



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 12 May 2021

Albany Town Hall
York Street
Albany

**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 Infrastructure, Development & Environment

(7) **Delegated Authority:** None

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
6.	PUBLIC QUESTION TIME	5
7.	PETITIONS AND DEPUTATIONS	5
8.	CONFIRMATION OF MINUTES	5
9.	PRESENTATIONS	5
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	REPORTS	
DIS256	LOCAL PLANNING SCHEME AMENDMENT NO.36 – LOTS 201, 202 AND 203 CHESTER PASS ROAD AND LOT 1004 VIASTRA DRIVE, LANGE	8
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	16
12.	MEETING CLOSED TO PUBLIC	16
13.	CLOSURE	16

1. DECLARATION OF OPENING – 6.00pm

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

D Wellington

Councillors:

Member

E Doughty (Chair)

Member

R Sutton (Deputy Chair)

Member

G Stocks (Deputy Mayor)

Member

P Terry

Member

M Benson-Lidholm JP

Member

J Shanhun

Member

S Smith

Member

A Goode JP

Member

T Sleeman

Member

C Thomson (via video conference)

Member

R Hammond

Staff:

Chief Executive Officer

A Sharpe

Executive Director Infrastructure, Development
and Environment

P Camins

Manager Planning & Building Services

J van der Mescht

Meeting Secretary

A Paulley

Apologies:

Frederickstown Ward

Vacant

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil		

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the DIS Committee Meeting held on Wednesday 10 March 2021, representatives of the Friends of Emu Point asked the following questions regarding DIS253: Aquaculture Facility (Stage 1) 2 Swarbrick Street, Emu Point, during Public Question Time, which were taken on notice. Responses to those questions are detailed below.

1. The vehicle parking, pedestrian and access plan (included in the proposed conditions of stage 1) to be the subject of community consultation for expected traffic under both stages 1 and 2 to ensure the interests of all the Marina users are fully canvassed.

Response: The City will consult the affected lease holders and users as appropriate.

2. The full examination of alternative vehicle access including the development of a road through the A class reserve be conducted as such a road could service the industrial access needed for Harvest Road without being mixed with all of the recreational and family users. The road would also serve as a fire break from the bush land to the north and assist in protecting Emu Point from fire risk.

Response: Reserve (R 6862) has been set aside for the conservation native vegetation and the City therefore does not support the development of a road through this reserve.

3. Given that the DA has removed stage 2, the community is seeking a commitment that a full community consultation process will occur when the controversial stage 2 is resubmitted.

Response: The City can confirm that the Stage 2 application will be advertised for comment in accordance with the Planning Development Regulations and potentially starting end of April /early May 2021.

4. The absence of a strategic plan for Emu Point and the Public Marina precinct has left the City, state government agencies, developers and the wider community exposed to ad hoc planning decisions based on separate applications rather than a planned approach for all future development on the site. The Marina precinct plan should be accelerated to provide a framework for this substantial development on the site.

Response: Your comment is noted.

5. Further questions posed in the submission to the City were:

- (a) Have other local governments been consulted, especially in NSW, over issues with Oyster Farming and processing developments at this scale?

Response: No they were not.

- (b) Was a lack of response from DPIRD raised with them? As Officers from the relevant area of DPIRD claim not to have seen the request for comment.

Response: No it was not.

- (c) When will the Emu Point foreshore management plan be released?

Response: This plan is currently being drafted and will likely be available for consultation in the next few months.

- (d) Given the DA relates to a flood prone area, who will meet the cost to mitigate flood risk and damage?

Response: In this case Harvest Road.

- (e) This development is a fire risk, what is proposed to address it when there is one road in and out of Emu Point?

Response: A Bushfire Management Plan was prepared and submitted for this development. This plans provides detailed information in response to this question.

- (f) As most of the competitive process for leases for aquaculture licenses have not been completed by DPIRD, what locations for other nursery and processing facilities has the City considered?

Response: There are only a very limited number of other sites potentially suitable and available for this type of Land use.

- (g) Finally, The Friends of Emu Point asked for a correction to the background material indicating that only 8 opposed the DA when in fact over 50 opposed the DA. In fact, 46 people attended a meeting of the Friends of Emu Point in support of their submission which raised significant concerns about the development. These concerns were reinforced at the Public meeting attended by almost 80 people. It is clear no correction has been made, nor a response provided.

Response: We record the number of individual submissions/pieces of correspondence that we receive from public consultation (in this case 8 that recorded an objection) and then importantly focus on the matters raised in them.

