scheme and endorsed by the Commission.
3. REFERS Scheme Amendment No. 2 to the Environmental Protection Authority, pursuant to Section 81 of the *Planning and Development Act 2005*, by giving to the EPA written notice of this resolution and such written information to enable the EPA to comply with s. 48A of the *Environmental Protection Act 1986*.
4. Pursuant to r. 46A of the *Planning and Development (Local Planning Schemes) 2015*, AUTHORISES the Chief Executive Officer to forward a copy of the amendment to the Western Australian Planning Commission to seek approval from the Minister to advertise the proposed complex amendment in accordance with section 83A of the *Planning and Development Act 2005*.
5. Pursuant to r. 46C of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
 - a) Undertake any modifications to Amendment No. 2 as required by the Minister, in accordance with s. 83A (2)(b) of the *Planning and Development Act 2005*;

- b) Undertake any further referrals of modified Amendment No. 2 to the EPA, if required, in accordance with s. 83A(3), s. 81 and s. 82 of the Planning and Development Act 2005; and
 - c) Resubmit the modified amendment to the Minister for approval, in accordance with s. 83A (1) of the Planning and Development Act 2005.
6. In accordance with the requirements of r. 47 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to ADVERTISE Amendment No. 2 to Local Planning Scheme No. 2, as soon as reasonably practicable after the Minister grants approval in accordance with s. 83A(2)(a) of the *Planning and Development Act 2005*.
- Note:
- Advertisement of Amendment No. 2 including publication of a notice to be undertaken in accordance with Part 5 Division 3 r. 47 and Schedule 2 Deemed Provisions Part 12 cl. 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in a form approved by the Western Australian Planning Commission.
 - In accordance with Part 5 Division 1 r.35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, when the proposed amendment takes effect, the approval of any structure plans is not affected.

BACKGROUND

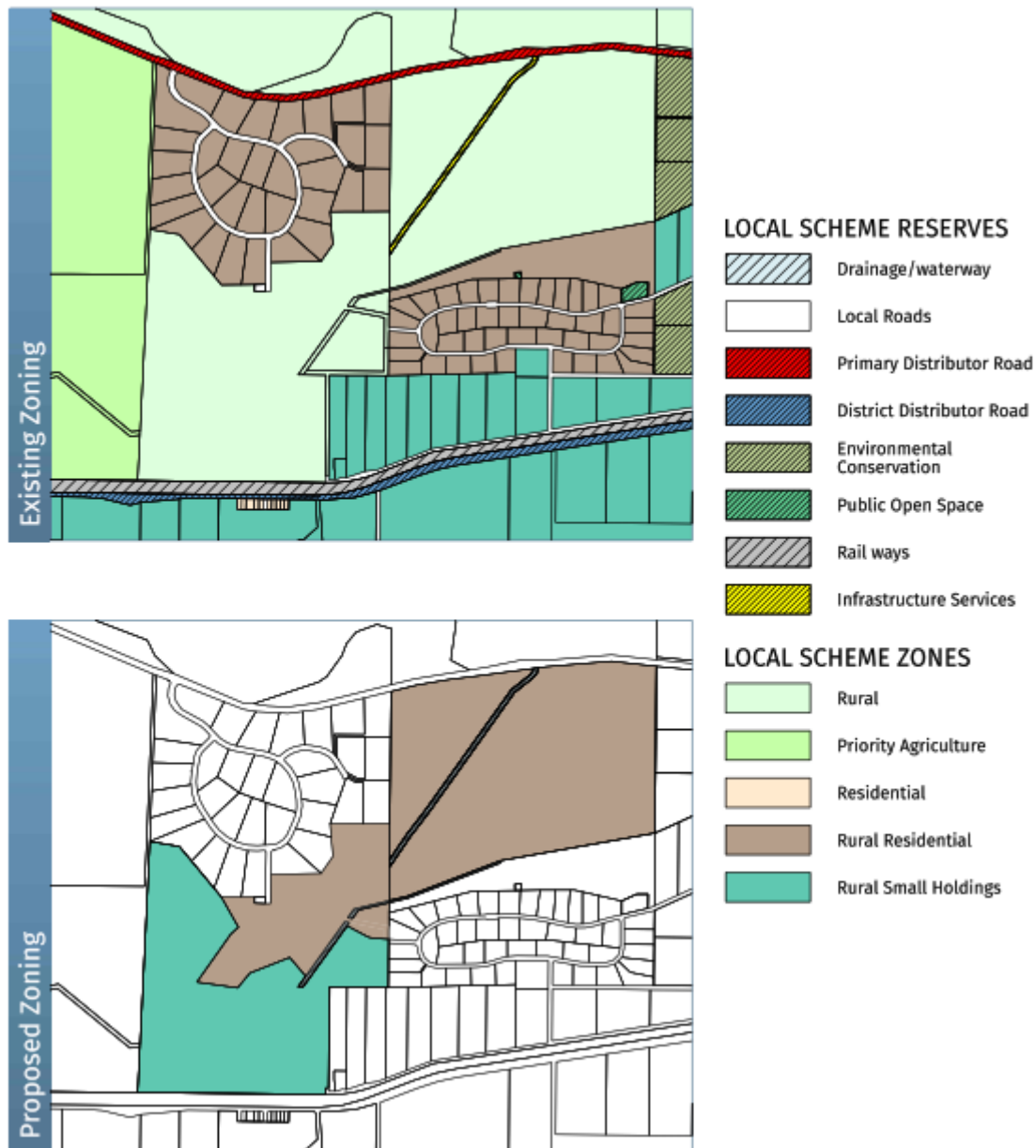
- 4. In early 2021, the owners of the subject land submitted an initial request to the City seeking consideration for inclusion of a proposed change to the zoning of the subject land to support rural living development, as part of the preparation of LPS2.
- 5. In response to the request, the City, in consultation with Department of Planning, Lands and Heritage, held discussions during 2021 and 2022 with the proponents, to identify potential assessment pathways for the City and DPLH for consideration of the proposal and identify minimum technical documentation requirements.
- 6. Based on the proposal not aligning with the Planning Strategy and potential constraints of the land informing the outcomes of future subdivision and development aspirations of the site, it was concluded from the discussions that a separate complex scheme amendment was the most appropriate pathway to consider such a proposal.
- 7. Council had also resolved at its meeting in August 2021 to a moratorium on further amendments to superseded Local Planning Scheme No. 1, as the City progressed LPS2. The owners were therefore advised that a future scheme amendment would be accepted for consideration following gazettal of LPS2.
- 8. Following this, the proponents commenced preparation of the scheme amendment documentation, including the required technical reports and continuing preliminary engagement with the City, DPLH and other relevant state agencies.

