



AGENDA

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 9 May 2018

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

TERMS OF REFERENCE

(1) **Functions:** The Committee is responsible for:

Development Services:

The delivery of the “*Liveable Environmental Objectives*” contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the “*Clean and Green Objectives*” contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- To promote our region as clean and green.

(2) **It will achieve this by:**

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community; and
- (g) Making recommendations to Council.

(3) **Membership:** Open to all elected members.

(4) **Meeting Schedule:** Monthly

(5) **Meeting Location:** Council Chambers

(6) **Executive Officers:** Executive Director Works & Services, Executive Director Development Services

(7) **Delegated Authority:** None

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders both past and present”.

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor D Wellington

Councillors:

Member	P Terry
Member	J Shanahun (Chair)
Member	S Smith
Member	A Goode JP
Member	A Moir
Member	R Sutton (Deputy Chair)
Member	B Hollingworth
Member	E Doughty
Member	R Hammond
Member	R Stephens
Member	T Sleeman
Member	G Stocks

Staff:

Chief Executive Officer	A Sharpe
Executive Director Development Services	P Camins
Executive Director Works and Services	M Thomson
Executive Director Corporate Services	M Cole
Meeting Secretary	A Paulley

Apologies:

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 11 April 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

DIS092: LAKE MULLOCULLOP RECREATIONAL USE

Land Description	: City of Albany Managed Reserve 16367 (Lake Mullocullop).
Proponent / Owner	: City of Albany (Land vested in the care and control of the City of Albany).
Attachments	: Draft Report prepared for the City of Albany by independent consultant Myles Mitchell. 'Results of Noongar Community Consultation regarding recreational use at Lake Mullocullop (Warriup Swamp)
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Themes:** 1: Leadership & 3: Clean, Green and Sustainable
 - **Objectives:**
 - 1.3: To engage effectively with our community.
 - 3.1: To protect and enhance our natural and built environment in a changing climate.
 - **Community Priorities:**
 - 1.3.1: Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.
 - 3.1.2: Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

In Brief:

- Reference is made to Council resolution item DIS035, August 2017.
- The City appointed an independent consultant to engage with representatives of the Local Noongar community with regard to recreational use of Lake Mullocullop. The draft report is to be noted.

Maps and Diagrams:



Lake Mullocullop – Warriup Road, Green Range

RECOMMENDATION

DIS092: RECOMMENDATION
VOTING REQUIREMENT:SIMPLE MAJORITY

THAT Council:-

- 1. NOTE the consultant’s report and recommendations; and**
- 2. That a further report be presented to Council pending the outcome of the assessment by the Department of Land and Heritage in relation to the registration of Aboriginal sites at Lake Mullocullop.**

BACKGROUND

2. On 22 August 2017 Council resolved:
“THAT Council SUPPORT the gazettal of Lake Mullocullop by the Department of Transport for the purpose of allowing the operation of speed boats, excluding jet skis, subject to the following:
 - 1) *That the City monitor the use of the lake and review the requirement for a permit system twelve months after gazettal;*
 - 2) *That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake;*
 - 3) *An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years;*
 - 4) *That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.”*
3. The City sought expressions of interests from qualified consultants to undertake Noongar consultation on its behalf. The City appointed Mr Myles Mitchell who is a qualified Anthropologist/Archaeologist to undertake the consultation and to provide a report.
4. The draft report is attached.
5. Four recommendations have been identified:
 - a) Seek more detailed scientific data relating to ecological and environmental effects of motorboats at Lake Mullocullop before deciding whether or not to gazette the lake for water skiing. This could include impacts on birds and effects on their breeding and nesting.
 - b) Work with the Noongar community to develop and install interpretive signage that highlights and celebrates the cultural and ecological values around the lake reserve, and encourage conservation and respect among all user groups.
 - c) Assess the results of the Heritage Information Submission Form (HISF) lodged with Department of Planning, Land and Heritage and then seek advice about the City’s obligations under the Aboriginal Heritage Act with regards to water skiing on the lake.
 - d) Notify the Wagyl Kaip Working Party via South West Aboriginal Land and Sea Council (SWALSC) of the matter (*this is part of the process under recommendation three*).

