



ATTACHMENTS

Development and Infrastructure Services Committee Meeting

11 April 2018

6.00pm

City of Albany Council Chambers

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Development Services

City of Albany
Policy

DRAFT EXTRACTIVE INDUSTRIES AND MINING

EXTRACTIVE INDUSTRIES AND MINING

Objectives:

- ***Minimising the adverse impacts extractive industries have on the environment or amenity of the locality during or after extraction.***
- ***Extractive industries being located in the most appropriate areas of the City.***
- ***Extractive industries are located and undertaken in a manner which does not unduly disrupt surrounding residents by way of noise, dust, blasting and vibration.***
- ***Extraction should occur where the available haulage routes and road hierarchy are satisfactory or can be upgraded to support an extractive industry without affecting the quality and safety of the road network.***
- ***Development is located so as to minimise impact upon native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.***

Background

1. The supply of basic raw materials such as clay, gravel, sand and lime, etc, is recognised by the City of Albany as being an important factor to the economic development of the City, as well as being a critical component of key infrastructure and the land development process.
2. The City of Albany can consider extractive industries in appropriate locations where transport infrastructure is available or can be upgraded to adequately service the project, and where land use conflicts can be avoided or minimised through careful site planning and operational land use control.

Policy Statement

3. This Policy seeks to ensure that extractive industries are appropriately located and managed in order to not cause disruption to amenity, the environment and the quality of the road network. The policy provides guidance on the application of Local Planning Scheme No.1 and the City of Albany Extractive Industry Local Law.

Scope

4. The policy is applicable to all proposals on zoned land where Extractive Industry is a discretionary use under Local Planning Scheme No.1, with the exception of;
 - Mining works under Section 120 of the *Mining Act 1978*;

- Extraction of material ancillary to a normal rural activity, where for use on the same site, and where no processing of the material is required;
 - Extraction of material for use in developing an approved subdivision works on the same site; and
 - Extraction of material coming under the definition of Public Works.
5. Where there is no requirement to obtain development approval, the City of Albany will advocate that operations be undertaken in accordance with the requirements of this Policy.
 6. This policy is to be applied in conjunction with the requirements of Local Planning Scheme No.1 and the Extractive Industries Local Law.

Policy Measures

7. The main elements below provide policy objectives and methods of how an applicant can meet these objectives. The requirements the City of Albany may impose to meet these objectives is also detailed.
8. Landholder obligations in relation to a development approval for an extractive industry are transferred to any new owners of the land. Responsibility rests with the landholder to notify prospective landholders of obligations in relation to any extractive industry and to resolve any bond agreements.

Advertising

9. All extractive industry proposals shall involve, at a minimum, the consultation of landowners within a 1.0 km radius of the site. Relevant agencies will also be referred the proposal for comment.

Buffers

Objective - *Extractive industries are located and undertaken in a manner which does not unduly disrupt surrounding residents by way of noise, dust, blasting and vibration.*

10. Where the applicant has not provided management plans or technical studies, buffers are as per the default guideline values under *Guidance Note 3 – Separation Distances Between Industrial and Sensitive Land Uses (EPA – 2005)*, as follows;

Quarry of hard rock (including blasting), crushing and screening	Buffer distance of 1000m
Quarry (not hard rock). Processing rock ore etc by blasting, grinding and milling works – material processed by grinding, milling or separated by sieving, aeration etc	Buffer distance of 1000m
Quarry (no blasting) - material processed by grinding, milling or separated by sieving, aeration etc	Buffer distance of 500m

Sand and limestone extraction with no grinding or milling works	Buffer distance of 500m.
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11. Where an extractive industry is within 1km of a residence or tourist accommodation or attraction, additional conditions to reduce amenity impacts from noise, dust and vehicles may be imposed.
12. No extractive industry is to be located within 500m of a residence where the owner or resident provides objection to the proposal.
13. Notwithstanding the above, the extraction of sand and gravel may be located less than 500m, but generally no closer than 300m from a sensitive land use, subject to additional mitigation measures, including, but not limited to, those from the list below;
 - Provision of suitable Dust and Noise Management plans prepared by a suitably qualified professional;
 - Reduced nature and scale of the operations;
 - Reduced operating days and hours;
 - Restrictions on vehicle movements;
 - Performance bonds;
 - The provision and justification of additional mitigation measures, including screening, bunds, vegetation planting and neighbour agreements;
 - Submitting GPS coordinates of pit areas; and
 - Any other mitigation measures deemed necessary by the City of Albany.
14. The extraction of granite and other hard rock quarrying shall generally be a minimum of 1000m to a sensitive land use.