The number of submissions received does not affect the assessment of a Development Application. What is important is the substantive matters raised in every submission that is then equally/duly considered as part of the assessment process.

Mr Tony Demarteau asked if the City was aware of the safety issues regarding the drains on Boundary Road.

Response: The City will look to incorporate funding into a future budget to make these drains safer. Manager Engineering and Sustainability will advise Mr Demarteau in which draft budget the works are planned to be undertaken when known.

Mr Barend Becker asked questions regarding privacy issues with a property being built at the rear of his property on Celestial Drive, McKail.

Response: City Officers have investigated the matter and the development in question is compliant with the R-codes. However, City Officers have approached the builders and discussed various options for resolving the privacy concerns.

The City has been unsuccessful in resolving the matter.

Mr Becker has since constructed a temporary structure and is also willing to contribute 50% of a fence extension along or provide landscaped screening.

No response to this question has been received from the builder. This is now a civil issue between the two landowners.

6. PUBLIC QUESTION TIME

[6.02pm](#) John Hetherington, Ray White Real Estate, on behalf of property owners, Neil McGregor and Dr Brenda Murrison

Summary of key points:

Mr Hetherington addressed Council in support of the Responsible Officer Recommendation for DIS256: Local Planning Scheme Amendment No.36 – Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange.

Mr Hetherington stated that the developers plan to build a state-of-the-art medical centre of 1,500 – 2,000 square metres with ample parking. However, they needed to sell part of the site to fund the medical centre.

[6.05pm](#) Steve Thompson, Edge Planning, on behalf of property owners, Neil McGregor and Dr Brenda Murrison

Summary of key points:

Mr Thompson addressed Council in support of the Responsible Officer Recommendation for DIS256: Local Planning Scheme Amendment No.36 – Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange.

Mr Thompson said the development aligned with various City of Albany plans and would have minimal impact on the St Ives Retirement Village. He said more public consultation would come if the extended range of uses was approved, and that traffic, noise mitigation and parking would be addressed.

[6.08pm](#) Lynne Cronin, Manager, St Ives Retirement Village

Summary of key points:

Ms Cronin addressed Council regarding DIS256: Local Planning Scheme Amendment No.36 – Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange. Ms Cronin thanked the City of Albany for taking on board residents' comments about commercial zoning.

[6.09pm](#) Mr Peter Munday, Resident of St Ives Retirement Village

Summary of key points:

Mr Munday addressed Council in support of the Responsible Officer Recommendation for DIS256: Local Planning Scheme Amendment No.36 – Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange. Mr Munday said he and some village residents supported additional uses on the site if they were not noxious industries.

There being no further questions, public question time closed at 6.10pm.

7. PETITIONS AND DEPUTATIONS - Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR SUTTON

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 10 March 2021 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

Note: There was no DIS Committee meeting held in April 2021.

9. PRESENTATIONS - Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil

**DIS256: LOCAL PLANNING SCHEME AMENDMENT NO.36 –
LOTS 201, 202 AND 203 CHESTER PASS ROAD AND LOT 1004
VIASTRA DRIVE, LANGE**

Land Description	: Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange.
Business Entity Name	: Enanby Pty Ltd and Cloudy Beach Investment Company Pty Ltd.(Neil Crawford McGregor)
Attachments	: 1. Scheme Amendment Document 2. Agency comments 3. Schedule of Submissions and Recommendations
Councillors Lounge	: 1. Public submissions – Objections 2. Public submissions – Support
Report Prepared by Responsible Officer	: Senior Planning Officer – Strategic Planning (A Nicoll) : Executive Director Infrastructure, Development and Environment (P Camins).

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* and its *Community Strategic Plan – Albany 2030*.
3. This item relates to the following elements of the City of Albany *Strategic Community Plan 2030*:

Theme: Smart, Prosperous and Growing

Objective: To strengthen and grow our region’s economic base

Community Priority: Work with business and other stakeholders to attract investment, diversify the economy, create jobs and support small business growth.

Theme: A connected and safe built environment.

Objective: To develop vibrant neighbourhoods which retain local character and heritage.

Community Priority: Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.

4. The amendment complies with the City’s Local Planning Strategy 2019 for the following reason:
 - a) The *Local Planning Strategy 2019* promotes urban consolidation by making better use of existing zoned land and infrastructure through urban renewal.