DISCUSSION

- 9. The application for a complex scheme amendment to rezone the subject land was formally lodged with the City in August 2024.
- 10. The proposal in its current form is a result of ongoing discussion between the proponents and the City to ensure that the amendment proposal to change the zoning adequately demonstrates that the land is capable of the desired development in accordance with the objectives of the new zones and can be implemented to appropriately respond to the context and constraints of the site.

Scheme Amendment Proposal

11. The amendment proposal involves the rezoning of land from 'Rural' to 'Rural Residential' and 'Rural Smallholdings' zones and changing the classification of 'Infrastructure services' reserve to 'Drainage/waterway'. Refer figure below illustrating the transfer of zone and reserve classification for the subject lots.



12. The amendment document includes technical reports to provide analysis on opportunities and constraints, water management, site and soil capability, bushfire management and traffic impact. The following provides a summary of the technical reporting and strategic implications associated with the rural living growth.

Opportunities and Constraints Plan

13. An Opportunities and Constraints Plan has been submitted to identify an indicative lot and road layout, taking into consideration bushfire risk, seasonal inundation, waterways and noise associated with major roads and rail.
14. The Opportunities and Constraints Plan has included development exclusion areas (vegetated areas) and development setback areas to waterways (100m), road (100m setback) and rail (150m).

15. Some of the proposed roads are crossing waterways and go through seasonal inundation areas. Potential flood data (1:100year ARI) has not been provided.

Local Water Management Strategy

16. A Local Water Management Strategy has been submitted to make recommendations for water management, including:
- (a) Development of roadside swales and culverts to convey stormwater to the 'Five Mile Creek'.
 - (b) Drainage treatment via bio-retention storage basins. Its proposed that bio-retention storages are contained within easements, with adequate access for maintenance by the City.
 - (c) Buildings and roads are to have a min 0.3m clearance above water levels associated with nearby water ways and waterbodies.
 - (d) Subsoil drains are proposed where road finish levels are less than 2 metres above the peak annual water-table.
 - (e) Buildings being setback 100m from the 'Five Mile Creek'.
 - (f) The City monitoring groundwater and maintaining drainage structures accordingly, including removal of debris to prevent blockages, maintenance of vegetation in bio-retention swales, and cleaning of sediment build up and litter layer on the bottom of storages.
17. The topography of the site and adjoining lots is undulating, with areas consisting of steep slopes located predominantly in the northwestern and northeastern areas. Waterways transect the site, with some sections of the waterways in the north of the site formalised as dedicated drainage infrastructure. The subject site also forms part of a broader surface water catchment area, primarily directing water flows to low lying areas in the south and west of the site towards Lake Powell.
18. Areas at risk of flooding are dictated by topography (i.e. the surface of the land) and rainfall events that occur in the catchment, with surface flows following least resistant path towards lowest lying areas in the landscape. Within the broader context to the site, existing low lying areas at the downstream end of the catchment are subject to water logging and potentially flooding.
19. It's noted that the Local Water Management Strategy does not currently include an assessment to identify areas that may be susceptible to flooding (e.g. 1:100year ARI).
20. This outstanding information will likely be required to be provided during the process, as without a flood study, it is difficult to determine if a property or proposed development area is at risk of flooding and that adequately mitigations and development standards are imposed through the local planning scheme (such as creation of a special control area with minimum finished floor levels for habitable development and vehicle access) to ensure appropriate subdivision and development is implemented across the site. The lack of information regarding flood risk will likely be raised by State agencies during the consultation process.

Site Soil Evaluation

21. A Site Soil Evaluation has been submitted to make recommendations for onsite wastewater disposal systems, including:
- (a) A 100m setback to effluent disposal systems shall apply from 'Five Mile Creek' and 30m to any less significant/seasonally connected waterbodies/waterways.
 - (b) The peak annual water-table was encountered <1.5m at several locations across the subject site. In areas where separation to the peak annual water-table is <0.5m it is recommended that building envelopes (including LAA) are filled with imported fill prior to subdivision approval to achieve a minimum of 0.5m separation to groundwater.