6. In respect to item (c) above the City has, through its consultant, lodged a HISF to determine whether the significance of the site warrants the registration of any Aboriginal Sites.
7. The HISF was lodged in early March this year and the process is likely to take 3 – 6 months

DISCUSSION

8. The intent of the consultation was to establish the cultural significance of the lake and to determine possible means to address concerns.
9. While recommendations (a) and (b) above are broadly consistent with the current resolution of Council of August 2017, the outcome of recommendation (c) may influence future management of the Lake including gazettal for water skiing.
10. Once this outcome is known, City staff will present a further report to Council detailing any impacts. Until this time, it is prudent to hold off on progressing the gazettal.
11. Note that at this time the use of “Speed Boats” is not permitted on Lake Mullocullop and therefore skiing cannot occur until the Lake is gazetted for that purpose.
12. In relation to item 4 of the resolution Council could provide temporary permits to allow Speed Boats to operate within the Lake, however the permits may imply that water skiing is also permitted. Unless gazetted for the purpose, water skiing is prohibited under the Navigable Waters Regulations. For this reason, City staff have not issued any permits to allow the use of Speed Boats.

GOVERNMENT & PUBLIC CONSULTATION

13. Consultation was undertaken in January with 22 representatives of the Noongar community include a workshop at the subject site, formal meetings and one on one discussions. The Department of Land and Heritage (DPLH) was also contacted for advice.
14. Key comments concerning the consultation are as follows:
 - a) 59% are opposed to water skiing, 36% are not opposed and 5% were undecided.
 - b) Lake Mullocullop has significance (to Noongar people) associated with traditional and ecological values.
 - c) Lake Mullocullop is not a registered Aboriginal site although it was recommended that the gazettal process is taken through SWALSC.
 - d) It would be beneficial for interpretation of this significance to be acknowledged at the lake through signage.
 - e) All agreed that there is insufficient information regarding the ecological impacts of water skiing to make an informed decision.
 - f) There was no objection to passive recreation such as swimming, canoeing, fishing and bird watching.
15. A Heritage Information Submission Form has been lodged with the DPLH to assess whether any sites should be registered as an Aboriginal site.

STATUTORY IMPLICATIONS

16. There are no statutory requirements related to this item.

POLICY IMPLICATIONS

17. Not applicable to this report.

RISK IDENTIFICATION & MITIGATION

18. It is acknowledged that it is vital that the City establishes a framework to effectively, efficiently and transparently manage areas of public land vested in its care and control.
19. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Actioning the gazettal of Lake Mullocullop for skiing without a formal assessment of the cultural significance of the site being complete may be perceived as dismissive of concerns raised during the consultation process.</p>	Likely	Moderate	High	City staff to follow up on the actions as previously resolved and to follow up with the Department for Lands and Heritage on the status of the area in terms of Aboriginal sites.
<p>Opportunity: The opportunity to allow the Lake to be assessed and its cultural significance to be formally recognised.</p>				

FINANCIAL IMPLICATIONS

20. Not applicable.

LEGAL IMPLICATIONS

21. Not applicable.

ENVIRONMENTAL CONSIDERATIONS

22. Noting previous reports on this matter, there are no additional or new environmental implications.

ALTERNATE OPTIONS

23. There are no alternative options at this stage given that there is a current resolution of Council of August 2017.

CONCLUSION

24. Council staff have undertaken consultation with the Local Noongar Community as per the resolution of August 2017.
25. The City awaits the outcome of the HISF assessment by Department of Land and Heritage in relation to whether an Aboriginal site or sites should be registered at Lake Mullocullop.
26. The City will further consider this matter when this outcome is known.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Navigable Waters Regulations 1958
File Number (Name of Ward)	:	CR.COC.42 (Kalgan Ward)
Previous Reference	:	OCM 22 August 2017, Resolutions DIS035 & DIS039

DIS093: RECOMMEND ADOPTION OF LOCAL STRUCTURE PLAN NO.10 – LOT 10 CHESTER PASS ROAD AND LOT 521 MERCER ROAD, WALMSLEY

Land Description	: Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.
Proponent	: Edge Planning and Property – (Steve Thompson)
Business Entity Name	: Ardess 1607 Pty Ltd – (Alan Walmsley, Frances Walmsley, Gordon Walmsley) Ten Year Developments Pty Ltd – (Peter Walmsley, Edward Walmsley)
Attachments	: Local Structure Plan No.10 Schedule of Submissions and Recommendations Copy of Submissions
Supplementary Information & Councillor Workstation	
Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. The application for consideration proposes a structure plan to guide future development, rezoning and subdivision of land in the Walmsley area.
2. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for industry and urban.
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.



