

AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

07 September 2016

6.00pm

City of Albany Council Chambers

CITY OF ALBANY COMMUNITY STRATEGIC PLAN (ALBANY 2023)

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

TERMS OF REFERENCE

(1) Function:

The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:

- (a) To advocate, plan and build connected, liveable communities;
- (b) To create a community that supports people of all ages and backgrounds;
- (c) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

(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) Chairperson: Councillor N Mulcahy

(4) **Membership:** Open to all elected members, who wish to be members

(5) Meeting Schedule: 1st Wednesday of the Month

(6) Meeting Location: Council Chambers

(7) Executive Officer: Executive Director Planning & Development

(8) Delegated Authority: None

TABLE OF CONTENTS

| | Details | Pg# |
|-------|---|-----|
| 1. | DECLARATION OF OPENING | 4 |
| 2. | PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND | 4 |
| | OWNERS | |
| 3. | RECORD OF APOLOGIES AND LEAVE OF ABSENCE | 4 |
| 4. | DISCLOSURES OF INTEREST | 5 |
| 5. | REPORTS OF MEMBERS | 5 |
| 6. | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON | 5 |
| | NOTICE | |
| 7. | PUBLIC QUESTION TIME | 5 |
| 8. | APPLICATIONS FOR LEAVE OF ABSENCE | 5 |
| 9. | PETITIONS AND DEPUTATIONS | 5 |
| 10. | CONFIRMATION OF MINUTES | 5 |
| 11. | PRESENTATIONS | 5 |
| 12. | UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS | 5 |
| 13. | MINUTES AND RECOMMENDATIONS OF COMMITTEES | 5 |
| PD138 | CONSIDERATION OF ADOPTION OF LOCAL PLANNING | 6 |
| | SCHEME AMENDMENT AND AMENDMENT OF STRUCTURE | |
| | PLAN – LOT 36 CATALINA ROAD, LANGE | |
| PD139 | CONSIDERATION OF SCHEME AMENDMENT – LOTS 201, 202 | 11 |
| | AND 203 CHESTER PASS ROAD, LANGE | |
| 14. | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY | 17 |
| | DECISION OF COUNCIL | |
| 15. | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 17 |
| 16. | REPORTS OF CITY OFFICERS | 17 |
| 17. | MEETING CLOSED TO PUBLIC | 17 |
| 18. | CLOSURE | 17 |

1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

| RECORD OF AFOLOGILO AND LEAVE OF | ABOLINOL |
|---|-------------------------------|
| Mayor | Mayor D Wellington |
| Councillors: | |
| Member | N Mulcahy (Chair) |
| Member | B Hollingworth (Deputy Chair) |
| Member | G Stocks |
| Member | R Hammond |
| Member | J Shanhun |
| Member | R Sutton |
| Staff: | |
| Chief Executive Officer | A Sharpe |
| Executive Director Development Services | D Putland |
| Manager Planning | J van der Mescht |
| Senior Planning Officer | A Bott |
| Planning Officer | C McMurtrie |
| Minutes | J Cobbold |
| Apologies: | |
| Member | A Goode JP |

4. DISCLOSURES OF INTEREST

| Name | Committee/Report Item Number | Nature of Interest |
|------|---------------------------------|--------------------|
| | | |

- 5. REPORTS OF MEMBERS
- 6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
- 7. PUBLIC QUESTION TIME
- 8. APPLICATIONS FOR LEAVE OF ABSENCE
- 9. PETITIONS AND DEPUTATIONS
- 10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SECONDED: COUNCILLOR

THAT the minutes of the Planning and Development Committee Meeting held on 08 June 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS

Update on Middleton Beach Scheme Amendment

Update on Craig Care being presented to JDAP

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

PD138: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT AND AMENDMENT OF STRUCTURE PLAN – LOT 36 CATALINA ROAD, LANGE

Land Description : Lot 36 Catalina Road, Lange

Proponent: Western Power

Owner : Electricity Networks Corporation

Business Entity Name : Electricity Networks Corporation (T/A Western Power)

Attachments : 1. Map

: 2. Local Planning Scheme Amendment No. 17 report

Supplementary Information &

Councillor Workstation

: Nil

Report Prepared by : Senior Planning Officer (A Bott)

Responsible Officer : Executive Director Planning and Development Services

(D Putland)

Responsible Officer's Signature:

DoleRIM

STRATEGIC IMPLICATIONS

- 1. Council is required to exercise its quasi-judicial function in this matter.
- 2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
- 3. This proposal is consistent with the strategic direction set in the Albany Local Planning Strategy.

Maps and Diagrams



In Brief:

- A request has been submitted for Council to initiate a Local Planning Scheme Amendment to rezone Lot 36 Catalina Road, from the 'Public Use' zone to the 'Residential' zone and amend the Scheme Maps accordingly.
- City planning Staff support the proposal, as it is consistent with the strategic direction set in the Albany Local Planning Strategy and the recently adopted Yakamia Structure Plan.
- The proposal is considered to be relatively minor and is classified as a basic Scheme Amendment.