- (c) It is recommended that onsite effluent disposal be avoided within areas classified as sand over gravel over rock.

Bushfire Management Plan

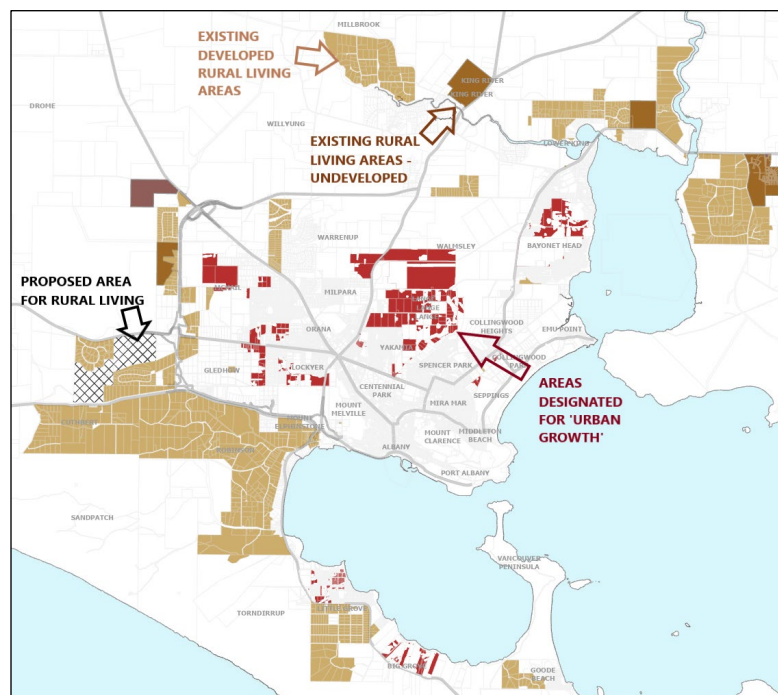
- 22. A Bushfire Management Plan has been submitted to make recommendations for bushfire management, including:
 - (a) New public roads and emergency access ways constructed linking the adjacent development areas and the existing road network from Lower Denmark in the south, to South Coast Highway in the north.
 - (b) Establishing and maintaining low fuel areas throughout and water storage areas for firefighting purposes.

Traffic Study

- 23. A Traffic Study has been submitted to make recommendations for traffic management, including:
 - (a) The existing intersection at Laithwood Circuit will serve as access to the western portion of the subject site (Lot 9001) and emergency access to existing developed areas.
 - (b) Two new intersections are proposed to be built on South Coast Highway for access to the rural residential housing proposed on Lots 124 and 125.
 - (c) Tapers and short lanes are required at intersections on major roads to allow safe turning and through traffic to bypass.

Rural Living

- 24. As mentioned previously, strategic direction set out under the Planning Strategy is to not support further rural living areas beyond the existing supply of land zoned and planned for 'Urban Growth' and 'Rural Living'. The Planning Strategy promotes urban consolidation by making better use of existing developed and designated areas, where infrastructure and servicing is easily accessible.
- 25. The following figure illustrates strategically designated 'Urban Growth' areas and including designated developed rural living areas and designated undeveloped rural living areas. Approximately 400ha of land designated for rural living is undeveloped.



26. It is acknowledged that rural living areas provide options for lifestyle choice that create large residential lots, consisting of development implemented within an assigned building envelope and surrounding space available on the site for rural or lifestyle pursuits.
27. On balance, it should also be recognised however that there are also potential concerns and negative impacts to be considered for proposed new rural living areas. These form the basis of the strategic direction of the Planning Strategy in relation to discouraging implementation of new rural living areas and promoting consolidation and infill development within land designated for rural living and include:
- Inefficient use of land and higher costs of servicing rural living areas, including waste collection, management of roads, road verges and drainage systems (floodway's, drain alignments, bioretention basins and hydraulic and groundwater monitoring).
 - Appropriateness of the future land use, specifically in relation to fragmentation and loss of available land for agricultural production to residential purposes.
 - Potential land use conflicts arising between new rural living areas and adjoining agricultural enterprises.
 - Amenity and environmental considerations such as natural resource management issues (specifically where waterways and potential detrimental changes to the character of the rural landscape).
28. Notwithstanding the proposal not being in alignment with the Planning Strategy, in this instance it is also recognised that the proposed scheme amendment would facilitate completing the existing pattern of rural living development implemented in this area and resolve various outstanding matters such as bushfire emergency access, formalisation of a connected waterway alignment and natural resource management arrangements. The proposal potentially may also resolve aspects of the ongoing land use conflict created between the subject site and existing 'Albany Green' estate.

GOVERNMENT & PUBLIC CONSULTATION

29. Should the Council and the Commission resolve to advertise the scheme amendment, advertising to landholders and government agencies is undertaken for a min period of 60 days.

STATUTORY IMPLICATIONS

30. The key elements of the statutory environment in relation to the proposed Scheme Amendments are set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations). The proposed scheme amendment has been prepared having regard to the Act, the Regulations and Model Scheme Text and Deemed Provisions contained therein.
31. The Planning Regulations identifies three different levels of amendments – basic, standard and complex - AMD2 is a 'complex' amendment for the following reason:
- (a) The amendment is not consistent with the Albany Local Planning Strategy 2019.
32. The local government may resolve to proceed to modify the proposed amendment and to seek the approval of the Western Australian Planning Commission (WAPC) to advertise the modified proposed amendment under section 83A of the Act; or the local government may resolve not to proceed with the proposed amendment; and provide a copy of the resolution to the WAPC.

