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# ATTACHMENTS

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## **Planning and Development Committee Meeting**

**06 APRIL 2016**

6.00pm

City of Albany Council Chambers

PLANNING AND DEVELOPMENT COMMITTEE  
ATTACHMENTS –06/04/2016

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A 44123



# Western Australian Planning Commission

REPORT TEM PD120 REFERS

Doc No:  
File:  
Date:  
Officer:

City of Albany Records  
ICR6016891  
131874  
12 OCT 2006  
PLAN7

Your Ref : 131874/PA16749  
Enquiries : Georgina Folvig

Attach:

Chief Executive Officer  
City of Albany  
P O Box 484  
ALBANY WA 6331

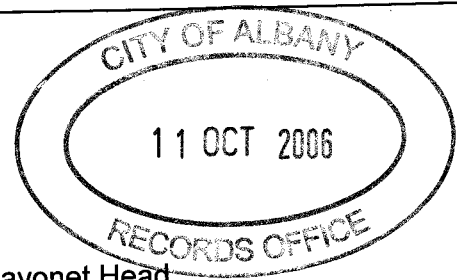
## Approval Subject To Condition(s) Freehold (Green Title) Subdivision

Application No : 131874

### Planning and Development Act 2005

Applicant	: Chappell Lambert & Everett Po Box 796 SUBIACO WA 6904
Owner	: Alan Raymond Martin 442 Lower King Road BAYONET HEAD WA 6330 and Frances Noreen Smith 442 Lower King Road BAYONET HEAD WA 6330
Application Receipt	: 14 July 2006

Lot number	: 43
Location	:
Diagram/Plan	: D034923/43
C/T Volume/Folio	: 1757/481
Street Address	: Lot 43 Lower King Road, Bayonet Head
Local Government	: City of Albany



The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with Plan No. 2036-18o, Revised 20.9.06, once the condition(s) set out have been fulfilled.

This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 6 October 2010 or this approval no longer will remain valid.

Great Southern Office, PO Box 1108, Albany, Western Australia 6330  
Tel: (08) 9892 7333; Fax: (08) 9841 8304; TTY: (08) 9264 7535; Infoline: 1800 626 477  
e-mail: corporate@wapc.wa.gov.au; web address: <http://www.wapc.wa.gov.au>  
ABN 35 482 341 493



### Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

### Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

### Deposited plan

The deposited plan is to be submitted to the Department of Land Information (DLI) for certification. Once certified, DLI will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to DLI is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

### Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.



If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any site works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S)

1. The plan of subdivision being amended in accordance with Plan No. 2036-180, Revised 20.9.06 and as required by any of the following conditions and/or advice.
2. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)
3. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)
4. The provision of easements for existing or future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation)
5. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)



6. The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)
7. The applicant/owner making a pro-rata contribution towards the cost of the acquisition of the primary school site identified in the Bayonet Head Outline Development Plan. (Department of Education)
8. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
9. Street corners within the subdivision, with the exception of the roundabout in the south eastern corner, are to be truncated as indicated on the plan of subdivision. (Local Government)
10. The cul-de-sac heads being designed, constructed and drained to the satisfaction of the local government. (Local Government)
11. The temporary access point to Lower King Road being designed and constructed to the satisfaction of the local government. (Local Government)
12. Bollards being installed along the Lower King Road frontage of Lot 43 at the owner/applicant's cost and to the satisfaction of the local government. (Local Government)
13. Arrangements being made to the satisfaction of the local government for the deposit of a bond to ensure closure of the temporary access to Lower King Road (as indicated on the plan of subdivision), following construction of connecting subdivisional roads to the east and the south. (Local Government)
14. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that access from the subdivision to and from Lower King Road is provided on a temporary basis only and the access point will be closed when further stages of the subdivision are completed. (Local Government)
15. The southernmost subdivisional road being widened to 16 metres between the roundabout and the temporary access point to Lower King Road. (Local Government)
16. Elizabeth Street and Lower King Road being widened in accordance with the plan submitted by the subdivider.



17. Arrangements being made with the local government for the upgrading and/or construction of Elizabeth Street to urban standard. (Local Government)
18. Arrangements being made with the local government for the upgrading of Lower King Road in accordance with the Bayonet Head Outline Development Plan. (Local Government)
19. The battleaxe accessway(s) being constructed, drained and sealed at the applicant/owner's cost to the specifications of the local government. (Local Government)
20. A 2.5 metre wide dual use path/cycleway being constructed along the southern side of Elizabeth Street between Lower King Road and the eastern boundary of Lot 43 by the applicant/owner. (Local Government)
21. Construction of 1.5 metre footpaths along the northern side of the east-west subdivisional roads, connecting Waters and Culley Roads to the Lower King Road dual use path, and along the eastern side of the north-south subdivisional road, above the roundabout. (Local Government)
22. The land being filled, retained and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)
23. The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works. (Local Government)
24. Arrangements being made for the preparation and implementation of a drainage management plan to the satisfaction of the Department of Water and the City of Albany, in accordance with the Department's Water Sensitive Urban Design Guidelines, the Bayonet Head Outline Development Plan and the PPK Flood Management Plan, April 2000. (DoW/LG)
25. The lots being provided with stormwater drainage connections and being connected to the comprehensive district drainage system at the subdivider's cost to the satisfaction of the Western Australian Planning Commission. (LG)



26. Subdivisional works/construction should not commence until Council has approved detailed engineering plans and specifications of the works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction. (Local Government)
27. All areas disturbed as a result of subdivisional works are to be reinstated (including restoration and stabilisation of topsoil) to the satisfaction of the Western Australian Planning Commission. (LG)
28. All buildings, outbuildings and/or structures being demolished and materials removed from the **affected** lots and road reserve. (Local Government)
29. The proposed reserve(s) shown on Plan No. 2036-18o, Revised 20.9.06, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
30. Arrangements being made to the satisfaction of the local government for the construction of 2 parking bays in the road reserve adjacent to the public open space. (Local Government)
31. Uniform fencing along the boundaries of all of the proposed lots abutting the public open space are to be constructed at the applicant/owner's cost. (Local Government)
32. The subdivider providing a contribution for infrastructure and works in accordance with the cost schedule for the Bayonet Head ODP Area, as provided for under Clause 5.2.4 of the City of Albany's Town Planning Scheme No. 3. (Local Government)
33. Preparation and implementation of a landscape and vegetation plan for the Lower King Road frontage of Lot 43, to the satisfaction of the local government. (Local Government)

#### ADVICE

1. With regard to Condition 5, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.

If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.