Transport

Objective - *Extraction should occur where the available haulage routes and road hierarchy are satisfactory or can be upgraded to support an extractive industry without affecting the quality and safety of the road network.*

15. The applicant is to provide detail of the following as deemed necessary by the City of Albany;
 - Size of trucks and number of truck movements;
 - Potential vehicle conflict;
 - Proximity to and interaction with school bus routes;

- Existing condition of the road and the likely impact of the operations on the network quality and safety;
- Pre application consultation with Main Roads WA (if applicable) to address RAV route usage or access matters.
- Access points to the operation site; and
- Existence of any other extractive industry or heavy haulage operations in the vicinity and the cumulative effects on the transport network.

16. In order to address the above matters, the City of Albany may require, and impose, the following;

- Comments and conditions from Main Roads WA.
- The preparation and implementation of any outcomes of a prepared Traffic Impact Assessment or Road Safety Audit.
- Evidence of an agreement between the school bus operator and the extractive industry operator. If this does not occur, a prohibition of truck movements during school bus times may be imposed.
- Time limited approvals
- Where the proposed route or vehicle numbers warrant, the City may require upgrading of roads to improve the standard of access and safety, this may be through contributions, in-kind works, or a levy.
- Construction of crossovers to City of Albany or Main Roads WA standard.
- Controlled trucking hours.

Environment

Objective - *Development is located so as to minimise impact upon native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.*

17. The applicant is to provide detail of the following as deemed necessary by the City of Albany;

- Surface Water Management Plan;
- Dieback Management Plan;
- Rehabilitation Plan;
- Acid sulphate soils assessment;

- Demonstrating evidence of pre application due diligence through environmental and cultural agency databases (Indigenous Affairs, Environment Protection and Biodiversity Conservation, priority flora and fauna; and
- Details of proposed clearing of remnant vegetation to access basic raw materials. Where vegetation is affected as part of the proposal, the City of Albany will consider the advice from the appropriate authority. There is a general presumption against vegetation clearing for the purpose of extraction.

18. In order to address the above matters, the City of Albany may require, and impose, the following;

- Department of Water and Environmental Regulation conditions;
- Implementation of dieback, rehabilitation and surface water management plans;
- Modification of the proposal;
- Limiting the size of open pit areas;
- Additional replanting;
- Performance bonds; and
- Rehabilitation Bonds;

Visual Impact

Objective - *Extractive industries not adversely affecting the environment or amenity of the locality during or after extraction.*

19. The applicant is to provide detail of the following as deemed necessary by the City of Albany;

- Visual Impact Statement or review of impact on views of significance.
- Details of measures being taken to screen the extractive industry from nearby properties and major tourist routes. Measures may include planting established tree stock, bunds or reducing extraction area.
- Rehabilitation Plans

20. In order to address the above matters, the City of Albany may require, and impose, the following;

- Limiting the size of open pit areas;
- Time limited approvals;
- Increased setbacks;

- Additional screening being implemented; and
- Implementation and bonding of site rehabilitation

Note: If an extractive industry is visible it does not mean it is automatically classified as being visually unacceptable.

Existing Extractive Industries

21. It is acknowledged that there are a number of extractive industries currently operating which have now been surrounded by development. The assessment of these proposals for renewal will be considered on a case by case basis against policy measures.

Length of approval

22. Approvals may be granted for a maximum of *five years*, after which a renewed approval is required. When renewing an application, applicants are advised to consider the development application processing time to avoid operational continuity issues.

Application Requirements

23. Prior to commencing preparation or lodging an application for development approval, it is highly recommended making an appointment with a City of Albany Planning Officer to discuss the proposal. The meeting will determine the level of detail required for the application and the suitability of the proposal.

Note: Applications that do not comply with the relevant standards or contain insufficient information may be refused or take longer to process.

24. Due to the technical nature of extractive industries, it is highly recommended that a professional consultant(s) be engaged to prepare the application and associated plans. Proposals which are of a professional standard have far more credibility when being assessed and referred to adjoining landowners and agencies.

25. Plans being submitted with the following information;

- Detailed setbacks in accordance with Local Planning Scheme No.1 and Extractive Industry local law.
- Distances from lot boundaries and all dwellings and other sensitive uses within a 1km radius of the extraction site.
- GPS Coordinates of Pit areas.
- Details of existing and surrounding land uses.
- Area depth and volume of extraction (existing and proposed final contours at 1 metre intervals).
- Road frontages and property access.

- Existing vegetation, wetlands and watercourses, and distance from the proposed area of extraction.
- Area height and volume of material and top soil stockpiles.
- Site plans, floor plans and elevations of any building associated with the proposal.