33. If the Minister under section 83A(2)(b) of the Act requires the local government to modify a proposed standard amendment submitted for approval to advertise, the local government must:
- modify the proposed amendment as required; and
 - resubmit the modified proposed amendment to the Minister in accordance with section 83A of the Act.
34. As soon as reasonably practicable after the Minister under section 83A(2)(a) of the Act approves a proposed standard amendment to a local planning scheme for advertising, the local government must prepare a notice in a form approved by the WAPC advertise the proposed standard amendment to a local planning scheme.

POLICY IMPLICATIONS

35. The proposal to transfer agriculture land into housing does not align with the State Planning Policy – Land Use Planning in Rural Areas (SPP2.5), which seeks to protect and preserve rural land assets for rural purposes including primary production; basic raw materials; regional facilities; and protection of biodiversity and landscape.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational: <i>Council does not support the adoption of the amendment.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>The City's Local Planning Strategy is up for review. Consideration can be given for rural living during adoption of a new strategy.</i>
Opportunity: <i>Facilitate coherent regulatory outcomes.</i>				

FINANCIAL IMPLICATIONS

37. There are no financial implications relating to advertising of the proposed scheme amendment.

LEGAL IMPLICATIONS

38. There are no legal implications relating to advertising of the proposed scheme amendment.

ENVIRONMENTAL CONSIDERATIONS

39. The land is subject to bushfire and water hazards.
40. A Bushfire Management Plan has identified the areas subject to moderate to extreme bushfire threat.
41. A Site and Soil Evaluation assessment highlights areas constrained due to groundwater recorded within 0.5m of the ground level. The Site and Soil Evaluation assessment has recommended the use of land fill to achieve separation between any future effluent disposal systems and the high groundwater areas.
42. A Local Water Management Strategy has highlighted areas constrained due to inundation, waterways and steep slopes. Management criteria is recommended, including drainage alignment, land fill and bioretention basins. The Local Water Management Strategy has not identified areas that may be at risk from flooding events.

ALTERNATE OPTIONS

43. Council may decide not to support the initiation of the amendment or to support initiating the amendment for advertising subject to submission of additional information (such as flood study) and/or other modifications, prior to forwarding the proposal to the WAPC seeking approval to advertise.

CONCLUSION

44. The Scheme Amendment No.2 seeks to rezone land from 'Rural' to 'Rural Residential', 'Rural Smallholdings' and 'Drainage/waterway' reserve. The purpose of the rezoning is to allow for the subdivision of the land for housing development.
45. The proposal does not align with the Planning Strategy however the Planning Regulations allows for consideration in accordance with a 'complex' scheme amendment process.
46. Although the site is subject to various constraints, with outstanding matters requiring submission of further information for consideration, Council is requested to initiate the proposed amendment for referral to the Environmental Protection Authority and for advertising, to provide an opportunity to make an informed decision following receipt of submissions during public consultation and agency comments.

Consulted References	<ul style="list-style-type: none">• <i>Local Planning Scheme No. 2</i>• <i>Planning and Development Act 2005</i>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>• <i>State Planning Policy 2.5 – Land Use Planning in Rural Areas</i>• <i>State Planning Policy 3: Urban Growth and Settlement</i>
File Number	Synergy File Number – AMD002
Previous Reference	OCM 28/03/2023 DIS333 - Adoption of LPS2 Statutory Planning Commission Agenda – TPS/0145

DIS437: NORTH MCKAIL LOCAL STRUCTURE PLAN

Land Description	: Lot 526 Gladville Road, Lot 507 Lancaster Road, Lot 300 Timewell Road and Lot 1 to Lot 10 Lancaster Road and Lots 12 and 13 Lancaster Road.
Proponent / Owner	: Proponent – Dynamic Planning and Developments Owners Lot 526 Gladville Road and Lot 507 Lancaster Road – VEGATE PTY LTD Lot 300 Timewell Road – LANCASTER PARK PTY LTD Lot 1 Lancaster Road – T Archer Lot 2 Lancaster Road – A Daubney Lot 3 Lancaster Road – S & J Tomasini Lot 4 Lancaster Road – F & S Shelton Lot 5 Lancaster Road – M & F Klau Lot 6 Lancaster Road – H & M Thobaven Lot 7 Lancaster Road – P & F Dall Lot 8 Lancaster Road – N Mooney Lot 9 Lancaster Road – M Miller Lot 10 Lancaster Road – J & G Fagg Lot 12 Lancaster Road – D & C McWhirter Lot 13 Lancaster Road – T Stone
Business Entity Name/s	: Lot 526 Gladville Road and Lot 507 Lancaster Road – VEGATE PTY LTD Key Directors being Nunziato Vinciullo and Peter Zeferino Capararo Lot 300 Timewell Road – LANCASTER PARK PTY LTD Directors being Peter Zeferino Capararo and Rio James Capararo
Attachments	: 1. Local Structure Plan Report 2. Local Structure Plan Map 3. Bushfire Management Plan 4. Acoustic Report 5. Transport Impact Assessment 6. Local Water Management Strategy 7. Engineering and Servicing Report 8. Schedule of Submissions 9. Schedule of Key Themes 10. Schedule of Modifications
Supplementary Information & Councillor Workstation	: 1. Schedule of Submissions – Applicant Response 2. Survey Report
Report Prepared By	: Senior Strategic Planning Officer
Authorising Officer:	: Executive Director Infrastructure, Development and Environment

STRATEGIC IMPLICATIONS

1. In making its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019 (ALPS)* and *Strategic Community Plan – Albany 2032*.
2. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcomes:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.