In Brief:

- The structure plan proposes the following:
 - Establishing new areas for residential development, including a primary school and public open space; and
 - Creating new areas for light industrial (expansion of the Ardess light industrial area).
- Council is now requested to consider the submissions received on the Local Structure Plan No.10, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

RECOMMENDATION

DIS093: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and Regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.10, subject to modifications.**
- 2. Forward structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (subject to modifications).**
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

BACKGROUND

3. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes.
4. The subject land comprises of Lot 10 Chester Pass Road and Lot 512 Mercer Road, Walmsley.
5. Lot 10 is currently zoned 'Light Industry' and is partly developed, containing industries including a garden centre, warehouse, storage and workshop. The eastern portion of Lot 10 is vacant.
6. Lot 512 is zoned 'General Agriculture' and is used for livestock grazing. A vegetated area is located in the northern section of the lot.
7. The proponent of Lot 10 approached the City with the notion of developing a transport depot within the Ardess Industrial Estate.
8. The City advised the proponent that:
 - a) In accordance with the Environmental Protection Authority Guideline 3, transport depots should accommodate a 200m buffer to residential use;
 - b) A 'Development Plan' adopted for the Ardess estate recommends only supporting industries that require a maximum 50m buffer; and
 - c) Should the proponent wish to pursue the development of transport depots in the industrial estate, a structure plan which captures surrounding areas is to be prepared and endorsed.

9. Subsequent to the above advice, the proponent lodged a structure plan which proposes the following key elements:
 - a) A range of residential development, with densities ranging between R5 and R60;
 - b) Three areas of public open space on the site;
 - c) That a transport depot may be approved in a Precinct A (land located within the '<200 metre' buffer') subject to exercising discretion after advertising;
 - d) Transport depots may be approved in a Precinct B (land located within the '>200metre' buffer') without advertising.
 - e) A primary school site and community purpose site; and
 - f) New roads.
10. The City of Albany advertised the proposed Local Structure Plan No.10 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
11. At the close of advertising, the City of Albany received twelve (12) submissions commenting on the proposed structure plan.
12. Council is requested to consider the submissions received following public advertising and determine whether to support the structure plan.

DISCUSSION

13. As part of the advertising process, the following key comments were received:
 - a) New proposed development areas, including industry, should be connected to the Water Corporation sewerage system.
 - b) A 200m buffer area, with limitations on land use, should be incorporated within proposed industrial areas to reduce impact to surrounding residential areas. Transport depots should not be supported within the 200m buffer area.
 - c) The purpose of developing the Albany Ring Road, is to restrict the movement of large trucks within congested urban areas and including on sections of Chester Pass Road. This being the case, it was commented that transport depots should only be supported outside of the proposed Albany Ring Road.
 - d) Additional investigation on transport, surface water and contributions should be undertaken to indicate servicing expectations, design and management criteria.
 - e) Public Open Space should be centralised and developed as a larger, 2 hectare, district size space.
14. The above matters are discussed via the applicable headings below.

Sewerage

15. The structure plan currently recommends that any new industrial areas should not be required to connect to the Water Corporation's sewerage network.
16. As advised by the Water Corporation, the ultimate servicing of the area relies on:
 - a) Construction of a major waste water pumping station; and
 - b) Connection to sewer occurring in a logical and orderly manner from west to east.
17. As advised by the Department of Planning, Lands and Heritage, all of the additional industrial land proposed by the Structure Plan should be provided with reticulated sewerage. The provision of sewerage importantly allows for a range of range of lot sizes and uses to be established within the zone.
18. In accordance with government agency comments, it is recommended that all new development areas are connected to the Water Corporation's sewer network.

200m Buffer

19. The structure plan currently supports transport depots (subject to consultation with neighbouring properties), within a 200m buffer to surrounding future residential development.
20. The Department of Planning, Lands and Heritage and a neighbouring landholder advised that transport depots are considered to be inappropriate adjacent to sensitive land uses, such as residential housing.
21. Transport depots are noted in the EPA's '*Environmental Assessment Guidelines for Separation Distances between Industrial and Sensitive Land Uses*', as being associated with gas, noise, dust and odour issues. Consequently, a 200 metre separation distance is recommended.
22. It is recommended that the structure plan be modified by deleting the provision for transport depots within the 200m buffer to surrounding sensitive land uses.

Albany Ring Road

23. The structure plan proposes to support transport depots within Lot 10, with access gained via a crossover to Chester Pass Road.
24. Main Roads Western Australia plans to develop a ring road around Albany's urban area to accommodate large trucks and bypass urban areas by linking the existing major arterial main roads and highways.
25. The Department of Planning, Lands and Heritage, Main Roads WA and landholders made submissions advising the following;
 - a) To meet transport objectives of MRWA and the City of Albany, transport depots may need to relocate adjacent to the future Albany ring road; and
 - b) The Chester Pass Road crossover to Lot 10 may require upgrading.
26. In accordance with the concerns raised, it is recommended that the structure plan is modified to ensure that any development approvals granted for transport depots are subject to temporary approval (e.g. reviewed every 5 years). It is also proposed that a Traffic Impact Assessment be prepared to determine appropriate access for large trucks.