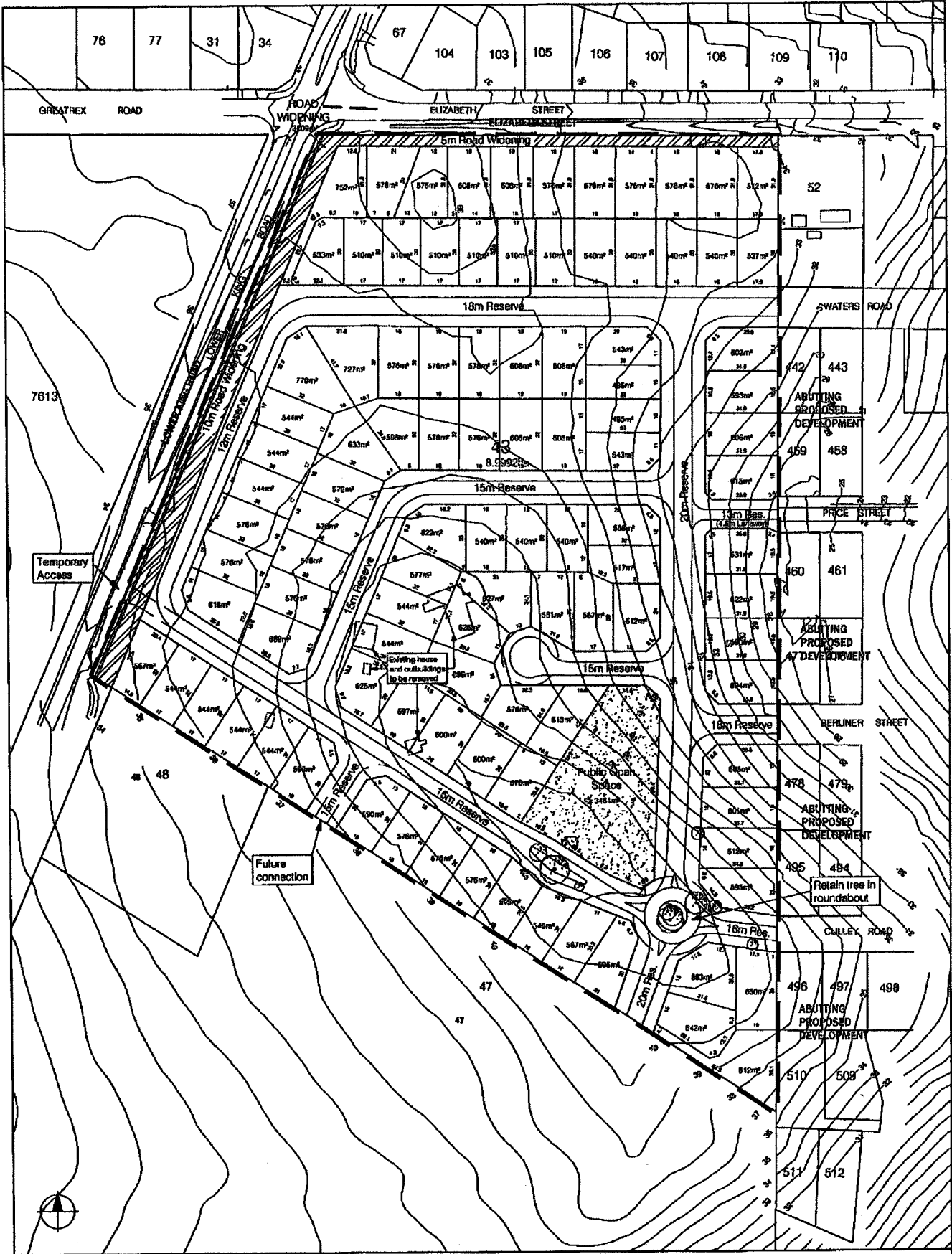
With regard to Condition 6, the specific location and area of land required is to be to the satisfaction of the WAPC on the advice of the local government and Western Power.

2. Condition 9 - The roundabout has insufficient room to properly develop approach geometry. Some widening of the approach legs on the 16 metre road reserve will be required.
3. Condition 17 will apply to the section of Elizabeth Street between Lower King Road and the eastern boundary of Lot 43.
4. Condition 22 - retaining walls will be required where lot gradients exceed 1 in 10, as per the City of Albany Subdivision Guidelines.
5. Condition 24 - the City of Albany advises that the drainage management plan is to demonstrate how the works identified in the PPK Flood Management Plan are to be implemented for catchments H & E.
6. The Department of Water advises that the plan should identify interim measures, demonstrating how stormwater will be retained on site and not exported to neighbouring properties.
7. As stormwater from this site will eventually drain into a wetland system before it enters Oyster Harbour, it is important that no direct drainage occurs into these areas and that temporary basins are constructed to ensure some opportunity for nutrient stripping. The Department of Water is supportive of the construction of temporary basins to retain developed flows on site until such time as neighbouring properties are developed and/or the remaining drainage system is constructed. Any significant erosion or scouring as a result of the basins should be remedied at the earliest possible time to prevent sediment and nutrient export into downstream waterways. Early consultation regarding detailed design should be undertaken with the Department of Water and the City of Albany at development stage.
8. Condition 25 - Connection of each lot to the drainage network will be required and each lot is to be provided with a separate house connection pit. Provision of on site detention to reduce runoff rates from each lot to pre-development flows is supported as an appropriate method to control stormwater volume. It is essential that the system is considered in conjunction with existing and proposed downstream drainage facilities. (LG)
9. Condition 26 - approved plans are those that have been submitted to and approved by Council, duly amended to meet its requirements and endorsed as approved. At both design and construction stage, subdivisional works shall be assessed in accordance with the City of Albany's Subdivision Guidelines. The applicant will be advised of any changes required when works plans are assessed by Council.
10. The emission of noise, dust and/or sand are to be managed in accordance with Department of Environment and Conservation guidelines.



11. Condition 28 - If any portion of the existing building is to be demolished to facilitate the proposed subdivision, a Planning Approval and/or Demolition Licence is to be obtained from the local government prior to the commencement of demolition works.
  
12. Condition 31 - Fencing solid to a maximum height of 1.2 metres and/or permeable to a maximum height of 1.8 metres will be permitted.
  
13. Condition 33 - The plan should achieve the rationale of Open Space Area P16 of the Bayonet Head Outline Development Plan, as follows:  
*P16 is intended to function as a landscape buffer along Lower King Road.  
Its rationale includes:*
  - a) *Provision of a visual buffer to Lower King Road*
  - b) *Provision of a noise attenuation buffer (by distance, not necessarily obstruction/barrier) to Lower King Road, and*
  - c) *The enhancement of the landscape value and resource of Lower King Road, as a transitional environment between the rural hinterland and the urban area in accordance with the Bayonet Head Physical Assessment Study.**The ultimate landscaping of the POS should give preference to establishing large canopy trees (where existing tree cover may be absent) and/or creating an avenue along Lower King Road.*

Moshe Gilovitz  
Secretary  
Western Australian Planning Commission  
06 October 2006



AMENDED PLAN OF SUBDIVISION  
 LOT 43 LOWER KING RD, BAYONET HEAD  
 CITY OF ALBANY

D.P.L REF: 131274  
 SHEET: 104 LOTS  
 GROUP:  
 NON RES:  
 YIELD: 102 LOTS  
 Application Area  
 8.9902 ha



CHAPPELL LAMBERT EVERETTY  
 TOWN PLANNING + URBAN DESIGN  
 DATE: 07.06.08  
 REVISED: 20.09.08  
 SCALE: 1:1500 (A3)  
 COMPILED: CLE, HSG  
 PLAN No.: 2038-180

THIS PLAN DOCUMENT IS CORRECT AT THE DATE OF SIGNING AND IS SUBJECT TO ANY FUTURE REVISIONS. THE PLAN REVISIONS THE PROPERTY OF CHAPPELL LAMBERT EVERETTY.