RECOMMENDATION

PD138: RESPONSIBLE OFFICER RECOMMENDATION

- 1. THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 17 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Rezoning Lot 36 Catalina Road, Lange from 'Public Use' to 'Residential R30';
 - (2) Amending the Scheme Maps accordingly.

The Amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the Albany Local Planning Strategy.
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- As per 34 (g) of the *Planning and Development (Local Planning Schemes)*Regulations 2015, the amendment is consistent with the surrounding zonings under the adopted *Yakamia Structure Plan*.
- 2. RESOLVES to recommend to the Western Australian Planning Commission that it approve the amendment to the *Yakamia Structure Plan*.

BACKGROUND

- 4. Local Planning Scheme No. 1 was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and nonconforming uses.
- 5. Amendment No. 17 has been prepared to seek:
 - Rezoning of Lot 36 Catalina Road, Lange from 'Public Use' to 'Residential R30';
 - Amending the Scheme Maps accordingly.

- 6. Western power has advised the City of Albany that the proposed site is no longer required for the provision of electrical services to the area. A residential zoning will more appropriately reflect the ultimate land use of the surrounding area and facilitate continued development.
- 7. The Yakamia Structure Plan states that if the site is not required for a power substation that Residential R30 may be supported as an alternative.
- 8. The subject lots lie approximately 4 kilometres north-west of Albany town centre and approximately 1.2 Kilometres east of Chesterpass Road.
- 9. The land to the north east and west of the subject lot is zoned 'General Agriculture', while the land to the south is zoned 'Future Urban'.
- 10. The amendment proposes to normalise the zoning and density of the subject lot with those of the surrounding area, as shown within the Yakamia Structure Plan into *Local Planning Scheme No.1*. It also proposed to amend the Yakamia Structure Plan to identify the site as residential.
- 11. The amendment document states that:

"It is proposed by way of Council's initiation of a Scheme Amendment to Local Planning Scheme No. 1 to rezone 107 (Lot 36) Catalina Road, Lange from 'Public use: Government' to 'Future Urban'. It is the expectation of Western Power that the Structure Plan will be updated accordingly to 'Residential', with an applicable density code of 'R30".

DISCUSSION

- 12. The City's planning Staff support the rezoning of the subject lots from the 'Public use' zone, as this is consistent with the current strategic direction set by the *Albany Local Planning Strategy*. It will also be consistent with the surrounding zoning of the approved Yakamia Structure Plan.
- 13. Western power has advised that the public purpose use of the lot is no longer required. Therefore in lieu of the public purpose use, a residential zoning will be consistent with the surrounding land as identified within the Yakamia Structure Plan.
- 14. The Yakamia Structure Plan states that in the event that a substation on Lot 36 is not required, that Residential development at an R30 density may be supported.

GOVERNMENT & PUBLIC CONSULTATION

- 15. The *Planning and Development (Local Planning Schemes) Regulations 2015* do not require a basic amendment to a local planning scheme to be advertised for public comment. Consequently, no consultation has been undertaken.
- 16. The City of Albany has the discretion to not advertise minor amendments to structure plans. The amendment to the structure plan was not advertised as the Yakamia Structure Plan already identifies the site as having potential for residential development in the event of the substation not being required.

STATUTORY IMPLICATIONS

- 17. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015.*
- 18. 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. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if should be assessed. Council resolution is sought for the adoption of a local planning scheme amendment.
- 19. The proposal is considered to be a basic scheme amendment for the following reasons:

COMMITTEE

- The amendment is consistent with the Albany Local Planning Strategy.
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- As per 34 (g) of the *Planning and Development (Local Planning Schemes) Regulations* 2015, noting that Western Power has advised that the public purpose use is no longer required, the amendment is consistent with the surrounding land uses of the Yakamia Structure Plan.
- 20. Clause 29 of the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* provides the City of Albany with the ability to amend Structure Plans.
- 21. Voting requirement for this item is SIMPLE MAJORITY

POLICY IMPLICATIONS

 As Western Power has advised that the public purpose use is no longer required, the proposed zoning is consistent with the alternative land use identified within the Yakamia Structure Plan and also the surrounding land uses identified within the Yakamia Structure Plan.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihoo | Consequence | Risk | Mitigation |
|--|-----------|-------------|----------|--|
| | d | | Analysis | |
| Organisational | Unlikely | Minor | Low | If not supported by the Western |
| Operations and | | | | Australian Planning Commission |
| Reputation | | | | or Minister, the amendment will not |
| The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning. | | | | be progressed and the City will advise the proponent that they may submit a modified proposal. |

FINANCIAL IMPLICATIONS

23. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations directly relating to this item.