Maps and Diagrams:



In Brief:

- In September 2020, proposed Scheme Amendment No. 36 to Local Planning Scheme No.1 (LPS1) was referred to Council for initiation to adopt and advertise under report item DIS229. A decision was deferred for two months to allow staff to undertake further consultation and discussion, and re-present the item at the Ordinary Council Meeting in November.
- Following further consultation and discussion of the proposed amendment undertaken by staff, the item was re-presented to the Ordinary Council Meeting in November 2020. Consequently, Council resolved to approve and advertise Scheme Amendment No. 36.
- Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange are currently zoned 'Special Use 23' (SU23). Within this 'Special Use' zone, there are specified land uses, which may be considered for approval.
- The landholder has expressed a need to amend the specified land uses and zoning of the scheme, to allow for additional uses that better reflect market demand.
- The Scheme Amendment application in its original form proposed the following:
 - a) Delete the Special Uses of 'Aged Persons' and 'Nursing Home';
 - b) Add the Special Uses of Child Care Premises, Community Purpose, Recreation-Private and Veterinary Centre;
 - c) Retain the following medical related uses: Consulting Room; Hospital; Medical Centre; and Pharmacy.
 - d) Rezone a portion of the Lot 1004 from "Special Use (SU23)" to "Highway Commercial".
- The proposed Amendment to LPS1 is 'standard' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations) for the following reasons:
 - The amendment is consistent with the Local Planning Strategy.
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
- Scheme Amendment No. 36 was advertised for public comment in accordance with s. 38 of the Planning Regulations.
- During advertising, the St Ives Aged Persons Village expressed concern relating to the introduction of industrial activities associated with the Highway Commercial zone.
- As a result of concerns raised during advertising, modifications are proposed to:
 - Not continue with the rezoning of a portion of Lot 1004 Viastra Drive to Highway Commercial;
 - Instead retain the SU23 zone over the whole site area, including the original portion of Lot 1004 Viastra Drive proposed to be rezoned Highway Commercial;
 - Incorporate a number of uses to be permitted within the SU23 zone, that are not of a light industry nature.
- The proposed scheme changes are justified in the context of the Local Planning Strategy 2019, which seeks to promote urban consolidation and diversify and consolidate activity centres.
- It should be noted that preliminary officer advice from the Department of Planning, Lands and Heritage on the proposed modifications acknowledged the reasoning behind the proposed modifications, however it was indicated that the modifications may not be supported.
- It is recommended that Council resolve to support the proposed scheme amendment, subject to modifications, which seek to limit impact to the St Ives Retirement Village.

COVID-19 IMPACT

- No identified implications.

RECOMMENDATION

DIS256: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS256: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to:

1. SUPPORT, with modifications, Scheme Amendment No. 36 to the City of Albany *Local Planning Scheme No. 1* as follows:

(i) In Schedule 4 Special Use Zones, for Special Use Zone No.23 (SU23), delete the Special Uses of “Aged Persons’ Village” and “Nursing Home”.

(ii) In Schedule 4 for SU23, add the Special Uses of:

- Child Care Premises
- Civic Use
- Community Purpose
- Dry Cleaning Premises
- Exhibition Centre
- Garden Centre
- Lunch Bar
- Market
- Motor Vehicle, Boat or Caravan Sales
- Motor Vehicle / Boat Repair
- Public Utility
- Recreation-Private
- Service Industry
- Showroom
- Storage
- Trade Display
- Veterinary Centre
- Warehouse

(iii) In Schedule 4 for SU23, modify the “Conditions” column by:

- Adding “as a ‘D’ use” after “Local Government” in Condition 1.
- Replacing “Structure Plan and/or Local Development Plan and Design Guidelines” with “Local Development Plan” in Condition 1.
- Replacing “Design Guidelines” with “Local Development Plan” in Condition 2.

2. Note the submissions received as detailed in the Schedule of Submissions and Recommendations.

3. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.