- **Pillar:** Prosperity
- **Outcomes:**
 - A strong, diverse and resilient economy with work opportunities for everyone; and
 - A highly sought-after tourist destination.

In Brief:

- A Local Structure Plan (LSP) was endorsed in 2015 for land in North McKail. A new proposed LSP has been submitted to replace the existing 2015 LSP.
- A LSP is a plan for the coordination of future subdivision and zoning of an area of land. The new LSP is proposing the following variations to the existing:
 - Lower density format
 - Modified road layout to allow for east/west lot orientation (better solar access)
 - Consolidation of Public Open Space into larger areas
 - Larger lots in areas of steep topography
 - Variation to proposed school location
 - Deletion of commercial activities
- The new proposed structure plan was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations). Agency and public submissions were received during the comment period. Matters raised in the submissions received have been considered, with modifications to the draft structure plan recommended to address these.
- Officers recommend that Council resolve to consider all submissions received and support approval of the LSP on the condition that the Western Australian Planning Commission (WAPC) seek further information and implement modifications to address the matters outlined in the 'Schedule of Modifications'.

RECOMMENDATION

DIS437: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS

SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 5-2

Record of the Vote:

Against the Motion: Councillor Baesjou, Councillor MacLaren

DIS437: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

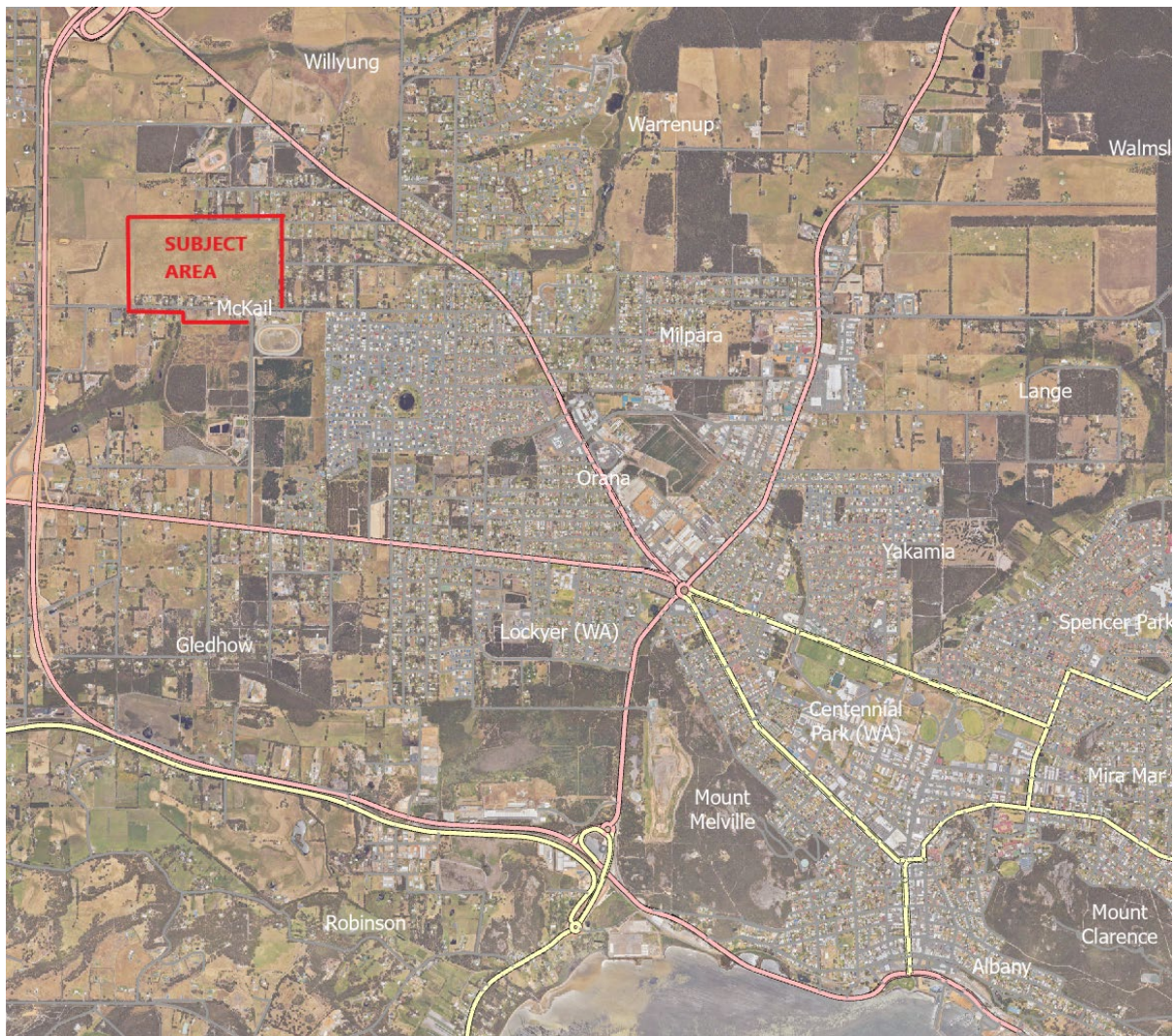
1. RESOLVE pursuant to Schedule 2, clauses 19 and 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to consider all submissions made to the local government and forward the draft LSP to the Western Australian Planning Commission, with a recommendation to conditionally support approval subject to further information and modifications, specifically addressing:
 - (a) Updated Local Water Management Strategy to address DWER comments.
 - (b) Updated Environmental Noise Assessment to address DWER (Noise Branch) comments.