26. A report will also be required to accompany the above plans, detailing the following:

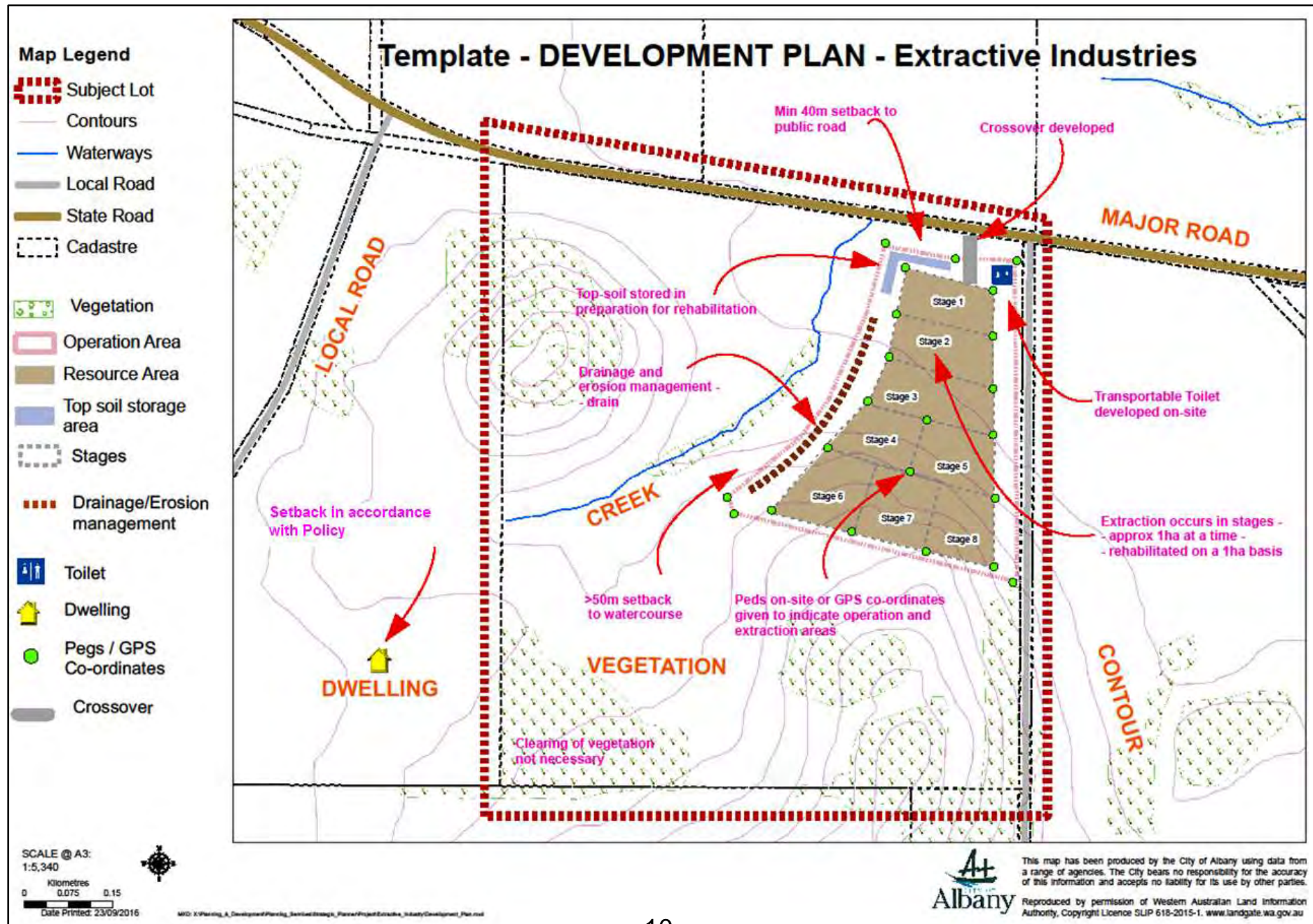
- Type of material to be extracted.
- Details of methods of extraction, including crushing, blasting or extraction only.
- Details of staging.
- Management techniques to address potential conflict with surrounding land uses and protection of environmental attributes;
 - Noise Management Plan
 - Dust Management Plan
 - Screening
 - Surface Water Management Plan
- Hours of operation (including crushing, blasting and excavation).
- Storage of chemicals.
- Estimated completion date.
- Type of equipment to be used including size of trucks and machinery.
- Maintenance and any refuelling of trucks on site.
- Number of truck movements per day/week.
- Proposed haulage routes and destinations.
- Proposed road warning signage.
- Visual impact assessment, with particular reference to major roads; tourist routes/interest points, and surrounding properties/structures.
- Drainage implications including surface and ground water impacts.
- Proposed end use of site.
- A detailed rehabilitation plan including types of materials, staging, source of materials, re-contouring, replacement of topsoil, screen planting and re-vegetation (vegetation species and densities).
 - *The City will only permit the fill of extractive industry sites with clean material that is specified in the approved rehabilitation plan.*

- Details of dieback management techniques.
- Any other assessment the City may require, including Aboriginal and European Heritage considerations, if within a known area of concern.
- Detailed justification for any variation from City requirements.