Additional Investigation

27. The structure plan includes a basic analysis of the matters of transport, surface water and contributions.
28. Government agencies and landholders raised in submissions that additional background studies are required to make improved provisions for land use, service infrastructure, transportation and stormwater. In particular, it was recommended that additional consideration is given to:
 - a) Developing a Cost Apportionment Schedule that validates contributions required per dwelling for critical infrastructure to service the structure plan area;
 - b) Development of a major waste water pumping station;
 - c) Development of utilities under a private or public system;
 - d) Developing service roads parallel to major transport routes;
 - e) Land gradients and traffic demand to determine road alignments, intersections and appropriate truck movements;
 - f) The appropriateness of single access to and from the Lot 10 to Chester Pass Road by large trucks; and
 - g) Measuring and modelling of surface water and then demonstrating design criteria to meet stormwater objectives.

29. It is recommended that the structure plan is modified to comply with any additional investigations undertaken to support the above matters.

Public Open Space (POS)

30. The structure plan proposes to locate POS on the fringe of urban development and in low lying areas, with the purpose of managing stormwater. The structure plan also proposes to conserve approximately 10ha of vegetation via designation as POS.
31. In accordance with the Western Australia Planning Commission's Liveable Neighbourhood document and the City Public Parkland Policy, POS should be:
- Located central to an urban area.
 - Developed on flat land.
 - Developed as a single large area and not individual pocket parks.
 - Developed to serve a function, including sport, nature and recreation.
32. The City's Public Parkland Policy states:
- Areas of bushland that have little or no recreational value (conservation status) should not be ceded to the City of Albany as POS; and
 - Careful thought needs to be given towards the cost of maintaining parks. The developer is required to maintain a park for a limited number of years once development has taken place, after this timeframe, the maintenance burden is transferred to the City of Albany. On this basis, drainage, vegetation and infrastructure should be developed with a view to minimise long term maintenance cost.
33. The Commission's draft Liveable Neighbourhood document defines conservation areas as 'Restricted Access Conservation Areas'. In accordance with the draft Liveable Neighbourhood document, conservation areas are not accepted as a contribution to POS.
34. The draft Liveable Neighbourhood document makes the following statements in relation to the management of stormwater:
- Concrete-lined and/or steep-sided drains, retention basins and detention basins receive zero per cent credit towards public open space provision.
 - Storm water management systems located in public open space with the purpose of managing small rainfall events from lots and street reserves receive zero percent credit towards public open space provision.
35. In accordance with the Commission's Liveable Neighbourhoods document and the City's adopted Public Parkland Policy, it is recommended that the structure plan is modified as follows:
- Incorporate stormwater management techniques into the street network where possible;
 - Relocate and redefine POS to serve particular functions, including 'recreation', 'nature' and 'sport';
 - Centralise POS, locate adjacent to the school site and define this as a district size space;
 - Delete POS at south east corner;
 - Modify/rationalise southern POS configuration;
 - Delete POS conservation strip portion adjacent to school site for 'nature' space (POS for the purpose of conservation is not permitted);
 - Unless appropriately designed, delete basins from POS areas. Refer to draft Liveable Neighbourhoods for appropriate stormwater design measures located in POS areas; and
 - Revegetation using native species (where currently there is very little native species and diversity) in areas of POS to promote fauna habitat and flora diversity.

GOVERNMENT & PUBLIC CONSULTATION

36. The Structure Plan No.10 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Structure Plans require advertising in accordance with Part 4, cl.18 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Reg's).
37. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
38. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

39. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
40. Schedule 2, Part 4, clause 19 requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
41. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
42. Voting requirement for this item is **SIMPLE MAJORITY**
43. Following endorsement of a structure plan, a proposal to introduce new zones, rezone land and / or introduce additional provisions into a scheme, to reflect structure plan requirements, may be undertaken.

POLICY IMPLICATIONS

44. The following applicable policies have been considered during the assessment of the structure plan:
 - a) *Draft Government Sewerage Policy;*
 - b) *State Planning Policy 2 Environment and Natural Resources Policy;*
 - c) *State Planning Policy No. 2.9 Water Resources;*
 - d) *State Planning Policy 3.7 Planning in Bushfire Prone Areas;*
 - e) *Liveable Neighbourhoods;*
 - f) *EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses.*

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Low	If the Structure Plan is not supported by the WAPC, the City may be required to make modifications.
<p>Opportunity: Increase opportunity for servicing, development and employment.</p>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

48. The Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation recommended protecting a strip of native vegetation, located in the norther precinct of the structure plan.
49. The City recommends that a portion of the native vegetation is protected and ceded as public open space for 'nature' play. It is proposed that the remaining portion of native vegetation is developed for residential.
50. Prior to rezoning the native vegetation strip to enable residential development, an application may need to be made to the Environmental Protection Authority and Federal Department of Environment and Energy.

