



# City of Albany Local Planning Scheme No. 1 Scheme Amendment No. 36

**Lots 201, 202 and 203 Chester Pass Road  
and Lot 1004 Viastra Drive, Lange**



Prepared by Edge Planning & Property for Cloudy Beach Investment Company Pty Ltd

[www.edgeplanning.com.au](http://www.edgeplanning.com.au)

August 2020

**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**CITY OF ALBANY LOCAL PLANNING SCHEME No. 1**

**AMENDMENT No. 36**

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

1. In Schedule 4 Special Use Zones, for Special Use Zone No.23 (SU23), delete the Special Uses of "Aged Persons' Village" and "Nursing Home".
2. In Schedule 4 for SU23, add the Special Uses of:
  - Child Care Premises
  - Community Purpose
  - Recreation-Private
  - Veterinary Centre
3. In Schedule 4 for SU23, modify the "Conditions" column by:
  - Adding "as a 'D' use" after "Local Government" in Condition 1.
  - Replacing "Structure Plan and/or Local Development Plan and Design Guidelines" with "Local Development Plan" in Condition 1.
  - Replacing "Design Guidelines" with "Local Development Plan" in Condition 2.
4. Rezone a portion of Lot 1004 Viastra Drive, Lange from "Special Use (SU23)" to "Highway Commercial".

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

- The amendment is consistent with the Local Planning Strategy.
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this ..... day of .....20.....

.....  
CHIEF EXECUTIVE OFFICER

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**PROPOSAL TO AMEND A LOCAL PLANNING SCHEME**

- |  |   |
|--|---|
| <b>1. LOCAL GOVERNMENT:</b>                    | City of Albany  |
| <b>2. DESCRIPTION OF LOCAL PLANING SCHEME:</b> | Local Planning Scheme No. 1   |
| <b>3. TYPE OF SCHEME:</b>                      | District Scheme   |
| <b>4. SERIAL NUMBER OF AMENDMENT:</b>          | 36  |
| <b>5. PROPOSAL:</b>                            | <ol style="list-style-type: none"> <li>1. In Schedule 4 Special Use Zones, for Special Use Zone No. 23 (SU23), delete the Special Uses of "Aged Persons' Village" and "Nursing Home".</li> <li>2. In Schedule 4 for SU23, add the Special Uses of: <ul style="list-style-type: none"> <li>• Child Care Premises</li> <li>• Community Purpose</li> <li>• Recreation-Private</li> <li>• Veterinary Centre</li> </ul> </li> <li>3. In Schedule 4 for SU23, modify the "Conditions" column by: <ul style="list-style-type: none"> <li>• Adding "as a 'D' use" after "Local Government" in Condition 1.</li> <li>• Replacing "Structure Plan and/or Local Development Plan and Design Guidelines" with "Local Development Plan" in Condition 1.</li> <li>• Replacing "Design Guidelines" with "Local Development Plan" in Condition 2.</li> </ul> </li> <li>4. Rezone a portion of Lot 1004 Viastra Drive, Lange from "Special Use (SU23)" to "Highway Commercial".</li> </ol> |

**REPORT BY THE CITY OF ALBANY**

**1. INTRODUCTION**

The City of Albany seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to:

- Modify and extend the range of discretionary land uses on Lots 201, 202 and 203 Chester Pass Road and portion of Lot 1004 Viastra Drive, Lange within Special Use Zone No. 23 (SU23);
- Clarify that development within SU23 is to be generally consistent with an endorsed Local Development Plan; and
- Rezone a portion of Lot 1004 Viastra Drive from "Special Use No. 23" to "Highway Commercial".

The site is zoned Special Use No. 23 (SU23).

In particular, the Amendment will assist to facilitate a new future for the site which complements the area and assists to provide feasible land uses.

The purpose of this report and associated plans are to explain and set out the planning merits of the Amendment. More detailed planning and investigations will occur at the Local Development Plan and Development Application stages and as required at the Building Permit stage.