27. In considering the management of transport issues, the following will form the basis of the City's assessment:

- Conditions and nature of roads to be used
- Proximity to and interaction with school bus route
- Impact on higher traffic volume on higher risk roads
- Size of trucks and number of truck movements
- Access points to the operation site
- Main Roads WA comments and advice.
- Existence of any other extractive industry or heavy haulage in the vicinity

A road safety Audit may be requested to clarify these matters.



Document Approval			
Document Development Officer:		Document Owner:	
Executive director development Services		Paul Camins	
Document Control			
File Number - Document Type:	CM.STD.7 – Policy		
Synergy Reference Number:			
Meta Data: Key Search Terms	Extractive Industry, Gravel, Sand, Lime, Buffer		
Status of Document:	Draft		
Quality Assurance:	Executive Management Team		
Distribution:	Public Document		
Document Revision History			
Version	Author	Version Description	Date Completed
0.1	Coordinator Development Services	Draft	22/03/2018
1.0	Position Title		dd/mm/20yy
1.1	Position Title		dd/mm/20yy

Moving to a rural area

What to expect

The City of Albany has prepared this leaflet to provide assistance and advice to people who want a rural residential lifestyle or hobby farm in an area where land is being used for agricultural purposes.

Many new residents are attracted to living in rural areas of Albany, often expecting a pleasant and tranquil environment.

This expectation is regularly based on what is reasonable in a residential area. Often it is found that in reality, life in the rural zone where agriculture is the principal land use, is a considerably different environment.

It is important to realise that country life is different from life in the city or suburbs. Many new residents have an idealised view of agriculture and are unaware of the differences in amenity between rural and urban areas or the responsibilities they may have in managing their properties.

People should not move to a rural area expecting the same level of amenity as enjoyed in a residential area. For example, roads are often not kerbed or there are no footpaths.

Many rural production activities have side effects that have not been seriously contemplated by the intending purchaser - noise, odour, dusty roads and spray drift are all factors which can impact on rural amenity.

This is an increasing problem as urban development spreads into rural areas, and pressure is applied to allow residential allotments and hobby farms in the adjoining rural hinterland.

Prospective purchasers of land in rural areas should find out in advance what type of rural industries are operating in the area and be aware that in the future nearby land may have the potential for a use which could generate disruption.

Even where a permit is required for some land uses, you should remember that these uses are consistent with the purposes of the Agricultural Zone in the Planning Scheme, and often can only be located in rural areas.

The following can potentially occur on agricultural properties;

- Extractive Industries (sand/gravel)
- Grazing
- Poultry Farms
- Piggeries
- Spraying
- Bird deterrent cannons
- Changes to landscapes as a result of timber plantations
- Heavy transport vehicles travelling along country roads (day and night)
- Machinery operating at night and early in the morning (eg dairy farm and tractors cutting hay)
- Visual impact of large rural buildings such as dairies, piggery shelters and broiler chicken sheds.

If properties adjoining rural land are purchased knowing that there are legitimate rural land uses which can occur, then future landowners will be in the best position to decide if living in the rural area is for them.



The City of Albany has prepared this information to provide assistance and advice to people who want a rural residential lifestyle or hobby farm in an area where land is being used for agricultural purposes.



Consider that agricultural activities can vary from different times of the day, week or month, and that one inspection of the site you intend to purchase may not be indicative of the activities which might occur on adjoining land



The best way to avoid a dispute is to have a real understanding of rural life before you purchase a site, and to take preventative action by simply talking to your neighbours about potential issues that may arise.

Before buying a Rural property

Talk to an officer from the City of Albany Planning team about the town planning controls that cover the land and surrounding area.

Questions you might ask are:

- What is the land zoned?
- What is allowed to occur on the site or surrounding land that does/doesn't need a planning permit? eg. dwelling, vineyard, dairy farms.
- What could be permitted on adjoining land in the future that may have some effect on the amenity of the property? eg. extractive industries, poultry farms or piggeries.
- Are there any controls which might restrict the type of use or development that you envisage on the land?



ASKING QUESTIONS

Consider talking to the adjoining landowners in the area about how they have experienced the area, often they will be in the best position to give you a firsthand experience.

- Check that you understand the nature and content of any easements which are shown on the property title - eg. an easement on a title saying that your neighbour may gain access to his/her property across your land.
- If you are intending to construct a dwelling on the land, check that you will be able to do so before you commit to purchasing land.



Volunteering with your local fire brigade can be an excellent way to give back to your local community

Bushfire Risk

Natural vegetation creates a wonderful environmental amenity, but can also place you in danger if the area is vulnerable to bushfires - parts of the City of Albany are among the most fire prone in Western Australia.

Consider carefully if you are moving into a high bush fire prone area, and the implications this can have. City officers can advise you of the degree of fire risk in an area and any town planning or building regulations you must comply with.