ALTERNATE OPTIONS

51. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification;
 - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications and or provisions.

CONCLUSION

52. The Structure Plan No.10 is proposing new areas for industrial and residential development.
53. The structure plan was advertised and provisions have subsequently been recommended to address issues raised.
54. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No.1;</i> 2. <i>Local Planning Strategy 2010;</i> 3. <i>Draft Government Sewerage Policy;</i> 4. <i>State Planning Policy 2 Environment and Natural Resources Policy;</i> 5. <i>State Planning Policy No. 2.9 Water Resources;</i> 6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas;</i> 7. <i>Liveable Neighbourhoods;</i> 8. <i>EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses.</i>
File Number (Name of Ward)	:	LSP10 (Yakamia Ward)
Previous Reference	:	Nil

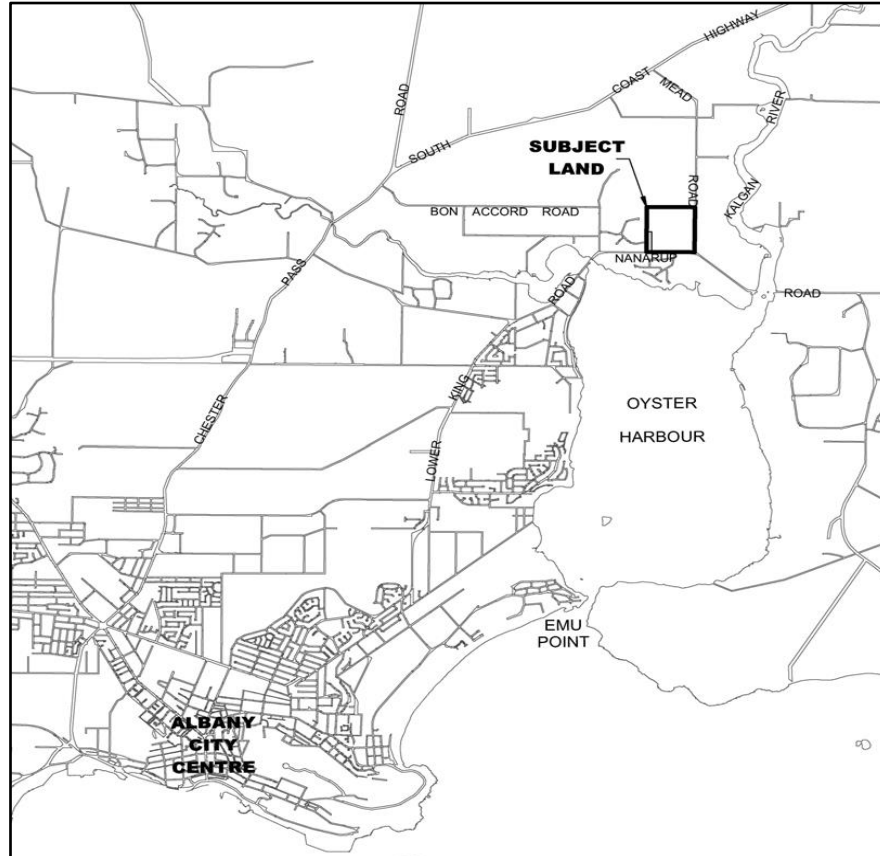
**DIS094: RECOMMEND ADOPTION OF MODIFIED LOCAL
STRUCTURE PLAN NO.17 – LOTS 1 & 973 NANARUP ROAD, KALGAN**

Land Description	: Lots 1 & 973 Nanarup Road, Kalgan
Proponent	: Ayton Baesjou G Clark S Lucas
Attachments	: Original Structure Plan Modified Local Structure Plan No.17
Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. The application proposes a structure plan to guide future development and subdivision of land in the Kalgan area.
2. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The *Albany Local Planning Strategy (2010)* seeks to encourage the development of the Structure Plan area for rural residential living.
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lots 1 & 973 Nanarup Road, Kalgan.