4. Notify the applicant and submitters of Council’s decision.

BACKGROUND

5. In September 2020, the proposed Scheme Amendment No. 36 was initially referred to Council for initiation (item DIS229). At its meeting, Council resolved to defer the item for two months to allow further consultation and discussion and re-present the item in two months.
6. Subsequently, in November 2020 the item was re-presented to Council following further consultation and discussion. At its meeting in November 2020, Council resolved to adopt and advertise Scheme Amendment No.36 to Local Planning Scheme No.1 (LPS1).
7. The landholder believes there is limited market interest for the current uses set out in 'Special Use' Zone No.23 and is therefore requesting to identify:
 - a) A new zone (Highway Commercial) for a portion of the Lot 1004; and
 - b) Additional land uses for the site zoned 'Special Use' (Lots 201, 202 and 203 and portion of Lot 1004).
8. The amendment was referred to the Environmental Protection Authority and it was decided that the proposal does not need assessment under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.
9. The amendment application was advertised to surrounding landholders (500m radius) and government agencies. A total of 18 submissions were received in relation to the proposal.
10. Concerns raised included:
 - a) The Department of Fire and Emergency Services believe that a Bushfire Management Plan should be submitted to advise the scheme amendment;
 - b) Main Roads WA advised that direct access to the subject Lots via Chester Pass Rd and Mercer Rd is not possible and that the subject Lots shall require future access to Viastra Drive;
 - c) The Department of Water and Environmental Regulation advised that the existing drainage basin should be appropriately developed/landscaped and reserved/ceded to the Crown;
 - d) The St Ives Retirement Village commented that the proposed Highway Commercial zone introduces the opportunity for industrial type land uses, which may have a detrimental impact to the amenity of the area (e.g. noise and traffic).
11. Supporting comment included:
 - a) Opportunity is retained for a portion of the site to be developed to provide medical facilities to support the St Ives aged person's village.
 - b) The Scheme Amendment proposes some uses that will complement the function of the Neighbourhood Centre.
12. The comments have been summarized in a schedule of submissions, which is provided as an attachment to this report item.

DISCUSSION

13. The subject land is located in the locality of Lange, adjacent to the 'Brooks Garden' Neighbourhood Centre and 4 kilometres north of the Albany town centre. The site is currently vacant and surrounded by Chester Pass Road, Mercer Road, Viastra Drive, a Harvey Norman development and an aged persons' development (St Ives).
14. The original Scheme Amendment proposed to keep a portion of the site under the 'Special Use (SU23)' zone and to rezone the remaining portion to 'Highway Commercial'.
15. For the portion remaining SU23, the Scheme Amendment proposed to delete the existing uses of 'Aged Persons Village' and 'Nursing Home' and to extend the range of uses, to include:

- a) Child Care Premises;
 - b) Community Purpose;
 - c) Recreation-Private; and
 - d) Veterinary Centre.
16. The proponent's rationale for the original proposed amendment was as follows:
- a) Removing the opportunity for 'Aged Persons Village' and 'Nursing Home', reflected a low market demand due to the existing developed St Ives aged persons' village; and
 - b) Introducing the additional uses and the 'Highway Commercial' zone, allowed for a greater opportunity of uses considerate of market demand.
17. During advertising, the neighbouring St Ives Aged Persons Village raised the following concerns, outlining that:
- a) Viastra Drive is not designed to accommodate heavy vehicles associated with industrial land uses and will result in safety issues for St Ives residents in the event Viastra Drive being utilised as an entry and exit point for any future commercial development.
 - b) The Highway Commercial zoning contains land use categories (e.g. light industrial), which would impact (e.g. noise) on the lifestyle and safety of the St Ives residents.
18. The City confirms that Viastra Drive and associated intersections have been designed/developed, capable of accommodating vehicles associated with the development of a Neighbourhood Centre (e.g. trucks and over 3000vpd).
19. The Highway Commercial zone allows for a range of services and activities, which are ideally located along main transport lines to the central business district.
20. The City acknowledges the concerns raised by the St Ives relating to the proposal to introduce the Highway Commercial zone. Some land uses, which may be considered for approval in the 'Highway Commercial' zone (e.g. light industry), may have a detrimental impact on the St Ives Retirement Village (noise, odour and dust).
21. The City therefore recommends the following modifications to the proposed amendment:
- a) Not proceed with the rezoning a portion of Lot 1004 Viastra Drive to Highway Commercial zone;
 - b) Instead retain the 'Special Use' zone across the whole subject site; and
 - c) Incorporate the following low impact uses to the 'Special Use' zone, for consideration as a development application:
 - Child Care Premises
 - Civic Use
 - Community Purpose
 - Dry Cleaning Premises
 - Exhibition Centre
 - Garden Centre
 - Lunch Bar
 - Market
 - Motor Vehicle, Boat or Caravan Sales
 - Motor Vehicle / Boat Repair
 - Public Utility
 - Recreation-Private
 - Service Industry
 - Showroom
 - Storage
 - Trade Display
 - Veterinary Centre