# Staging Plan

## July 2014



HARLEY DYKSTRA PTY LTD  
 Pyrmont House  
 116 Serpentine Road, ALBANY WA 6330  
 T: 08 9441 7233 F: 08 9441 3643  
 E: albany@harleydykstra.com.au  
 W: www.harleydykstra.com.au  
 Offices also at Bunbury, Busseton, Kelmscott and Perth

NOTE:  
 This drawing is the property of  
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survey	N/A	cad file	14094-60A.lcd
drawn	A.J.E. 23-07-14	checked	S.D. 23-07-14
horiz datum	ALB94	level datum	AHD
scale at A1	all distances are in metres		
1:2000	0 20 40 60 80 100		
A Original drawing	23-07-14	rev details	date

description	OYSTER HARBOUR DEVELOPMENT BAYONET HEAD ALBANY
client	OYSTER HARBOUR JOINT VENTURE
drawing no	14094-60A
DEVELOPMENT PLAN	

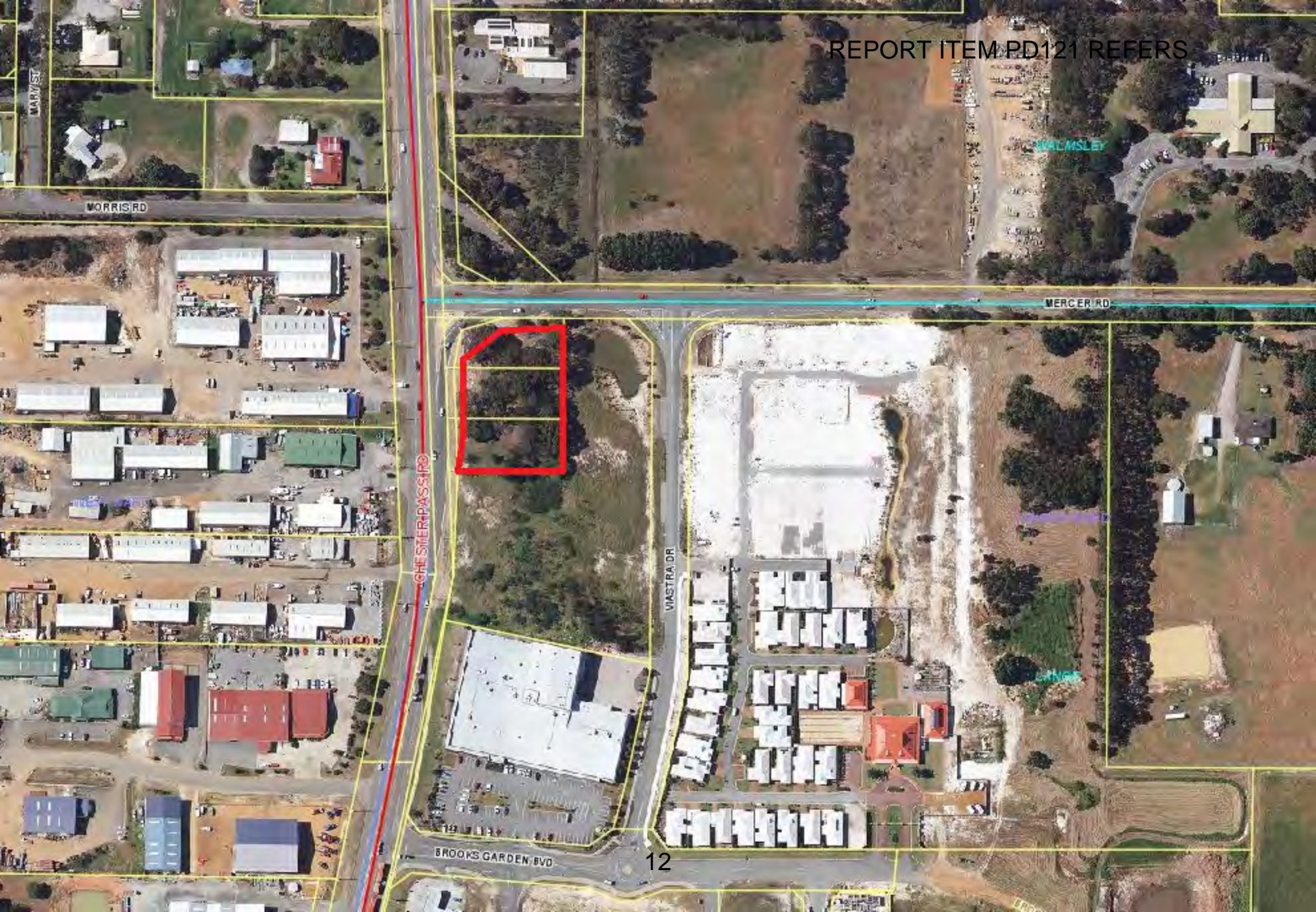
PLANNING & SURVEY SOLUTIONS







REPORT ITEM PD121 REFERS



THE SILVER PASS RD

MORRIS RD

MERCIER RD

VIASTRA DR

BROOK'S GARDEN BLVD

12

WALMSLEY





# City of Albany Local Planning Scheme 1

## Amendment 18 Scheme Amendment Report

February 2016

**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**CITY OF ALBANY**

**LOCAL PLANNING SCHEME NO. 1**

**AMENDMENT NO. 18**

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the Local Planning Scheme by:

1. Rezoning Lots 201, 202 and 203 Chester Pass Road from 'General Agriculture' to 'Special Use Zone SU23';
2. Amending Schedule 4 – Special Use Zones No 23 as follows:
  - a. Include in the Description of Land column "Lots 201, 202 and 203 Chester Pass Road, Lange".
  - b. Include the use of "Pharmacy" in the Special Use column;
  - c. Include the following in the Conditions column:
    5. *The Pharmacy use shall include a dispensary and the sale of incidental & medical products.*
    6. *In making application for a Pharmacy Use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.*
3. Amending the Scheme Maps accordingly.

Dated this ..... day of ..... 2016

.....

CHIEF EXECUTIVE OFFICER



**MINISTER FOR PLANNING**

**PROPOSAL TO AMEND A LOCAL PLANNING SCHEME**

<b>Local Authority:</b>	City of Albany
<b>Description of Local Planning Scheme:</b>	Local Planning Scheme No. 1
<b>Type of Scheme:</b>	Local Planning Scheme
<b>Serial No. of Amendment:</b>	Amendment No. 18
<b>Proposal:</b>	<ol style="list-style-type: none"><li>1. Rezoning Lots 201, 202 and 203 Chester Pass Road from 'General Agriculture' to 'Special Use Zone SU23';</li><li>2. Amending Schedule 4 – Special Use Zones No 23 as follows:<ol style="list-style-type: none"><li>a. Include in the Description of Land column “Lots 201, 202 and 203 Chester Pass Road, Lange”.</li><li>b. Include the use of “Pharmacy” in the Special Use column;</li><li>c. Include the following in the Conditions column:<ol style="list-style-type: none"><li>5. <i>The Pharmacy use shall include a dispensary and the sale of incidental &amp; medical products.</i></li><li>6. <i>In making application for a Pharmacy Use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.</i></li></ol></li></ol></li><li>3. Amending the Scheme Maps accordingly.</li></ol>

# Scheme Amendment Report

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## 1. Introduction

The City of Albany would like to facilitate the future redevelopment of the three lots at the corner of Chester Pass and Mercer Roads in conjunction with the adjoining land, being Lot 1004 Viastra Drive. Lots 201, 202 and 203 Chester Pass Road has previously been developed as a public gardens, though through a series of major road improvements, it has become inaccessible. Further, the intersection of two significant roadways may not be an ideal location for public recreation. Given the lack of vehicle access to the land, the best possible use for the site was considered to be its development in conjunction with the adjoining property.