In Brief:

- In 2015, council agreed to recommend that the Commission endorse a structure plan pertaining to land in the Kalgan area (Nanarup Road). The structure plan sought to provide for large rural residential lots of between 2000m² and one (1) hectare in area.
- The Commission requested that the City re-examine various components of the structure plan including bushfire and wetland management and access from Nanarup Road.
- Council is now requested to recommend that the Western Australian Planning Commission support a modified structure plan which takes on-board comments from the Commission.

RECOMMENDATION

DIS094: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and regulation 20. (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. Recommend that the Western Australian Planning Commission approve the modified Local Structure Plan No.17.**
- 2. Forward structure plan documentation, to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.**
- 3. Advise the applicant/owner of the Council decision accordingly.**

BACKGROUND

3. In December 2015, Council resolved to recommend that the Western Australian Planning Commission support a proposed structure plan for Lots 1 and 973 Nanarup Road, Kalgan, subject to modification to:
 - a) Identify a '10-20-10' (40m wide area consisting of a setback of 10 m, 20 m vegetated area and another 10 m setback) buffer on proposed lots 1, 2, 3, 4, 5, 24 and 29; and
 - b) Identify an 'Additional Use' site for 'Aquaculture' over Lot 1 Nanarup Road.
4. The structure plan was forwarded to the Department of Planning, Lands and Heritage with a request for endorsement. The Department of Planning, Lands and Heritage recommended the following:

Additional Use site

 - a) The City's proposed modification for an Additional Use 'AU32' over Lot 1 should include conditions to guide development.

Bushfire Management Plan

 - b) The Bushfire Management Plan should be reviewed in accordance with State Planning Policy 3.7 and associated Guidelines, including a BAL Contour Map for the site.

Late Winter Site Testing

 - c) Late winter site testing should be conducted to support the proposed structure plan. The flood risk of Johnston Creek should also be considered in the documentation.

Development Exclusion Areas

 - d) The proposed Development Exclusion Areas on the proposed structure plan should be amended to comply with recommendations made in an accompanying Land Capability Assessment.

Management of Johnston Creek

 - e) Consideration should be given to management concerns for the Johnston Creek.

Intersection – Nanarup Road

- f) The proposed new intersection with Nanarup Rd does not appear to have considered the existing intersection with Morilla Rd.
5. Subsequent to the Department of Planning, Lands and Heritage recommendations, the proponent made the following modifications;
 - a) Included provisions to deal with the 'Additional Use' zone;
 - b) Revised the Bushfire Management Plan;
 - c) Confirmed that late winter site testing is unnecessary, given that building envelopes are located outside of low land capability areas;
 - d) Adjusted development exclusion areas to recognise land capability assessment;
 - e) Modified the plan to show vegetation drainage lines managed in private ownership; and
 - f) Relocated the intersection with Nanarup Road in accordance with Austroads (2005).
6. The Department of Water and Environmental Regulation were consulted on the modifications and have provided their support.
7. The Department of Fire and Emergency Services were consulted on the updated Bushfire Management Plan. The Department of Fire and Emergency Services raised issues, which have subsequently been addressed, with the exception of the cul-de-sac.
8. The structure plan is designed to incorporate a cul-de-sac. Cul-de-sacs in bushfire prone areas are not favoured because they do not provide escape routes in different directions for residents. DFES requested substantiated evidence of a performance principle-based solution. The proponent contends that no alternative exists and that an escape route can be achieved via an emergency access way. City staff support the performance-based outcome for the following reasons:
 - a) An Emergency Access Way provides a second means of access and egress - 460m long, which is below the 600m maximum allowed.
 - b) Utilization of a short cul-de-sac allows the area to be effectively subdivided with well-proportioned lots.
 - c) The cul-de-sac is 100m long, half the maximum recommended length of 200m.
 - d) As scheme water is available, a fire hydrant can be located at the cul-de-sac head. This location is central to the 4 lots which use it for access.
 - e) The area in which the cul-de-sac is located is within an area of the property removed from vegetation.

DISCUSSION

9. The subject land is designated for rural residential development in the City of Albany *Local Planning Strategy* and will effectively form an extension of the Sheringa Park rural residential area which abuts the sites western boundary.
10. Key elements of the plan include:
 - a) The provision for 29 rural residential lots ranging in size from 1.0ha to 4.0ha in area, with two larger lots of 8.0ha and 9.8ha incorporating a creek and surrounding lower lying land;
 - b) Protection of Johnson Creek within an extended creek protection area;
 - c) Provision for a secondary means of access and egress for Sheringa Park to the west which currently only has one point of access/egress in emergency situations;
 - d) Provision for a buffer to rural land use to the north and incorporation of best practice bushfire management.