ALTERNATE OPTIONS

- 26. Council may consider alternate options in relation to this item, such as:
 - To resolve to adopt the amendment to the local planning scheme and Yakamia Structure Plan with modifications; or
 - To resolve not to adopt the amendment to the local planning scheme and Yakamia Structure Plan.

SUMMARY CONCLUSION

27. It is recommended that Council adopt Local Planning Scheme Amendment No. 17 and the amended Yakamia Structure Plan accordingly. The proposal is consistent with the strategic direction currently set within the *Albany Local Planning Strategy* and makes the zoning and residential density codes consistent with adopted *Yakamia Structure Plan*.

| Consulted References | : | Local Planning Scheme No. 1 Albany Local Planning Strategy 2010 City of Albany Strategic Community Plan 2023 City of Albany Corporate Business Plan 2013-2017 Yakamia Structure Plan Plan |
|----------------------------|---|---|
| File Number (Name of Ward) | : | LAMD17 (Yakamia Ward) |
| Previous Reference | : | N/A |

PD139: CONSIDERATION OF SCHEME AMENDMENT – LOTS 201, 202 AND 203 CHESTER PASS ROAD, LANGE

Land Description : Lots 201, 202 and 203 Chester Pass Road, Lange

Proponent : City of Albany
Owner : City of Albany

Business Entity Name : N/A

Attachments : 1. Schedule of Submissions

2. Local Planning Scheme Amendment No. 18 report

Supplementary Information &

Councillor Workstation : Copy of submissions

Report Prepared by : Planning Officer (C McMurtrie)

Responsible Officer : Executive Director Planning and Development

(D Putland)

Responsible Officer's Signature:

DoleRMI

STRATEGIC IMPLICATIONS

- 1. Council is required to exercise its quasi-judicial function in this matter.
- 2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
- 3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams



PD139 11 **PD139**

In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Rezone Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';
 - Amend 'Schedule 4 Special Use Zones' 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 and 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.'

and

- Amend the Scheme Maps accordingly.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will facilitate the development of the subject land in conjunction with Lot 1004 Viastra Drive, Lange.
- Council is requested to consider the submissions received following public advertising and referral to public authorities and determine whether to support the local planning scheme amendment.

PD139 12 **PD139**

RECOMMENDATION

COMMITTEE

PD139: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, without modification, Amendment No. 18 to amend *Local Planning Scheme No. 1* by:

- (1) Rezoning Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';
- (2) Amending 'Schedule 4 Special Use Zones' as follows:
 - 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 and 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.'

and

(3) Amending the Scheme Maps accordingly.

BACKGROUND

- 4. Local Planning Scheme No. 1 was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
- 5. Amendment No.18 has been prepared to seek:
 - The rezoning of Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';
 - The amendment of 'Schedule 4 Special Use Zones' 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 and 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.'

and

- The amendment of the Scheme Maps accordingly.
- 6. The subject land is located approximately 3.9 kilometres north-north-west of Albany town centre and has an area of approximately 4629 square metres. The land is relatively flat and currently landscaped as public gardens. The subject land is bounded by Chester Pass Road to the west, Mercer Road to the north and Lot 1004 Viastra Drive to the south and east. Due to the road layout at the intersection of Chester Pass and Mercer Roads and the shape of Lot 1004 Viastra Drive, the subject land cannot be accessed directly from either Chester Pass Road or Mercer Road.
- 7. Lot 1004 Viastra Drive is zoned 'Special Use Zone SU23', but has not yet been developed. The land to the west of Chester Pass Road is zoned 'Light Industry' and developed with a mix of light industrial and showroom uses. The land to the north is partially reserved for 'Parks and Recreation' and 'Public Purposes'. The 'Parks and Recreation' local scheme reserve is developed with a tourist information bay, while the 'Public Purposes' reserve, which is contiguous with the City of Albany depot and the offices of South Coast Natural Resource Management, is currently undeveloped.
- 8. The amendment document states that:

"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."

DISCUSSION

- 9. The City's planning Staff support the proposed local planning scheme amendment, as it is consistent with the Albany Local Planning Strategy and will facilitate the development of the land in conjunction with Lot 1004 Viastra Drive.
- 10. The proposed local planning scheme amendment is consistent with the current strategic direction set by the Albany Local Planning Strategy, which identifies the site as part of the 'Mixed Business' area and sets a planning objective to provide appropriate locations for establishing and growing business activity.
- 11. As outlined above, the City entered into discussions with the owners of Lot 1004 Viastra Drive, in an effort to secure vehicle access to the subject land, when Lot 1004 changed hands in 2015. During discussions, the owners of Lot 1004 indicated that they would like to purchase the subject land from the City and develop them in conjunction with Lot 1004. It is understood that the owners of Lot 1004 Viastra Drive intend to develop a medical centre / day hospital and pharmacy, consistent with the provisions of 'Special Use Zone SU23'.
- 12. Although 'Special Use Zone SU23' currently includes "other ancillary health and support uses approved by the Local Government", the proposed amendment includes the use of 'Pharmacy' as a separate land use.
- 13. This has been proposed, as a dispensary use would generally support a medical centre or hospital, but would not include the retail component that is common with most pharmacies. However, a dispensary is often financially assisted or operated by the principal use that it supports (the medical centre or hospital). If the business model employed requires that the pharmacy use operates as a separate entity, it may be