FIGURE 1 – LOTS 201, 202 & 203 CHESTER PASS ROAD, VIEW FROM MERCER ROAD

## 2. Background

Lots 202 and 203 were purchased by the then Shire of Albany in 1968 and Lot 201 was purchased in 1985. The original reasons for these land purchases are not known. The land was then developed as public gardens and a tribute to Archibald Menzies was placed on site. Archibald Menzies was a Scottish naturalist who accompanied Captain George Vancouver on his visit to King George Sound in 1791.

Since 2004, the City has been involved in a number of discussions concerning the development of the land bound by Chester Pass Road, Mercer Road and Viastra Drive.



Throughout all discussions, the Rural zoning was noted as a scheme anomaly and it has been questioned whether it was an appropriate location for public gardens. These discussions did not result in any action and majority of the land remained in receivership for a number of years.

In 2000, Main Roads WA took 765m<sup>2</sup> from the three lots for the purposes of widening Chester Pass Road and facilitating the improvement of this major road. A further 832m<sup>2</sup> was taken from the three lots in 2012 in order to create a left turn auxiliary lane from Mercer Road, with a merge lane onto Chester Pass Road. At this time, Main Roads WA advised the City that it was highly unlikely that crossover access would be permitted to the three lots from either Mercer or Chester Pass Road and vehicle access through Lot 1004 Viastra Drive would need to be negotiated. While the road widening and future road works were supported by Council (OCM 16/10/2012 Item 4.5), it was at this time the decision was made about the public gardens aspect. The report to Council noted that this park is not a popular active or passive recreation space, with little amenity and in close proximity to major roads carrying high traffic numbers and heavy vehicle traffic. The Archibald Menzies memorial has since been relocated to Eco Park on Reidy Crescent, Spencer Park, as a more suitable location for such a dedication.



**FIGURE 2 – LEFT TURN AUXILIARY LANE ON MERCER ROAD CONSTRUCTED 2012/13**



FIGURE 3 – MERGE LANE FROM MERCER ROAD ONTO CHESTER PASS ROAD, CONSTRUCTED 2012/13

When the adjoining land at Lot 1004 Viastra Drive passed into new ownership in 2015, the City entered into discussions with these owners in an effort to secure vehicle access to the subject land. In these discussions, the owners indicated their preference to purchase the three lots and develop them in conjunction with their land at Lot 1004 Viastra Drive. This option was supported by Council at its meeting held on 22 September 2015, noting the need to rezone the land to a similar Special Use zoning as Lot 1004 Viastra Drive. As part of the Contract of Sale, the City has agreed to undertake the rezoning of the subject land on behalf of the Buyers.

While no details are yet available, it is understood that the owners of Lot 1004 Viastra Drive would like to develop their property and the adjoining land as a medical centre / day hospital and pharmacy, consistent with the Special Use zoning of the land.

### 3. Purpose of Amendment

The purpose of this amendment to Local Planning Scheme No. 1 (LPS1) is to extend Special Use Zone No 23 to include Lots 201, 202 and 203 Chester Pass Road.

It is also proposed to include the use of 'Pharmacy' as a separate use. While it could be argued it might reasonably be considered under the definition of "and other ancillary health



and support uses approved by the Local Government”, this would be a discretionary decision of the approving authority.

Generally, a dispensary use would support a medical centre or hospital use and a dispensary does not include the retail component that is common with Pharmacies. However, a dispensary is often financially assisted or operated by the main use which it is supporting (i.e. medical centre or hospital). If the business model requires this use operate as an independent entity, it may be difficult to attract an operator if the retail component is not permitted, as the retail component offers a greater level of economic viability for a Pharmacy use. As such, it is the Buyer’s preference that the Pharmacy use be specified. This will also give greater clarity for future decision making.

The Buyer has advised that they understand a license for the Pharmacy use will be granted under the Pharmacy Location Rules as set by the *National Health Act 1953* and the *National Health (Australian Community Pharmacy Authority Rules) Determination 2006*, as the intent is that there will be more than seven full-time prescribing doctors on site. In this case, minimum separation distances between pharmacies are waived. This amendment suggests that conditions regarding this licensing be included in the Scheme, though stipulating for “as long as those rules are current”, as it is understood the Pharmacy Location Rules may be phased out.

## 4. Site Description

### Location

The subject land has a total land area of 4,629m<sup>2</sup> and is located at the corner of Chester Pass Road and Mercer Road, which are two significant roadways in Albany. It is situated approximately 4km from the Central Business District and in close proximity to the Catalina Commercial Precinct / Brooks Garden Shopping Centre.

### Details of land

The relevant details of land are as follows:

Details of land	Plan Survey No	Title Number
Lot 201 Chester Pass Road, Lange	DP400007	Volume 2820 Folio 132
Lot 202 Chester Pass Road, Lange*	DP400007	Volume 2820 Folio 133
Lot 203 Chester Pass Road, Lange*	DP400007	Volume 2820 Folio 133

\* This is a multi-lot title.



FIGURE 4 – LOCATION PLAN

### Land Uses

Considering the subject land and the adjoining Lot 1004 Viastra Drive, there is an aged care village to the east, the Catalina Commercial Precinct to the south (including the Brooks Garden Shopping Centre and Harvey Norman) and industrial uses on the western side of Chester Pass Road. The City's Depot Site and South Coast Natural Resource Management (SCNRM) are situated on the land to the north.

The City's recent strategic planning considerations highlight the need to consolidate the Catalina Commercial Precinct as a multi-purpose activity centre. As such, the vacant site bound by Chester Pass Road, Mercer Road and Viastra Drive lends itself to a development which may add to the range of land uses available in this activity centre. The proposed medical centre / day hospital use could potentially also become a new medical node supporting future growth in the Catalina and Yakamia Structure Plan areas.





**FIGURE 5 – VIEW OF SUBJECT LAND FROM CHESTER PASS ROAD**



**FIGURE 6 – VIEW OF SUBJECT LAND FROM MERCER ROAD (SURVEY PEG BOTTOM LH CORNER)**





**FIGURE 7 – LOT 1004 VIASTRA DRIVE, VIEW FROM VIASTRA DRIVE**



**FIGURE 8 – LOT 1004 VIASTRA DRIVE, CITY DRAINAGE BASIN MAINTAINED UNDER EASEMENT**

## 5. Planning Context

### 5.1 State Planning Context

#### WAPC Statement of Planning Policies

State Planning Policies and development control policies are prepared and adopted by the WAPC under the *Planning and Development Act 2005*. Local Government must have due regard to the provisions of state planning policies when preparing or amending local planning schemes. Relevant to this amendment is the following State Planning Policy.