- e) The designation of ‘Additional Use’ sites for short stay accommodation and aquaculture; and
 - f) The incorporation scheme provisions to minimise the export of nutrients into Oyster Harbour.
11. Staff at the City believe that the structure plan has satisfactorily taken into account issues raised by government agencies including:
- a) Buffers to adjoining land-use;
 - b) Land capability;
 - c) Vegetation and landscape protection;
 - d) Bushfire protection;
 - e) Creek line protection and management;
 - f) Onsite effluent disposal and retention of nutrients on site; and
 - g) Access to and from Nanarup Road.
12. Council is accordingly requested to agree to recommend that the Commission supports the modified structure plan.

GOVERNMENT & PUBLIC CONSULTATION

13. Structure Plans require advertising in accordance with Part 4, cl.18 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
14. The Department of Planning, Lands and Heritage advised that, re-advertising was not necessary due to inconsequential modifications.

STATUTORY IMPLICATIONS

15. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
16. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
17. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

18. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

19. The risk identification and categorisation relies on the City’s Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Possible	Minor	Low	If the Structure Plan is not supported by the WAPC the City may be required to make modifications.
Opportunity: Increased opportunity for servicing and development.				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

22. The structure plan proposes to protect remnant vegetation and the natural integrity of a waterway (Johnson Creek).
23. The Department of Water and Environmental Regulation has given in-principle support to the proposed structure plan.

ALTERNATE OPTIONS

24. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications and or provisions.

CONCLUSION

25. The Structure Plan No.17 seeks to guide the subdivision and development of land in the Kalgan area.
26. Since the original support given by Council in 2015, the structure plan has been modified to account for issues raised by various government agencies including the Department of Fire and Emergency Services, the Department of Water and Environmental Regulation and the Department of Planning, Lands and Heritage.
27. Council is requested to agree to recommend that the Western Australian Planning Commission approve the modified structure plan.

Consulted References	:	1. <i>Local Planning Scheme No.1;</i> 2. <i>Local Planning Strategy 2010;</i> 3. <i>Draft Government Sewerage Policy.</i>
File Number (Name of Ward)	:	LSP17 (Kalgan Ward)
Previous Reference	:	Nil

DIS095: RECOMMEND ADOPTION OF MODIFIED LOCAL STRUCTURE PLAN NO.14 – LOTS 1, 2 & 3 SOUTH COAST HIGHWAY, MCKAIL

Land Description	: Lots 1, 2 & 3 South Coast Highway, McKail.
Proponent	: Government of Western Australia, Department of Communities.
Business Entity Name	: Government of Western Australia, Department of Communities.
Attachments	: Local Structure Plan No.14 – Report Local Structure Plan No.14 - Map Bushfire Management Plan
Supplementary Information & Councillor Workstation	: Nil
Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. The application for consideration proposes a modified structure plan to guide subdivision and development at Lots 1, 2 & 3 South Coast Highway, McKail.
2. In making a decision on the proposed modified structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.
3. The Structure Plan complies with the Albany Community Strategic Plan and the *Albany Local Planning Strategy 2010*.
 - The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
 - The *Albany Local Planning Strategy (2010)* seeks to encourage the development of the Structure Plan area for 'Future Urban' development.

Maps and Diagrams: Subject Site – Lots 1, 2 & 3 South Coast Highway, McKail.



In Brief:

- The modified McKail Structure Plan has been prepared to facilitate:
 - Revised lot design;
 - Revised road layout;
 - A variety of residential; and
 - Bushfire assessment.
- The modified structure plan proposes a more responsive street and lot layout, which will ultimately provide an improved level of residential amenity. Council is requested to recommend that the Western Australian Planning Commission support the modified McKail Structure Plan.

RECOMMENDATION

DIS095: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to:*

- 1. Recommend that the Western Australian Planning Commission approve the modified Local Structure Plan No.14, with modifications.**
- 2. Forward structure plan documentation to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.**
- 3. Advise the applicant/owner of the Council decision accordingly.**

BACKGROUND

4. In 2010, a structure plan was approved to guide development and subdivision in McKail, specifically for lots bound by South Coast Highway, Clydesdale Road and Gregory Drive.
5. The structure plan area is 1.5km west of a Neighbourhood Centre in the adjoining suburb of Orana and within 2km of North Albany Senior High School and South Regional TAFE.
6. Subdivision and development has occurred in the northern precinct of the Structure Plan area. However, the southern precinct remains undeveloped and under the ownership of the Government of Western Australia, Department of Communities.
7. The Government of Western Australia, Department of Communities submitted a MODIFIED structure plan pertaining to the undeveloped land. Modifications include:
 - A greater mix of lot sizes;
 - Improved lot orientation to facilitate 6-star energy ratings for dwellings;
 - A reduction in developments with rear laneways;
 - A reduction in the overall road percentage;
 - Increased efficiency in traffic movement;
 - Improved road interface with South Coast Highway;
 - POS included at the entrance to the structure plan area;
 - Recoding of lots coded R30/R40/R50 to R30/40 and R40 – to provide appropriate development for the area;
 - Increasing density adjacent to public open space from R20 to R30;
 - Identifying larger R40 lots for grouped dwelling development;