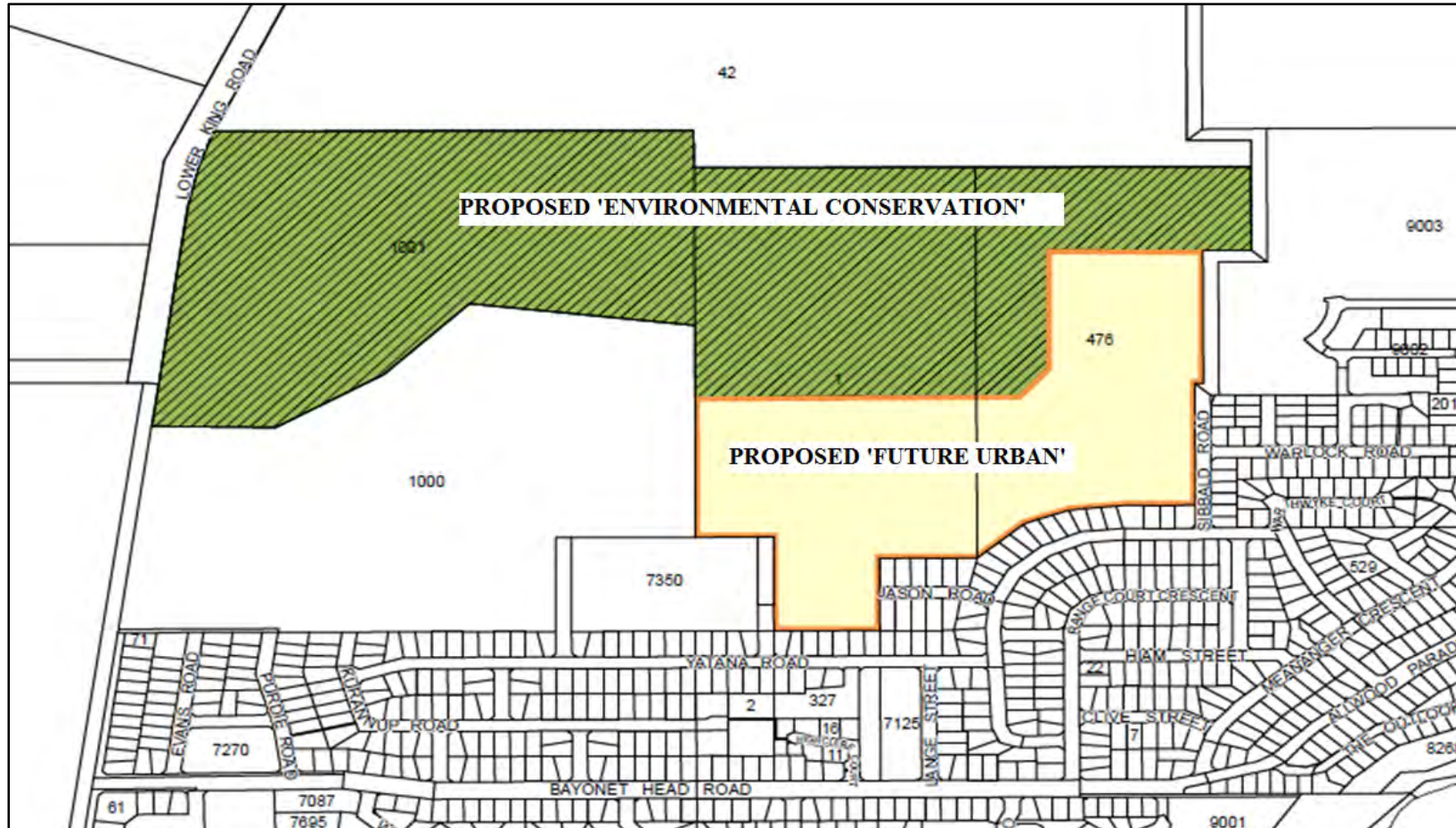
The Building Code of Australia also identifies standards for buildings constructed in designated bush fire prone areas. These are assessed at the time of a building permit being lodged.

It is also critical to maintain your property in a managed state, please review your yearly fire management notice for these details.