#### **State Planning Policy 2.5 – Land Use Planning in Rural Areas**

This policy applies to Rural land in Western Australia and shall be considered in assessing amendments to Rural zoned land in a local planning scheme. This policy aims to protect rural land from incompatible land uses, supports primary production activities and protects priority agricultural land. It also aims to promote sustainable settlement in and adjacent to existing urban areas.

The subject land has an area of less than 1 hectare and is not currently used for agricultural purposes. It is also bound on all boundaries by non-rural land uses. It is agreed that the General Agriculture zoning of this land is an anomaly and the rezoning of the subject land would not be in contravention of the State Planning Policy 2.5.

### 5.2 Local Planning Context

#### Local Planning Scheme 1

The City of Albany Local Planning Scheme No. 1 was gazetted on 28 April 2014. It zones the subject land 'General Agriculture', though it is bound by land zoned for a variety of non-rural purposes. There is Light Industrial land west of Chester Pass Road, residential land to the east, Highway Commercial land to the south and a Public Use reserve to the north (City's Depot site and South Coast NRM). The land immediately adjoining Lots 201, 202 and 203 Chester Pass Road, being Lot 1004 Viastra Drive, is currently designated as Special Use zone SU23.

#### Albany Local Planning Strategy

The Albany Local Planning Strategy (ALPS) was endorsed by the WAPC on 26 August 2010 and establishes a number of principles relating to this proposal.

The Strategy sets as a core principle the need to protect and manage agriculture land for economic, environmental landscape, social and tourism values. It is considered that the 'General Agriculture' zoning applied to Lots 201, 202 and 203 Chester Pass Road is an anomaly within the Scheme and the planning principles of the Strategy to protect agricultural land would not apply. This site is small in nature and has been used as public gardens for a number of years. The land is somewhat low lying and of poor quality, not lending itself as suitable for agricultural uses. Further, an agricultural land use would be somewhat

inconsistent with the mix of industrial, commercial and residential land uses in very close proximity.

The Strategy designates the Catalina Commercial Precinct & Brooks Garden Shopping Centre as an Existing Large Neighbourhood Centre (up to 5000m<sup>2</sup> permitted) and notes this shopping precinct as an important activity centre. The Strategy highlights the need to encourage medical facilities to locate within neighbourhood centres to reduce issues associated with the location of smaller consulting rooms in residential areas.

Part 6.4.5 of the Strategy highlights the need to provide an corresponding increase in aged and specialist health care services to align with the rising number of middle-aged and senior residents. A key health aim is to encourage a network of private clinics and health facilities throughout Albany to improve access to health care providers. Co-location of these facilities in suburban locations and with other community services / activities is encouraged by the Strategy. The proposed development on the subject and adjoining land will support these aims, improving the availability of medical facilities outside of the CBD.

### Catalina Central Planning Framework

The Catalina Central Planning Framework applies to this proposal. This document was adopted as a planning policy in March 2011 and sets the basis for the development of a neighbourhood centre at the intersection of Chester Pass and Catalina Roads. The subject land and adjoining Lot 1004 Viastra Drive fall within Precinct 2 in this Framework.

While the Catalina Central Planning Framework does not provide a detailed plan for Precinct 2, it proposes the principles to be considered when this Precinct Plan is prepared. It notes that Precinct 2 may include a health campus, with a range of uses such as a nursing home and private day care hospital. These uses are to be located at the intersection of Chester Pass Road and Mercer Road, though noting the restriction of access to any future development must be from Viastra Drive only. It recommends that any development of this land should have a visual address to Chester Pass Road, despite being accessed from Viastra Drive.

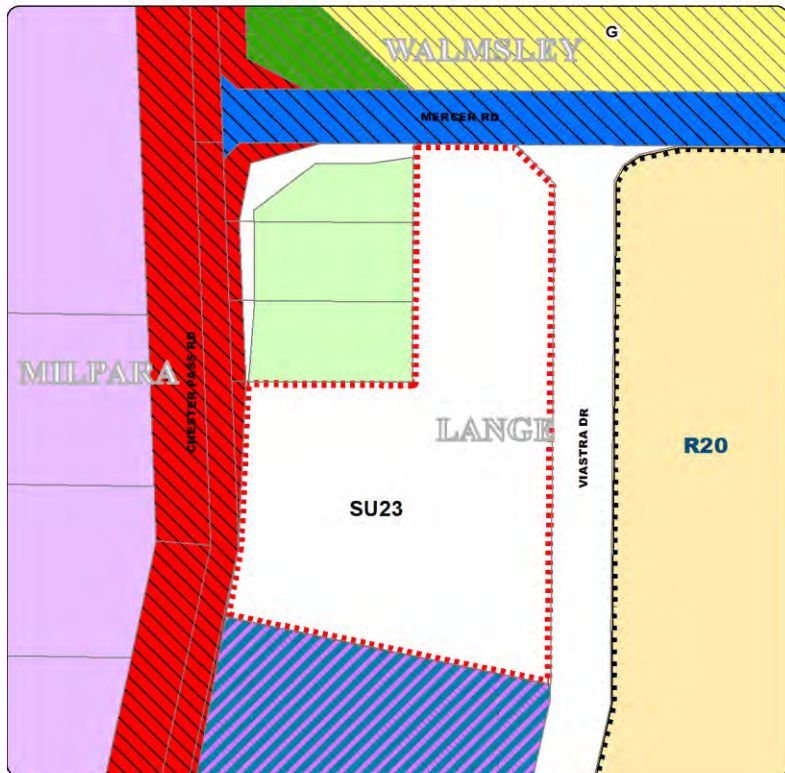
This framework notes the public gardens at the intersection of Chester Pass and Mercer Roads, though is silent on its intended or potential future use. There is also no comment on the suitability of this land as public open space.

## 6. Conclusion

The purpose of the amendment is to facilitate the development of land which has been isolated by significant road works on adjoining major roads and that would be best developed in conjunction with the adjoining property. This would allow the future development to address Chester Pass and Mercer Roads, whilst being accessed from Viastra Drive. The future health uses on the land will serve to consolidate and enhance the Brooks Garden activity centre and will support both the current and future residential areas outside of the CBD.



REPORT ITEM PD121 REFERS  
**CITY OF ALBANY**  
**Local Planning Scheme No. 1**  
**Amendment No. 18**



**LPS1**

- R Code Boundary
- Cadastre
- Special Use
- Local Road
- Priority Road
- Major Road
- Parks and Recreation
- Public Use
- Highway Commercial
- Light Industry
- Residential
- General Agriculture

**Existing Zoning**



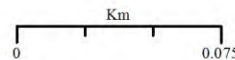
**Proposed Amendment**

- Special Use

**Proposed Zoning**



SCALE @ A4:  
1:2,500  
Date Printed: 17/02/2016



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**PLANNING AND DEVELOPMENT ACT 2005**

**CITY OF ALBANY**

**LOCAL PLANNING SCHEME NO. 1**

**AMENDMENT NO. 18**

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 1 by:

1. Rezoning Lots 201, 202 and 203 Chester Pass Road from 'General Agriculture' to 'Special Use Zone SU23';
2. Amending Schedule 4 – Special Use Zones No 23 as follows:
  - a. Include in the Description of Land column "Lots 201, 202 and 203 Chester Pass Road, Lange".
  - b. Include the use of "Pharmacy" in the Special Use column;
  - c. Include the following in the Conditions column:
    5. *The Pharmacy use shall include a dispensary and the sale of incidental & medical products.*
    6. *In making application for a Pharmacy Use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.*
3. Amending the Scheme Maps accordingly.