PD139 14 PD139

difficult to attract an operator if a retail component cannot be approved, as this improves the financial viability of the venture. It is preferred that the 'Pharmacy' use is specified separately, as this will give clarity to future decision-making.

- 14. The purchaser has advised the City that they understand that a licence for a pharmacy 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 it is intended that the development will have more than seven full-time prescribing doctors on-site. Under these circumstances, the minimum separation distances between pharmacies are waived. The proposed amendment includes a condition for insertion into 'Schedule 4 Special Use Zones', regarding this licensing requirement "as long as those rules are current", as it is understood that the Pharmacy Location Rules may be phased out in future.
- 15. No issues have been raised through the public advertising and referral process (outlined in paragraphs 17 and 18 below).
- 16. It is considered that the proposed amendment is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of the subject land in conjunction with Lot 1004 Viastra Drive, Lange.

GOVERNMENT & PUBLIC CONSULTATION

- 17. The local planning scheme amendment was adopted by resolution of Council on 26 April 2016 and advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* from 30 July 2016 to 11 August 2016 by direct referral to affected and adjoining/nearby landowners and public authorities and advertisement in a local newspaper.
- 18. Five submissions were received from public authorities and are summarised in the attached Schedule of Submissions. No issues have been raised.

STATUTORY IMPLICATIONS

- 19. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015.*
- 20. 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.
- 21. Regulation 50(3) of the *Planning and Development (Local Planning Schemes)*Regulations 2015 allows Council to support a standard amendment, with or without modification.
- 22. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

- 23. State Planning Policy 2.5 Land Use Planning in Rural Areas applies to rural land in Western Australia and shall be considered in assessing amendments to rural zoned land in a local planning scheme. The policy aims to protect rural land from incompatible land uses, supports primary production activities and protects priority agricultural land.
- 24. In this instance, the subject land has an area of less than one hectare, it is not currently used for agricultural purposes and is encircled by non-rural land uses. The 'General Agriculture' zoning of the subject land is considered to be an anomaly and its rezoning would not be in contravention of *State Planning Policy 2.5* or the current moratorium on the rezoning of 'General Agriculture' or 'Priority Agriculture' zoned land.

PD139 15 **PD139**

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk | Mitigation |
|--|------------|-------------|----------|---|
| | | | Analysis | _ |
| Organisational | Possible | Minor | Medium | |
| Operations and | | | | |
| Reputation | | | | |
| The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning. | | | | If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal. |

FINANCIAL IMPLICATIONS

26. The City is currently in the process of selling Lots 201, 202 and 203 Chester Pass Road to the owners of Lot 1004 Viastra Drive.

LEGAL IMPLICATIONS

27. As part of the contract of sale, the City has agreed to undertake the rezoning of the subject land on behalf of the purchasers.

ENVIRONMENTAL CONSIDERATIONS

28. There are no environmental implications directly relating to the item.

ALTERNATE OPTIONS

- 29. Council may consider alternate options in relation to these items, such as:
 - To resolve to support the scheme amendment with modification; or
 - To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

SUMMARY CONCLUSION

30. It is recommended that Council support Local Planning Scheme Amendment No. 18, without modification, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of the subject land in conjunction with Lot 1004 Viastra Drive, Lange.

| Consulted References | : | 1. Local Planning Scheme No. 18 | |
|----------------------------|---|---|--|
| | | 2. Albany Local Planning Strategy 2010 | |
| | | 3. City of Albany Strategic Community Plan 2023 | |
| | | 4. City of Albany Corporate Business Plan 2013-2017 | |
| | | 5. Western Australian Planning Commission State | |
| | | Planning Policy 1 – State Planning Framework | |
| | | Policy (Variation No. 2); | |
| | | 6. Catalina Central Planning Framework | |
| File Number (Name of Ward) | : | LAMD18 (Yakamia Ward) | |
| Previous Reference | : | O.C.M. 26/04/2016 – Item PD121 | |

PD139 16 **PD139**

PLANNING & DEVELOPMENT COMMITTEE MEETING AGENDA – 07/09/2016

- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL
- 15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 16. REPORTS OF CITY OFFICERS
- 17. MEETING CLOSED TO PUBLIC
- 18. CLOSURE