- Warehouse

22. By retaining the 'Special Use' zone, site-specific conditions are also retained. In accordance with the 'Special Use' zone classification, a Local Development Plan would be prepared to inform a development application and deal with the following matters;
 - a) Landscaping treatment, building design, building orientation and setbacks being undertaken to ensure visual appeal to Chester Pass Road and Viastra Drive;
 - c) Access and parking design that ensures safety and visual appeal;
 - d) Developments mitigating noise through the use of building materials and building setbacks;
 - e) Public art and signage design and location.
23. The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies and has taken into consideration agency and public comments received as a result of advertising.
24. The scheme amendment complies with the strategic direction endorsed by the Local Planning Strategy 2019.
25. Staff recommend that Council adopt the proposed amendment, subject to modifications.

GOVERNMENT & PUBLIC CONSULTATION

26. Scheme Amendment No.36 was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
27. A 'Schedule of Submissions and Recommendations' has been developed to summarise and respond to concerns raised during the public advertising and agency consultation process. A copy of each submission has been made available to Councillors.
28. Preliminary officer advice from the Department of Planning, Lands and Heritage on the proposed modifications acknowledged the reasoning behind the proposed modifications, however, it was indicated that the modifications may not be supported by the Western Australian Planning Commission (WAPC) as the modifications may be considered as:
 - A significant departure from the original proposal; and
 - Not being in alignment with the purpose and objectives of a 'Special Use' zone, in that as the proposed additional and deleted permitted uses to the retained 'Special Use' zone do not necessarily entail a 'common theme' (such as medical/aged care). Although the proposed modification to omit light industry type uses, that would normally be permitted in a Highway Commercial zone, is to address concerns raised during advertising, the rationale and approach was not necessarily supported.

STATUTORY IMPLICATIONS

29. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
30. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
31. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

32. The following State Planning Policies are relevant to the assessment of this amendment;
 - a) State Planning Strategy 2050 - The Amendment is consistent with the Strategy given it promotes commercial, community and associated development within an activity centre.

- b) State Planning Policy No. 3 Urban Growth and Settlement - The Amendment is consistent with SPP3 given it provides opportunities for employment and business activity and an infill site which forms part of an activity centre.
- c) State Planning Policy 5.4 Road and Rail Noise - With appropriate attenuation measures, future development of the subject lots should be able to comply with the provisions of State Planning Policy 5.4.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputational</p> <p><i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i></p>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed or will have to be modified, with the reasons for refusal or modification clearly communicated to the proponent and community.</i>
<p>Opportunity: <i>To support urban consolidation by making better use of existing zoned land and infrastructure through land use permissibility.</i></p>				

FINANCIAL IMPLICATIONS

34. There are no financial implications relating to the proposal to amend the *Local Planning Scheme No.1*.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

36. The Environmental Protection Authority decided that the proposal is not significant to warrant a formal environmental assessment.

ALTERNATE OPTIONS

- 37. Council may consider alternate options in relation to this item, such as:
 - a) To resolve to support the scheme amendment with modifications (e.g. as originally submitted and advertised); or
 - b) To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

CONCLUSION

- 38. The Lots 201, 202 and 203 Chester Pass Road and Lot 1004 Viastra Drive, Lange are zoned ‘Special Use 23’. Within this ‘Special Use’ zone, there are specified land uses, which may be considered for approval.
- 39. The landholder has expressed a need to amend the zoning of a portion of the subject land to ‘Highway Commercial’, and to allow for some additional land uses, for the portion zoned ‘Special Use’, to better reflect market demand.
- 40. The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies and has taken into consideration agency and public comments received as a result of advertising.
- 41. Staff recommend that Council adopt the proposed amendment, subject to modifications to ensure the amenity of the area is protected. Staff recommend that the ‘Highway Commercial’ zone is not introduced and instead, the whole site is zoned ‘Special Use’, with the opportunity to consider a range of land uses that will complement the activity centre and not impact the St Ives Retirement Village.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2019)</i> 3. <i>State Planning Strategy 2050</i> 4. <i>State Planning Policy No. 3 (2006)</i> 5. <i>State Planning Policy 5.4</i>
File Number (Name of Ward)	:	LAMD36 (Yakamia Ward)
Previous Reference	:	OCM - DIS229 – 24 November 2020

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil**
- 12. MEETING CLOSED TO THE PUBLIC – 6.22pm**
- 13. CLOSURE – 6.22pm**