**ADOPTION**

Adopted by resolution of the Council of the City of Albany at the ..... meeting of the Council held on the ..... day of the ..... 2016.

.....

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 ..... of 20..... and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....

Delegated under S.16 of PD Act 2005

Date:.....

Final Approval Granted

.....

MINISTER FOR PLANNING

Date:.....

**Appendix 1**  
**Certificate of Titles**



WESTERN



AUSTRALIA

REGISTER NUMBER	
201/DP400007	
FIRST SCHEDULE SECTION	LAND DEPOSITED UNDER
1	3/10/2013

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 2820 FOLIO 132

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

  
REGISTRAR OF TITLES



**LAND DESCRIPTION:**

LOT 201 ON DEPOSITED PLAN 400007

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

SHIRE OF ALBANY OF CHESTER PASS ROAD, ALBANY

(AF M380818 ) REGISTERED 23 AUGUST 2013

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

**Warning:** A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
† If as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for legal, government, legal, surveying or other professional advice.

SKETCH OF LAND: DP400007  
PREVIOUS TITLE: 1270-820  
PROPERTY STREET ADDRESS: 214 CHESTER PASS RD, LANGE  
LOCAL GOVERNMENT AREA: CITY OF ALBANY

WESTERN



AUSTRALIA

REGISTER NUMBER	
N/A	
DEPOSIT PLAN	DEPOSIT DATE
1	3/10/2013

**RECORD OF CERTIFICATE OF TITLE**  
 UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 2820 PAGE 133

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES



**THIS IS A MULTI-LOT TITLE**

**LAND DESCRIPTION:**

LOTS 202 & 203 ON DEPOSITED PLAN 400007

**REGISTERED PROPRIETOR:**  
 (FIRST SCHEDULE)

SHIRE OF ALBANY OF CHESTER PASS ROAD, ALBANY

(XAM389621) REGISTERED 2 SEPTEMBER 2013

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
 (SECOND SCHEDULE)

*Warning:* A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
 \* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
 † Lot as described in the land description may be s. lot in location.

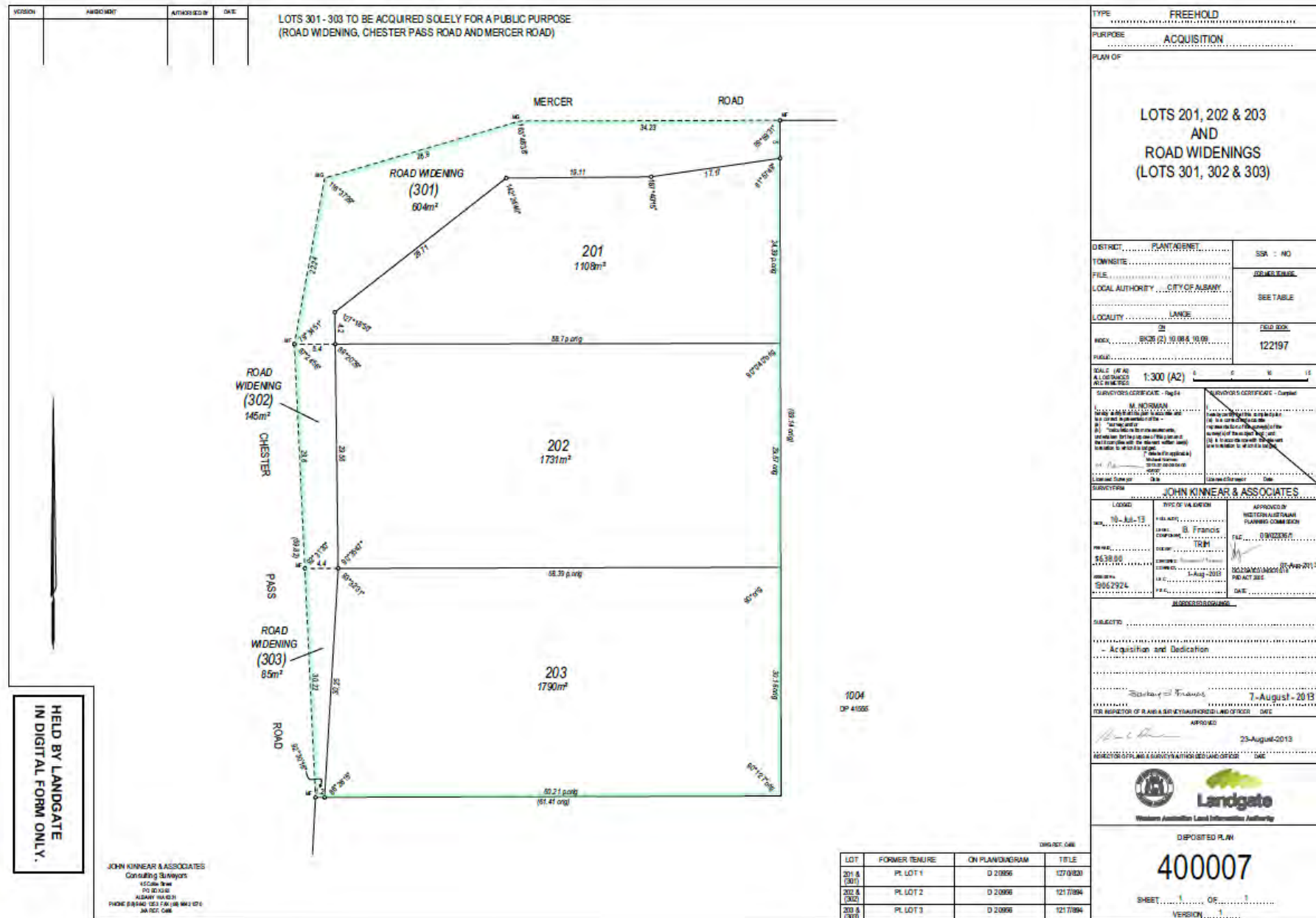
-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

(The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.)

SKETCH OF LAND: DP400007.  
 PREVIOUS TITLE: 2820-130, 2820-129.  
 PROPERTY STREET ADDRESS: 210 CHESTER PASS RD, LANGE (203/DP400007).  
 212 CHESTER PASS RD, LANGE (202/DP400007).  
 LOCAL GOVERNMENT AREA: CITY OF ALBANY.

