

## AMENDED MOTION BY COUNCILLOR BROUGH

ITEM NUMBER: DIS333

ITEM TITLE: ADOPTION OF DRAFT LOCAL PLANNING SCHEME NO. 2

DATE & TIME RECEIVED: Wednesday 15 February 2023 at 1.11PM.

### DIS333: AMENDMENT BY COUNCILLOR BROUGH

1) Pursuant to Regulation 26 of the Regulations, agree to advertise the following proposed modifications to the draft Local Planning Scheme No.2.

a) At Schedule 4, Table 11, insert the Special Use (SU13) zone classification, pertaining to Lot 12 (No. 516), Lot 13 (No. 512), Lot 14 (No. 508) and Lot 15 (No. 504) Albany Highway, Milpara, as follows:

No.	Description of Land	Special Use	Conditions
SU13	Lot 12 (No. 516), Lot 13 (No. 512), Lot 14 (No. 508) and Lot 15 (No. 504) Albany Highway, Milpara	<p>Bulky Goods Showroom (A) Caretaker's Dwelling (D) Car Park (D) Civic Use (A) Commercial Vehicle Parking (D) Community Purpose (D) Exhibition Centre (A) Funeral Parlour (A) Garden Centre (P) Industry – Light (A) Liquor Store – Large (A) Liquor Store – Small (D) Lunch Bar (P) Market (A) Motel (A) Motor Vehicle, Boat or Caravan Sales (D) Motor Vehicle Repairs (A) Motor Vehicle Wash (D) Office (I) Recreation – Private (D) Telecommunication Infrastructure (D) Trade Display (D) Trade Supplies (D)</p>	<p>(1) A change of use requires development approval. Provided there is no intensification (including traffic generation), in the opinion of the local government, no Local Development Plan is required.</p> <p>(2) Prior to intensification of development on the site, in the opinion of the local government, a Local Development Plan is to be approved by the local government. The Local Development Plan shall address:</p> <p>(a) Rationalising vehicle access to/from Albany Highway from two crossovers to one crossover to maximise the safety of road users; (b) Access, loading/servicing areas and car parking; (c) Bushfire management; (d) Sewage disposal; (e) Stormwater management; (f) Building height, bulk and orientation; (g) Building setbacks; (h) Landscaping; and (i) Rectifying historic encroachment into Reserve 43653.</p> <p>(3) All development shall be generally in accordance with the Local Development Plan approved by the local government.</p> <p>(4) No subdivision of the site, to create additional lots, is permitted until a Structure Plan is approved by the Western Australian Planning Commission. Any Structure Plan is required to address relevant matters including vehicle access (including consolidation of crossovers/access points to/from Albany Highway), traffic generation, car parking, servicing and</p>

		<b>Veterinary Centre (D)</b> <b>Warehouse/Storage (A)</b>	<b>landscaping.</b>  <b>(5) Upon approval of the Structure Plan, development and/or subdivision of the site is to be generally in accordance with the Structure Plan.</b>
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**Councillor Reason:**

1. I refer all councillors to the reasons outlined by the proponent, especially in their planning justification comments.
2. The land has served industrial uses for at least 50 years.
3. The landowners have been paying rates to the city for industrial land use
4. There is no reticulated sewerage in the area, nor are there plans for this to occur any time soon.
5. The lack of sewerage precludes effective development as urban development.
6. Rezoning to SU13 will harmonise the zoning with the actual land use, and enable the properties to be redeveloped in ways that address the concerns of the planning officers, and encourage economic development in the area.
7. Rezoning will not change the land use - rather it will facilitate enhancement of the area through further development of the area.
8. Concerns about property owners being able to profit from sale of land after rezoning are moot in this instance given that the land is not able to be developed for residential purposes.
9. It has been expressed that rezoning these four blocks makes common sense, which warrants reasonable consideration of this proposed amendment in the chamber before elected members.

**Officer Comment:**

1. During development of the Local Planning Strategy 2019, the Department of Planning Lands and Heritage / WAPC decided not to support a commercial zone classification for the subject site. The following reasons were provided:
  - a. No strategic basis. Has been zoned residential at least since TPS 3. Rezoning should only be considered if there is actually an identified need for additional commercial land, which Activity Centre review suggests there isn't and floorspace needs to be carefully managed to ensure viable productivity.
  - b. Milpara is identified as an area for infill sewerage in order to make infill viable - lack of services cited as a reason residential is not viable. Zoning to formalise existing non-conforming unsewered development not supported.
  - c. Providing additional commercial land uses only on the basis of pre-existing non-conforming uses adjacent to Orana local centre would undermine the future viability of this centre as well as other land already zoned for commercial and light industrial purposes and discourage the current businesses operating on the site to relocate to suitably zoned land should they wish to expand.
  - d. ALPS discusses education precincts - question whether encouraging the existing land uses are suitable here - potential for student accommodation under Residential zoning?
  - e. Would be a major modification that would warrant readvertising (if City provides sufficient justification for DPLH to consider supporting)

2. The proposed change in zoning is therefore clearly a departure from the Albany Local Planning Strategy
3. The proper process to deal with an amendment that is not aligned with a Local Planning Strategy is via the Complex Scheme Amendment process post LPS 2 finalization.
4. Such an amendment should include all the relevant studies required to make an informed decision. including a water management plan, a traffic impact assessment and a servicing report detailing how reticulated sewer can be provided.
5. There is also not sufficient strategic justification to support the rezoning of the subject site to allow for industrial and commercial type land uses.
6. Additionally, without including supporting information and justification the advertising of this proposal would not be appropriate. We would therefore have to wait for the required information to be prepared or prepare this information on the proponents' behalf, causing considerable delays to the processing of the Scheme.
7. Contrary to Councillor points 4 and 5 there is an aspiration for sewer to be provided to this area and advocacy for construction of sewerage is a reason for the development of the North Albany District Structure plan.
8. Please note that some of the recommended uses proposed as part of SU13 would also require Sewerage.