- (c) An assessment of the development's traffic impacts from and on surrounding transport networks, including a review in the context of the future intent of District Structure Planning to identify necessary road hierarchy and adjoining network upgrades.
 - (d) A contribution plan to account for required upgrades to existing infrastructure.
 - (e) Bushfire Management Plan be updated to align with the recent version of the Planning for Bushfire Guidelines
 - (f) Proposed staging of subdivision and development
 - (g) Additional recommendations outlined in the 'Schedule of Modifications'
2. NOTIFY the proponent, landowners and submitters of its decision.

BACKGROUND

3. The subject site is located in McKail, approximately 6km north-west of Albany city centre (refer Figure 1).

Figure 1: Site context



Site details:

Total Area:	68.1613ha
Current Land Use	Majority vacant/farmland
Zone	Urban Development

4. The structure plan area amounts to approximately 68ha. The majority of the area (two larger lots) is used for animal grazing. Twelve smaller lots have been developed for housing. The structure plan area is zoned 'Urban Development', the purpose of which is to provide for a range of residential densities to encourage a variety of housing types.
5. There is an existing endorsed structure plan pertaining to the subject land, which is recommending subdivision at the R20 (average lot size 450m²) and R30 (average lot size 300m²) densities.
6. The proposed new structure plan initially sought to replace the existing plan by recommending a lower development density (reducing from 20 to 15 dwellings per hectare), a modified road layout, consolidated public open space, a new primary school location, and the removal of commercial activity.
7. The proposed new structure plan was advertised from the 28 November 2024 to the 17 January 2025. Public consultation involved letter mail out to adjoining landowners and occupiers, advertisement in the newspaper and the draft structure plan and supporting documentation made available to view on the City's website. The draft structure plan was also referred to relevant state agencies and internal City of Albany departments for comment.
8. Public and agency submissions were received during the advertising period, primarily submitted through the online submission form that was made available on the City's consultation page.
9. Submissions raised concern on a number of matters, including:
 - (a) The need for additional information around traffic impacts, water management and noise management associated with the speedway.
 - (b) The need for a district level assessment to determine the location and design for road linkages, commercial activity, water management, schools and public open space.
 - (c) The need to increase the density to R20 for the majority of the land.
 - (d) The need for better road connectivity and permeability and contribution planning for road and intersection treatment upgrades.
 - (e) Design associated with the proposed school site.
 - (f) Design to support Water Corporation expectations.
10. Further detailed discussion on the matters raised during public consultation is outlined below.

DISCUSSION

Proposal

11. The proposed new structure plan outlines the land use zones and key elements proposed for the subject site, including:
 - A variety of lot sizes
 - Areas of Public Open Space
 - A primary school site
 - Road layout

Item	Detail
Total structure plan area	68.16ha
Area of each land use zones:	
• Residential	47.8ha
• Road reserves	10.2ha
• Public Open Space	6.5ha
• Primary school	3.5ha
Estimated lot and dwelling yield	570
Estimated density per hectare	11.9 dwellings
Estimated population	1482 residents @ 2.6 people per household.
Primary schools	1

Yield Summary

Zoning	Area	Lots
R2.5	4.24ha	10 Lots
R5	2.52ha	12 Lots
R10	8.23ha	81 Lots
R15	20.121ha	290 Lots
R20	3.8325ha	81 Lots
R25	3.3857ha	91 Lots
Total Lots		570 Lots

Map Details:

- Stages:** STAGE 1, STAGE 2, STAGE 3, STAGE 4, STAGE 5, STAGE 6, STAGE 7.
- Lot Numbers:** 1, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Area Calculations:**
 - STAGE 1: 1.0ha
 - STAGE 2: 19.4468ha
 - STAGE 3: 1.0ha
 - STAGE 4: 1.0ha
 - STAGE 5: 1.0ha
 - STAGE 6: 1.0ha
 - STAGE 7: 5.2416ha
- Legend:**
 - Albany Speedway Noise Special Control Area (see c.6.5)
 - Water Corporation Waste Water Treatment Plant Odour Buffer Special Control Area (see c.6.6)

- Need for additional information pertaining to traffic, water management and noise data (speedway).
- Need to consider design (e.g. road linkage) considerate of the whole district.
- Need for higher density development (smaller lots and lots to accommodate group housing).
- Better understanding of impact to surrounding roads and intersections and potential need for contributions to upgrades.
- Design associated with the proposed school site, potable and stormwater infrastructure and mitigating noise from the speedway.