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## Planning & Development Services

City of Albany  
Policy

Cheyne Beach

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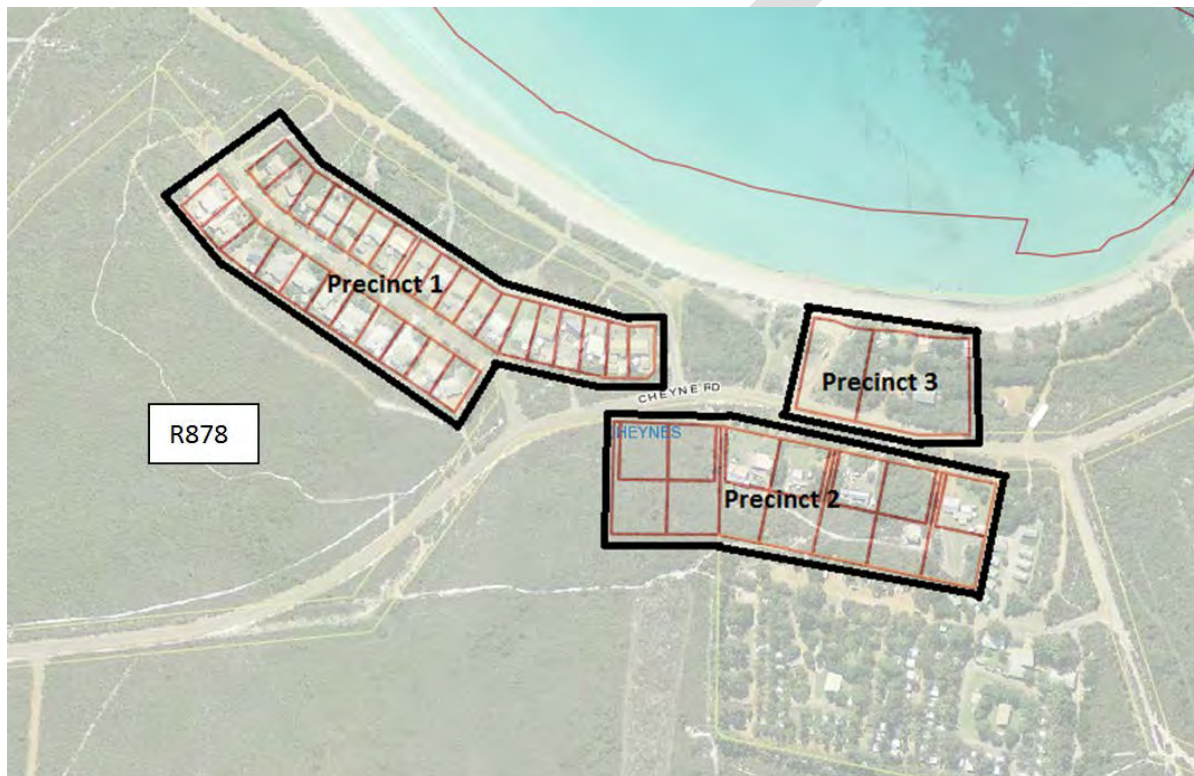


## 1. INTRODUCTION

Cheyne Beach is a small coastal settlement, 50km east of Albany and 470km south-east of Perth. The settlement consists of 'leaseholds' for holiday accommodation and accommodation associated with the fishing industry, a fire shed and a caravan park with general store. The settlement is surrounded by Waychinicup National Park.

Precincts 1, 2 and 3 cover the leaseholds that are the subject of this policy (see figure 1 below).

Figure 1: Policy Areas



## 2. OBJECTIVES

The objectives of this Policy are to:

1. Maintain Cheyne Beach as a small coastal holiday and fishing settlement; and
2. Provide guidance to both Council and leaseholders as to appropriate forms of development to ensure existing characteristics are protected and maintained.

## 3. SCOPE

The land that is the subject of this policy is owned by the Crown and vested with the City of Albany as Reserve (R878). The purposes of the reserve are recreation, camping, holiday accommodation, accommodation associated with the fishing industry and a fire station.

This Policy coincides with the *Cheyne Beach Holiday Accommodation* and *Cheyne Beach Commercial Fishing Accommodation Lease Agreements* made between the City of Albany and Tenants.

### 3.1 Holiday Accommodation Lease Agreement

Clause 1.1 **Definitions** of the *Cheyne Beach Holiday Accommodation Lease Agreement* states that:

*“**Holiday Accommodation**’ means; use by the Tenant for the purposes of temporary holiday accommodation and strictly in accordance with the provisions of Clause 10 of this Lease.”*

Clause **10.3 Restrictions on Tenant** states that:

*“The Tenant must not*

- a) use or permit the Leased Property to be used, or any part thereof, as the primary place of residence of any person.”*

### 3.2 Commercial Fishing Accommodation Lease Agreement

Commercial fishing accommodation leases permit the use of a leasehold by the tenant for the purpose of accommodation associated with the fishing industry and is limited by the Management Order over the land.

### 3.3 Cheyne Beach Planning Policy

This Policy outlines appropriate design standards for development and types of uses that may be considered.

## 4. POLICY PROVISIONS

### 4.1 Character

1. Development is to be sympathetic to existing characteristics, which include:
  - a) Small rectangular single storey dwellings and sheds clad in either cement sheeting, weatherboard, corrugated steel or a mix of these materials and located centrally on each Leasehold;
  - b) Low pitched skillion, or medium pitched gabled, corrugated steel roofs;
  - c) Limited use of fencing; and
  - d) Lawn areas with native species intermittently planted.

Figure 2: Cheyne Beach Character



## 4.2 Definitions

1. For the purpose of this Policy, the following definitions apply:
  - a) **Development** means the development or use of any land, including:
    - i. any demolition, erection, construction, alteration of or addition to any building or structure on the land;
    - ii. the carrying out on the land of any fencing, excavation or filling.
  - b) **Foreshore** means land adjoining or directly influencing a body of water that is managed to protect the body of water and coastal environment.
  - c) **Holiday Accommodation** means use by the Tenant for the purposes of holiday accommodation, with no restriction on the length of stay, but not as a primary place of residence for any person (as per Clause 10.3(a) of the *Cheyne Beach Holiday Accommodation Lease Agreement*).

## 4.3 Approval

1. All development on a local scheme reserve requires Planning Scheme Consent, as per the *Local Planning Scheme No. 1*, which states that:
 

*“3.4.1 A person must not:*

  - (a) Use a Local Reserve; or*
  - (b) Commence or carry out development on a Local Reserve*

*without first having obtained planning approval under Part 9 of the Scheme.”*

## 4.4 Land Use

1. The purpose of the Precinct 1 is to provide for ‘Holiday Accommodation’, with no restriction on the length of stay, but not as a primary place of residence of any person (as per Clause 10.3(a) of the *Cheyne Beach Holiday Accommodation Lease Agreement*). All other land uses are prohibited in the



precinct.

2. The purpose of Precinct 2 is to provide for accommodation associated with the fishing industry. Processing and retail or wholesale activities are prohibited in the precinct.
3. The purpose of Precinct 3 is to provide for accommodation associated with the fishing industry. Processing and retail or wholesale activities are currently prohibited in Precinct 3. No further development will be permitted within the precinct, due to susceptibility to coastal erosion and sea level rise.

*Note:*

1. *The Foreshore is subject to erosion and sea level rise. The buildings and land in Precinct 3 are located within the foreshore and are therefore at risk from sea level rise.*
2. *State Planning Policy 2.6 – State Coastal Planning recommends that a vertical sea level rise of 0.9 metres be adopted when considering the setback distance and elevation to allow for the impact of coastal processes over a 100 year planning timeframe (2010 to 2110).*

#### 4.5 Development

1. Development within Precinct 2 will be required to be removed from the leasehold upon expiration or termination of a lease and the land returned to its original condition. It is therefore recommended that any accommodation units and non-habitable structures within Precinct 2 are transportable or are of a temporary nature.