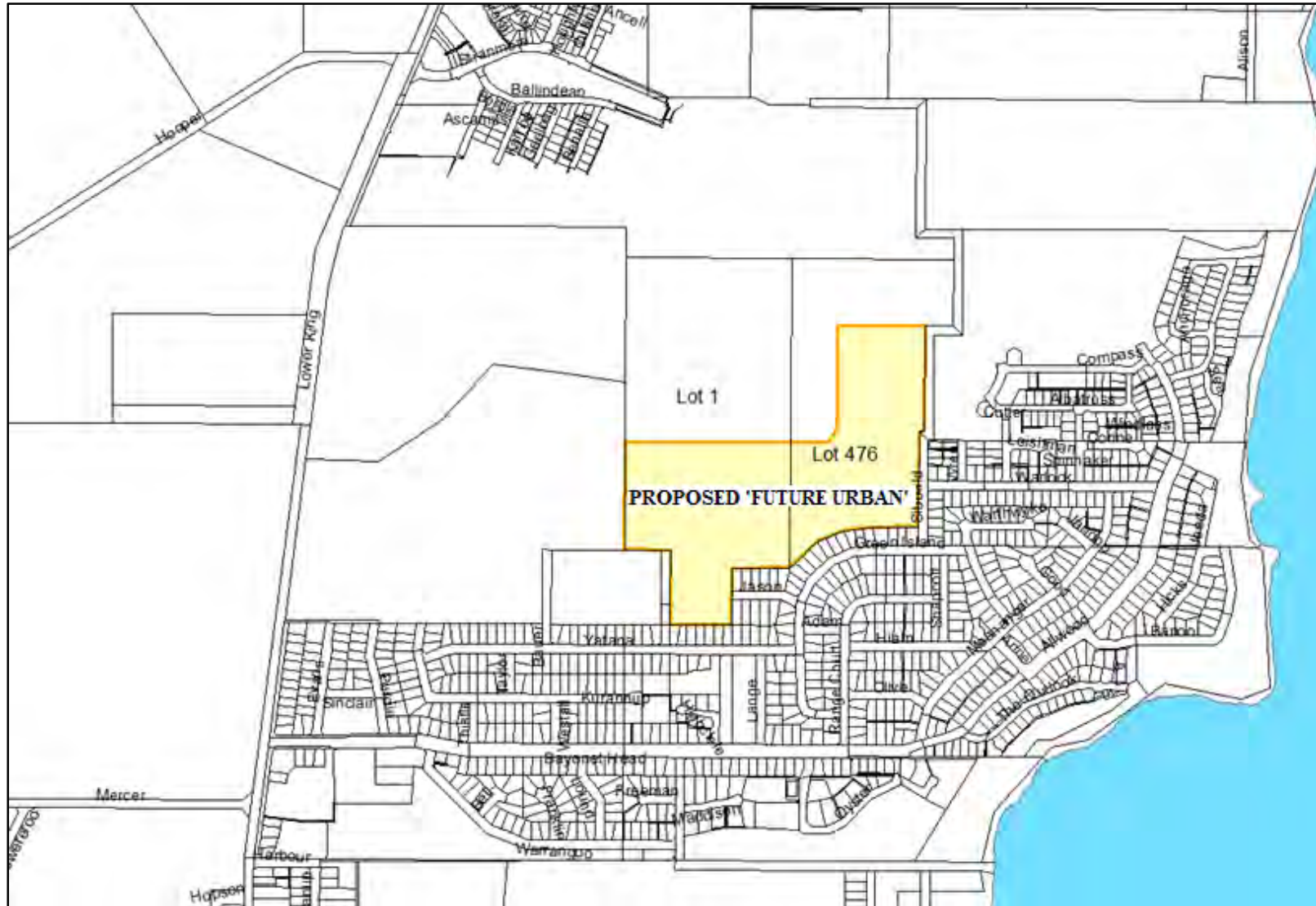
You should ensure you have done everything possible to minimise risk to life and property. Establish a fire protection plan and the means of implementing it.

Contact the City to confirm what vegetation can be removed, and to establish the most environmentally friendly way of carrying out fire prevention works.

Amendment No.22 – Rezoning land to 'Future Urban' and 'Environmental Conservation' reserve.



Modified Amendment No.22 – Rezoning land to 'Future Urban'



CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

AMENDMENT No 28

MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

LOCAL AUTHORITY: **CITY OF ALBANY**

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

TYPE OF SCHEME: **DISTRICT SCHEME**

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

PROPOSAL:

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

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

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

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 28

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1. RESOLUTION
2. REPORT
3. EXECUTION

REPORT ITEM DIS090 REFERS

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF ALBANY
LOCAL PLANNING SCHEME No. 1

DISTRICT SCHEME

AMENDMENT No. 28

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

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

Schedule 2 – Additional Uses (CI 4.5)			
No.	Description of Land	Additional Use	Conditions
AU 33	Lot 312 Bay View Drive, Little Grove	Grouped Housing ('A') Multiple Housing ('A')	I. At the time of subdivision and/or development, the local government may request the provision of a Local Area Plan (to be adopted as a Local Planning Policy) to guide development of 'Additional Uses'. II. The R30 code and Mixed Use Development requirements, as set out in the Residential Design Codes (Part 6) shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses. III. Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use in the future.