14. As required under the Planning Regulations, the City has prepared a Schedule of Submissions, a Schedule of Key Themes and a Schedule of Modifications (refer attachments). The Schedule of Submissions provides a response to comments received, the Schedule of Key Themes summarises the submissions received, with the Schedule of Modifications identifies recommended modifications by the local government based on its assessment of the proposal against local and state planning frameworks, and submissions.
15. Subsequent to advertising the LSP, the proponent has agreed to make some compromises by increasing lot density in certain areas and adjusting the transport network (refer attachment Updated LSP Map). However, they have advised that they will not make any further changes or provide the additional information requested. To ensure the City of Albany meets its statutory timeframes, this item is presented as submitted with a recommendation that the WAPC seek further information and implement appropriate amendments.
16. The matters raised during advertising and recommended modifications to the draft structure plan to address these matters are discussed below.

Additional information requirements

17. Agencies outlined shortcomings in some of the submitted technical reports. In particular for the traffic assessment, local water management assessment and noise acoustic assessment.
18. MRWA commented that development of the structure plan area is expected to adversely impact surrounding transport networks, in-particular Lancaster Road and Gladville Road and the intersections of Lancaster Road and Gladville Road with Albany Highway. Main Roads recommended further assessment of the Traffic Impacts of the development on the surrounding transport networks, to identify upgrade requirements.
19. The Department of Water and Environmental Regulation (Noise Branch) recommended directly measuring the noise received from the speedway, rather than rely on modelling alone. Detailed noise studies would better quantify the levels and characteristic(s) of the noise received. The results of these studies could inform further LSP design changes and identify noise mitigation requirements, both with the aim to reduce noise impacts on the new residents.
20. The Department of Water and Environmental Regulation (South Coast Branch) recommended including additional information within the Local Water Management Strategy on inflows and outflows; flood storage volumes in proposed detention basins; potential impact to downstream properties from flooding and inundation; overland flow paths layouts and dimensions (including flood levels, flow depths, and velocities during major rainfall events); minimum road levels and minimum habitable floor levels of properties in relation to the 1% AEP flood levels; and longitudinal and cross-sections of the living stream and POS showing relevant details.
21. As per the Schedule of Modifications, the City has recommended that additional information is provided to address submissions and in order to make an informed decision on the structure plan.

District Level Assessment

22. The LSP area is located within a larger area which is under consideration for district level structure planning. Consideration at a district level would ensure appropriate layout and design of roads (road linkage and hierarchy), siting and function of education facilities, public open space (regional and local) and commercial activities, suitable to cater for expected population growth. Until such time that the district level assessment is undertaken, local structure planning for the subject land may be premature.

23. The City will, subject to State Government funding, initiate a process to undertake a district-level structure plan for the North McKail area, which would encompass this LSP area. Unfortunately, the Local Structure Plan that is the subject of this item precedes this broader planning effort.

Density

24. The current structure plan, endorsed in 2015, proposes an urban density starting from R20. The new structure plan, originally advertised as a replacement for the existing plan, proposed a lower density (R15 for the majority) along with an area of split coding (R10/20). However, this proposal is not supported by the City's Local Planning Strategy 2019.
25. The City's Local Planning Strategy advocates for medium density options (R25 upwards) within structure plan areas to improve housing affordability with an increase in housing supply and smaller dwelling size options. An opportunity exists to develop more 1 and 2 bedroom dwellings (medium density development) to support a high percent of aged persons and a low average number of persons per household (average persons per household 2.38).
26. In response to submissions and in line with its strategy, the City has recommended revising the R15 and R10/20 density areas to R20. The applicant has proposed a modification, with the majority of lots now designated as R20. This better aligns with the City's Local Planning Strategy for urban areas and enhances the sustainable use of urban-designated land by maximizing development potential.
27. The R20 zoning is more consistent with the density of adjoining residential development in the McKail area, although R25 remains preferred as a contemporary density for new integrated urban development.

Traffic Management

28. Structure planning should establish a network of interconnected streets that are functional, attractive, safe, and pedestrian-friendly, ensuring accessibility within and between neighbourhoods and activity centres. Streets play a vital role in creating sustainable communities where people live, work, and play.
29. Main Roads WA and public submissions have requested additional information to assess access integration with external areas and potential contributions for upgrading roads and intersections to accommodate increased vehicle movement.
30. The Traffic Impact Assessment does not consider the future potential of the adjoining land, which is currently zoned rural and does not generate traffic. As this land will be included in the district-level planning, the proposed roads within the LSP area may not be appropriately classified within the road hierarchy.
31. Concerns raised by the City and submissions regarding the road network and connectivity, including the need for neighbourhood connectors or integrator roads, have been addressed through proposed modifications to the structure plan. The applicants have now proposed a north-south connector road from the intersection of Lancaster and Timewell Road to Gladville Road, along with internal east-west connectors to link the area to the west.
32. Arrangements for contributions and upgrades to existing roads remain unresolved. In the City's view, Gladville Road and Lancaster Road require upgrades to urban standards, with Lancaster Road needing improvements approximately 180m to the east and Gladville Road requiring an extension. Additionally, intersection treatments, at Albany Highway and Timewell Road, such as a roundabout should be considered.