*Fire*

2. *All new accommodation units, additions to an accommodation unit and non-habitable structures within 6 metres of an accommodation unit shall comply with construction standards 3 and 6 (BAL-19) of Australian Standard 3959 – Construction of buildings in bush-fire prone areas.*
3. *Where any garage, carport or similar roofed structure is separated by a distance of not less than 6 metres from an accommodation unit, the garage, carport or similar roofed structure is not required to comply with Australian Standard 3959.*

*Note:*

1. *In considering the character of the landscape ('Closed Heath' with a gentle slope) and requirements of the Western Australian Planning Commission and Fire and Emergency Services Authority document Planning for Bush Fire Protection Guidelines, a Bushfire Attack Level of 19 applies; meaning that construction standards 3 and 6 of Australian Standard 3959 are applicable.*
2. *For general access to water for fire-fighting purposes, a water supply is available from the creek and lake just north of the settlement. There are also two tanks on the hill north of the settlement and a 3.4 fire appliance in a shed near the caravan park.*
3. *Access to leaseholds and use of water located in tanks may be necessary for fire-fighting purposes.*

*Water Storage Tank*

4. A water storage tank with a minimum capacity of 55,000 litres shall be installed on each leasehold (if not already constructed), at the lessee's cost.

*Note:*

1. *The above requirement originates from previous lease agreements.*

*Effluent Disposal*

5. All new or replacement on-site wastewater systems shall utilise alternative treatment units (ATUs), to the satisfaction of the City of Albany. The lessee shall ensure that any such system complies with relevant environmental health regulations and the draft *Country Sewerage Policy*.

*Roof Colour*

6. Please note that unpainted zincalume, white and off-white colours (e.g. Colorbond® Surfmist) are not supported, as they are considered to be too reflective.

*Note:*

1. *Due to the terraced layout of street blocks and the close location of the settlement to the ocean, the Sun's reflection is strong and can be limited with the use of appropriate building materials and colours (darker tones).*

*Building Heights*

7. Development shall not exceed 5m in height from the natural ground level to the top of the roof (for non-habitable structures, refer to Clause 12 of this policy).

*Note:*

1. *The above requirement for height maintains the existing character of the settlement and originates from previous lease agreements.*

*Access and Parking*

8. All crossovers and access legs shall be developed to the satisfaction of the City of Albany.
9. Two (2) car parking spaces shall be provided per accommodation unit.

*Stormwater*

10. Stormwater shall be managed to the satisfaction of the City of Albany.

*Building Setbacks*

11. The following minimum setback requirements for development apply:

*Table 1: Building Setbacks*

<b>Precinct</b>	<b>Front (road frontage)</b>	<b>Side</b>	<b>Rear</b>
1 Baxteri Road (West side)	15 metres	1 metres	2 metres
1 Baxteri Road (East side)	4.5 metres	1 metres	7.5 metres
2 Cheyne Road	15 metres	1 metres	6 metres

*Non-habitable Structures*

12. Non-habitable structures (i.e. outbuildings, sheds, gazebos, carports, sea containers, shade houses) are to comply with the building setback requirements and the following height and floor area limits:

*Table 2: Non-habitable structures – maximum heights and floor areas*

<b>Precinct</b>	<b>Roof Height</b>	<b>Wall Height</b>	<b>Floor Area</b>
Precinct 1	3 metres	4.2 metres	60m <sup>2</sup>
Precinct 2	3.5 metres	4.5 metres	100m <sup>2</sup>

*Fencing*

13. Fencing is discouraged in order to maintain the existing character.
14. A relaxation to the above provision may be considered and fencing supported where the following criteria are met:
- (a) Neighbours have been consulted and have not expressed an objection;
  - (b) Fencing around a leasehold is:
    - i. permeable (i.e. an open style of fencing, such as picket, pool style, post and wire, etc.); and
    - ii. a maximum of 1.2 metres in height.

**5. ADVICE**

**5.1 Camping in a Caravan**

1. All Camping shall be as per the *Caravan Park and Camping Grounds Regulations 1997*.

*Note:*

1. *The City's Environmental Health Department deals with approvals to camp in a caravan.*

**5.2 Aboriginal Heritage**

1. The City of Albany will ensure all development applications comply with the requirements of the *Aboriginal Heritage Act 1972*. To this effect, the City will undertake the Aboriginal Heritage Risk Assessment of all proposals and will refer proposals for comment where necessary. This assessment process will consider the recommendations of the Cheyne Beach Heritage Survey completed in October 2015.
2. This Aboriginal Heritage process may result in requirements for inspection of a site or monitoring during works to ensure there is no disturbance of Aboriginal cultural heritage materials. The cost of this requirement may be passed on to the applicant.

**5.3 Weeds**

1. The City encourages the protection and enhancement of the natural environment, including eradication of weed species.

#### **5.4 Clearing of Remnant Vegetation**

1. The City encourages the siting of buildings and access roads within degraded/cleared areas to minimise clearing. Clearing on areas outside of leaseholds is not supported without the approval of the Department of Environment Regulation.

#### **5.6 Pets**

1. The keeping of livestock, animals and domestic pets is not permitted, in accordance with the *Cheyne Beach Holiday Accommodation* and *Cheyne Beach Commercial Fishing Accommodation Lease Agreements*.

#### **5.7 Building Standards**

1. Your proposal may be required to comply with:
  - (a) The *Building Code of Australia*;
  - (b) *Australian Standard 1428 – Design for Access and Mobility*;
  - (c) The *Disability (Access to Premises – Buildings) Standards 2010*; and
  - (d) Relevant environmental health regulations.



<b>Document Approval</b>			
<b>Document Development Officers:</b>		<b>Document Owner:</b>	
Senior Planning Officer Planning Officer		Executive Director Planning and Development	
<b>Document Control</b>			
<b>File Number - Document Type:</b>	CM.STD.7 – Policy		
<b>Synergy Reference Number:</b>	NP1546773		
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<b>Quality Assurance:</b>	Executive Management Team; Planning and Development Committee; Council		
<b>Distribution:</b>	Public Document		
<b>Document Revision History</b>			
<b>Version</b>	<b>Author</b>	<b>Version Description</b>	<b>Date Completed</b>
Draft v0.1	Senior Planning Officer Planning Officer	Initial draft for consultation.	16/06/2015
Draft v0.2	Planning Officer	Initial draft with amended table of contents and section headings, following staff comments.	01/09/2015
Draft v0.3	Planning Officer	Initial draft with amended text to correct minor typographical errors, adjust references to the <i>Cheyne Beach Holiday Accommodation Lease Agreement</i> , adjust setback and fencing requirements and include references to future commercial fishing leases within Precinct 2.	15/10/2015
Draft v0.4	Planning Officer	Initial draft with further correction to minor typographical errors and inclusion of a land use prohibition on Precinct 2.	20/10/2015
Draft	Planning Officer	Initial draft with further alterations to settlement description, scope, land use and development	20/10/2015

REPORT ITEM PD122 REFERS

v0.5		provisions and advice on Aboriginal Heritage, following discussions with the Team Leader Property & Leasing and the Senior Land Officer.	
v0.6	Planning Officer	Initial draft with alteration to effluent disposal requirements, to specify the use of alternative treatment units (ATUs), following O.C.M. 24/11/2015.	26/11/2015

DRAFT