- Including bushfire assessment for the site, and
- Changing terminology by replacing 'Local Shopping' with 'Local Centre', for consistency with the City of Albany Local Planning Scheme No. 1.

DISCUSSION

8. It is recommended that the Council agree to recommend that the Commission endorse the modified structure plan subject to two (2) modifications as follows:
 - a) It is recommended that the public open space (entry statement) included at the entrance of the structure plan area is instead identified as private lots. The City endorsed a Public Parkland Policy in 2014, which encourages the development of large public open spaces and not small pocket parks that provide no recreation function and high maintenance costs. Once the developer's entry statement is no longer required, the land may then be utilised for residential.
 - b) It is recommended that a high density R40 area proposed in the south west corner of the structure plan area is instead identified for R20. The City recommends that the R40 lot is instead located adjacent to the central public open space to the south of the structure plan area.
9. Subject to the modifications, it is recommended that the Council agree to recommend that the Commission endorse the modified structure plan on the basis that it proposes a more responsive street and lot layout, which improves amenity, access efficiency and sense of place.
10. The modified road layout results in lots which are developed to orientate east/west. This modification means properties can maintain sunlight penetration to living areas and private open space areas.
11. The increased density adjacent to public open space areas means improved surveillance, outlook and use of public open space.
12. The proposed modifications will not materially alter the purpose and intent of the approved structure plan. There is no anticipated reduction in the lot yield for the structure plan area. Public open space and a primary school already allocated, will remain unchanged.
13. The majority of the site is not subject to a BAL rating or is within the BAL-low category. Taking into consideration the provision of low-fuel zones, all residential lots are BAL - 29 or below. Once vegetation clearing of the school and public open space areas has occurred, it is anticipated the hazard level of the development will decrease to BAL - low.
14. Development and subdivision of lots coded R30/40 and R40 will be subject to the preparation and subsequent provisions of Local Development Plan(s) which will address the following matters;
 - Buildings envelopes/setbacks;
 - Building heights;
 - Garage/ carport positions;
 - Access;
 - Fencing;
 - Site coverage;
 - Private open space;
 - Outbuildings;
 - Landscaping;
 - Variations to the Residential Design Codes;
 - Noise mitigation – lots adjacent to South Coast Highway; and

- Notification on titles (for lots within BAL rating 12.5 or above) pertaining to bushfire management.

GOVERNMENT & PUBLIC CONSULTATION

15. The *Planning and Development (Local Planning Schemes) Regulations 2015* Part 5, cl.29(3) states:

The local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.

16. As agreed by the Commission, amendments proposed by the modified structure plan are minor in nature. As such, the structure plan has not been advertised.

STATUTORY IMPLICATIONS

17. Local structure plan undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
18. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed Structure Plan should be approved by the Commission.
19. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

20. There are no policy implications relating to this report item.
21. The structure plan is compliant with *Liveable Neighbourhoods*, notably in regard to the treatment of the interface with South Coast Highway. As part of a future Local Development Plan, lots adjacent to South Coast Highway will ensure dwellings are constructed in accordance with building design and construction treatments in *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation</p> <p>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Low	If the Structure Plan is not supported by the WAPC the City may be required to make modifications.
<p>Opportunity: Increase opportunity for servicing, land use and development.</p>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental implications relating to this report item.

ALTERNATE OPTIONS

26. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed modified structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to modifications.

CONCLUSION

27. Local Structure Plan No.14 has been prepared in order to implement a number of modifications to the 2010 McKail Structure Plan.
28. The proposed modifications proposed include :
- Revised lot design;
 - Revised road layout;
 - Provision for a variety of densities; and
 - Bushfire assessment.
29. The modifications propose to achieve a more responsive street and lot layout and density and ultimately, improved residential amenity.
30. Council is requested to agree to recommend that the Western Australian Planning Commission approve the modified structure plan with modifications.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>Liveable Neighbourhoods</i>
File Number (Name of Ward)	:	LSP14 (Vancouver Ward)
Previous Reference	:	Nil

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 13. CLOSURE**