33. The previously approved 2015 Outline Development Plan included a Road Upgrading Program for adjoining roads, acknowledging that “the local road system and given current road construction standards are insufficient for these additional loads, a road upgrading program will provide contributions for upgrading to be made via the development of the ODP area.” This contrasts with the assertion in the current Transport Impact Assessment, which states, “There will not be any upgrades or modifications needed to existing intersections to cater for the increased traffic flows from the LSP Amendment. Current road cross sections can be retained as they should cater for expected traffic flows.”
34. Therefore, as outlined in the Schedule of Modifications, the City recommends that additional information be provided to the WAPC. This will ensure that traffic impacts are thoroughly assessed, necessary upgrades are identified, and required contributions are determined at this stage of the process

School Site

35. The Department of Education (DoE) commented that the future school is to remain unencumbered (e.g. from water and electrical infrastructure) and suitable road treatments are incorporated into the design.
36. As per the Schedule of Modifications, the City has recommended that the structure plan is modified to address the DoE comments.

Noise Assessment

37. The Department of Water and Environmental Regulation (DWER - Noise Branch) identified the need for detailed noise studies, to better quantify the levels and characteristic(s) of the noise received from the speedway.
38. As per the Schedule of Modifications, the city has recommended that additional information is provided to address the DWER comments.

Stormwater Drainage

39. The DWER (South Coast Branch) identified the need for additional detail and some modifications to the Local Water Management Strategy (LWMS), to present relevant information in the LWMS.
40. As per the Schedule of Modifications, the city has recommended that additional information is provided to address the DWER comments.

GOVERNMENT & PUBLIC CONSULTATION

41. The North McKail LSP was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
42. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors in an attached Schedule of Submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation.	Mail out to agencies and adjoining landowners / occupiers and advertised in newspaper and on website.	28 November 2024 – 17 January 2025	30 Submissions	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Part 4, cl.18.</i>

STATUTORY IMPLICATIONS

43. Voting requirement for this item is **Simple Majority**.

44. Local Structure Plans are prepared in accordance with the requirements set out under Schedule 2, Part 4 of the Planning Regulations, including obtaining initial approval from the WAPC, local government advertising and referral requirements, consideration of submissions received, and referral to WAPC by local government for final approval with or without modification.
45. The WAPC is the responsible authority to approve LSPs in accordance with the Planning Regulations. In accordance with the state and local planning framework, approved LSPs are given same statutory weight as the local planning scheme, with normalisation of the zoning and development requirements of an approved Plan normalised into the local planning scheme via a future amendment.

POLICY IMPLICATIONS

46. The following applicable policies have been considered for the assessment of the structure plan:
- a) State Planning Policy 3.0 – Urban Growth and Settlement
 - b) State Planning Policy 3.6 – Infrastructure Contributions
 - c) State Planning Policy 7.0 – Design of the Built Environment
 - d) State Planning Policy 3.7 Planning in Bushfire Prone Areas

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: <i>The proposal may not be accepted by the Western Australian Planning.</i>	Possible	Minor	Low	<i>If the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
Reputation: <i>The proposal may not align with orderly and proper planning principles, as it is being developed ahead of the proposed District Structure Plan, of which it forms a component.</i>	Possible	Minor	Low	<i>Require additional information as per the Schedule of Modifications</i>
Financial : <i>Contributions are not provided for adjoining infrastructure upgrades that are directly required because of the proposed development.</i>	Possible	Severe	High	<i>Require additional information as per the Schedule of Modifications including infrastructure upgrades and contribution planning</i>
Opportunity: <i>Increase opportunity for housing, servicing, development and employment.</i>				

FINANCIAL IMPLICATIONS

48. If the local government does not provide a recommendation and report on the structure plan to the WAPC, the WAPC may take reasonable steps to obtain the services or information on its own behalf. All costs incurred by the WAPC may, with the approval of the Minister, be recovered from the local government as a debt due to the WAPC.

LEGAL IMPLICATIONS

49. There are no legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

50. The subject land is not contaminated and is cleared of remnant vegetation.

51. The structure plan identifies areas for public open space to act as future nature conservation and biodiversity areas, in addition to manage flooding, whilst incorporating 'green' landscape design outcomes.

ALTERNATE OPTIONS

52. Council may consider the following additional alternate options:
- a) Defer making a formal recommendation and then request an extension of time from the WAPC to allow additional information to be submitted by the proponent for consideration (noting the proponent has elected to not progress this to date); or
 - b) Recommend, with justification, that the WAPC not approve the proposed structure plan; or
 - c) Recommend that the WAPC approve the proposed structure plan without modification; or
 - d) Recommend that the WAPC approve the proposed structure plan subject to additional modifications not already captured in the 'Schedule of Modifications'.

CONCLUSION

53. To meet statutory timeframes, it is recommended that Council support approval of the LSP, with a recommendation that the WAPC seek further information and implement modifications to address the matters outlined in the 'Schedule of Modifications'.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No.1</i> 2. <i>State Planning Policy 2.6 – Coastal Planning</i> 3. <i>State Planning Policy 3.0 – Urban Growth and Settlement</i> 4. <i>State Planning Policy 3.6 – Infrastructure Contributions</i> 5. <i>State Planning Policy 7.0 – Design of the Built Environment</i> 6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i>
File Number	:	LSP25
Previous Reference	:	Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN – Nil

12. MEETING CLOSED TO THE PUBLIC – 7:48pm

13. CLOSURE

There being no further business the Chair declared the meeting closed at 7.48pm.

(Unconfirmed Minutes)

Councillor Malcolm Traill
DEPUTY CHAIR