and

- ii. *amending the Scheme Maps accordingly.*

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

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

Dated this _____ day of _____

CHIEF EXECUTIVE OFFICER

CITY OF ALBANY

LOCAL PLANNING SCHEME NO. 1

AMENDMENT No. 28

PLANNING REPORT

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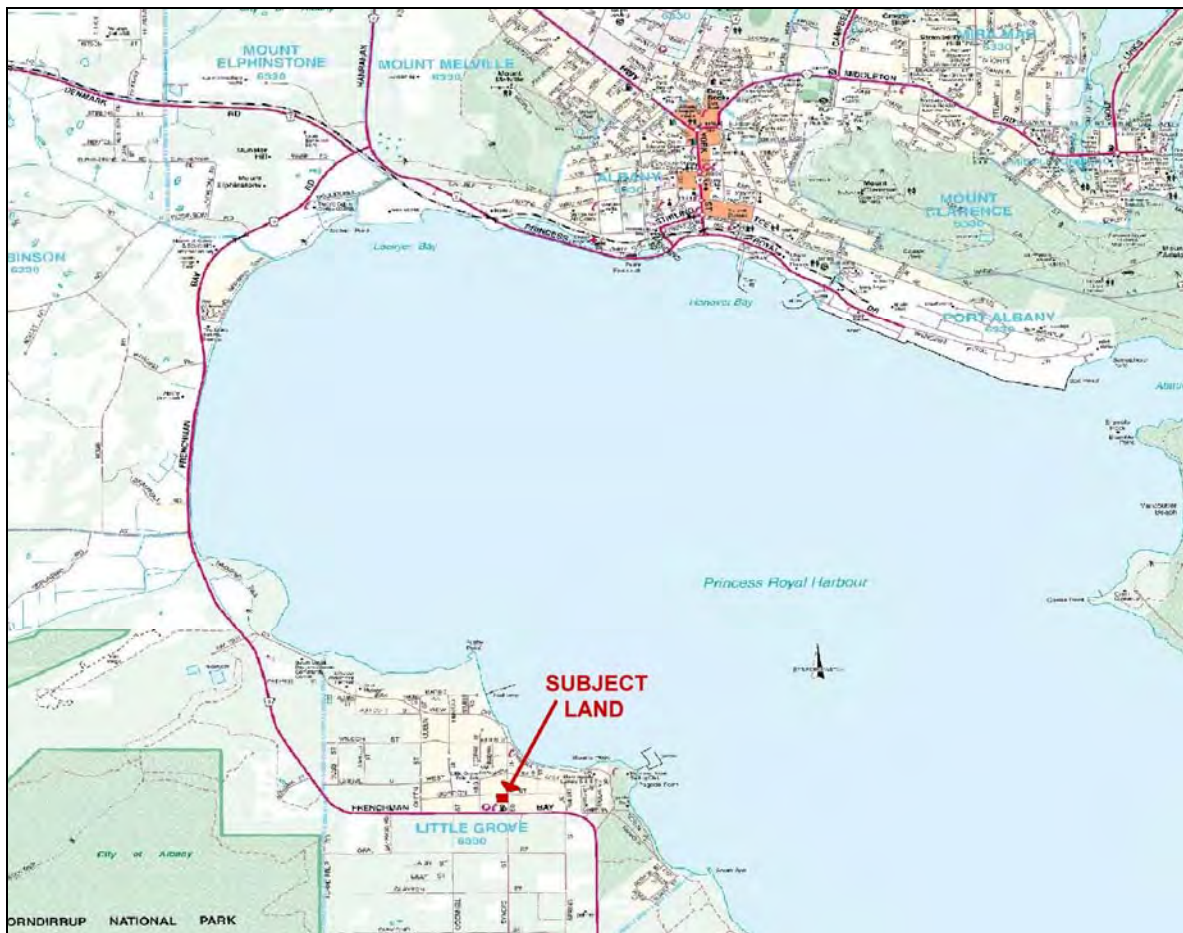
1. INTRODUCTION

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

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

2. BACKGROUND

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



LOCATION PLAN

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

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

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

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

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

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

The Strategy recommends that Local Centres:

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

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

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

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

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

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

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

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

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

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

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



3. PROPOSED SCHEME AMENDMENT

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

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

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

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

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

4. CONCLUSION

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

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

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

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

REPORT ITEM DIS090 REFERS

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 28

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

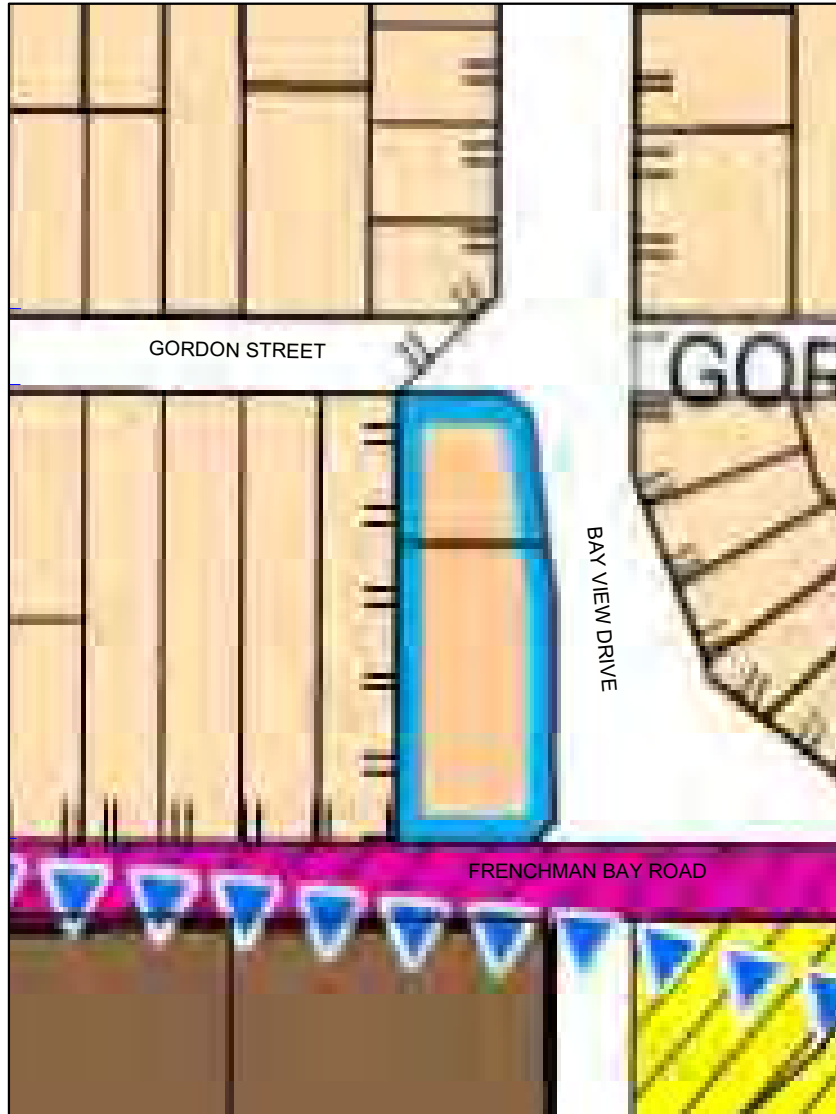
- i. Designating Lot 312 Bay View Drive as an 'Additional Uses' site No. 33 and including it in Schedule 2 of the Scheme Text in the following manner:*

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

- ii. amending the Scheme Maps accordingly.*

Existing Zoning



LEGEND

LOCAL SCHEME RESERVES

(see scheme text for additional information)

- Local road
- Priority road
- Public use

LOCAL SCHEME ZONES

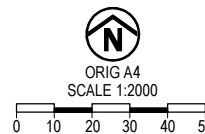
(see scheme text for additional information)

- Local centre
- Residential
- Rural residential

OTHER CATEGORIES

(see scheme text for additional information)

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



Proposed Zoning



REPORT ITEM DIS090 REFERS

ADOPTION

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

Mayor

Chief Executive Officer

FINAL APPROVAL

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

Mayor

Chief Executive Officer

Recommended/Submitted for Final Approval

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

Date

Final Approval Granted

Minister for Planning

Date

Schedule of Submissions

LOCAL PLANNING SCHEME AMENDMENT No.28 – LOT 312 Bay View Drive, Little Grove.

Submission comment in 'Black'

City response in 'Blue'.

City recommendation in 'Red'.

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

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

No.	Address	Copy/Summary of Submissions
Agency		
1.	ATCO Gas Australia	<p>ATCO Gas doesn't operate gas mains nor infrastructure in Little Grove and our closest assets are beyond 6 kilometres away to the north east, within Mt Melville. ATCO Gas therefore does not have any objection to the proposed Amendment No. 28 to the City of Albany's Local Planning Scheme No. 1 being approved.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
2.	Department of Water and Environmental Regulation	<p>The Department of Water and Environmental Regulation has assessed Amendment 28 and following this considers that there are no impacts to/from water resources related to the Amendment that require advice from the Department.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
3.	Environmental Protection Authority	<p>After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) and that it is not necessary to provide any advice or recommendations.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
4.	Water Corporation	<p>Reticulated water and sewerage services are currently available to the subject land. (See attached Plan) The proposed changes to the Scheme do not appear to impact on the Water Corporation's infrastructure or operations.</p> <p>The subject Lot is within a 500m Wellhead Protection Buffer. These buffers are declared to protect the quality of groundwater being extracted for drinking water. In these zones groundwater moves rapidly towards wells and any surface contamination moving through the soil could find its way into scheme water supplies. Activities and land uses in these areas are restricted and subject to the DEC approval processes in accordance with the Western Australian Planning Commissions current State Planning Policy 2.7. Land use restrictions essentially apply to the storage of materials such as petroleum products, pesticides and fertilisers (including manures) and the keeping of stock.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>
5.	Department of Health	<p>The DOH has no objection to the proposed amendment.</p> <p style="color: blue;">Comment noted.</p> <p style="color: red;">No modification to amendment required.</p>