The site is shown in Attachment 1. The site is suitable for a range of commercial, health and community uses given its current zoning, the planning framework and its context (see Attachments 2 and 3). Expanding the range of uses that can occur on the site will assist to 'normalise' what occurs on similar adjoining/nearby properties, assist to provide feasible development and enhance the range of goods and services provided to the locality. The proposal to rezone a portion of the site to Highway Commercial is consistent with the planning framework.

**2. BACKGROUND**

**2.1 Property Address and Cadastral Details**

The City previously owned Lots 201, 202 and 203 Chester Pass Road. Lots 202 and 203 were purchased by the then Shire of Albany in 1968 and Lot 201 was purchased in 1985. The land was then developed as public gardens and a tribute to Archibald Menzies was placed on the site. Archibald Menzies was a Scottish naturalist who accompanied Captain George Vancouver on his visit to King George Sound in 1791.

The City sold the land to the current owner in 2017.

A copy of the Certificates of Title are provided in Attachment 4. Cadastral details for the site are summarised below in Table 1.

**Table 1 – Cadastral Details**

| Details of land                                    | Deposited Plan | Title Number          | Area               |
|--|----------------|-----------------------|--------------------|
| Lot 201 Chester Pass Road, Lange                   | DP400007       | Volume 2820 Folio 132 | 1168m <sup>2</sup> |
| Lot 202 Chester Pass Road, Lange (multi-lot title) | DP400007       | Volume 2820 Folio 133 | 1731m <sup>2</sup> |
| Lot 203 Chester Pass Road, Lange (multi-lot title) | DP400007       | Volume 2820 Folio 133 | 1790m <sup>2</sup> |
| Lot 1004 Viastra Drive, Lange                      | DP41555        | Volume 2623 Folio 478 | 1.61 hectares      |

## 2.2 Regional Context

The site is situated in the City of Albany. Albany is located 409 kilometres south-east of Perth. Albany is a regional centre in the Great Southern Region and provides a range of services and facilities to residents and visitors.

## 2.3 Local Context

Figure 2 shows the site is located approximately 4 kilometres north of the Albany city centre. The site complements the adjoining Chester Pass Mall Activity Centre and forms part of the Chester Pass Road Specialised Centre.

Attachment 3 shows the Context Plan which outlines the site's context. The site adjoins and is generally surrounded by commercial, light industrial, community and residential uses. The mix of uses in the area is reflected in the Existing Scheme Map which shows a range of zones and reserves.

The site is bounded by Chester Pass Road, Mercer Road, Viastra Drive and Harvey Norman/Furniture Barn. The site is near:

- The Chester Pass Mall;
- A Bunnings Warehouse (under construction);
- An extensive area of light industrial/commercial land to the west of the site while Harvey Norman/Furniture Barn (bulky retail development) is to the south;
- Residential development (aged persons' village);
- A service station;
- A visitor information bay; and
- The City's Depot.

## 2.4 Physical Characteristics

The site is outlined in Attachment 1 and has the following characteristics and features:

- It is located at the corner of Chester Pass Road and Mercer Road, which are two significant roads in Albany;

- Lots 201, 202 and 203 Chester Pass Road were previously developed as a public garden;
- It has a total land area of approximately 2.08 hectares;
- It has a gentle gradient, having an elevation of approximately 50 metres AHD (Australian Height Datum) in the south-west section, sloping to approximately 46m AHD in the north-east;
- The north-west section contains planted vegetation, while Lot 1004 has been cleared;
- It contains a drainage basin in the north-east section; and
- It is not on the Department of Water and Environmental Regulation's Contaminated Site Database.

The site's physical features present no constraints to the Amendment.

## 2.5 Services

The site is provided with standard 'hard' infrastructure including reticulated (scheme) water, reticulated sewerage, power, telecommunications, drainage and sealed roads. The site has three road frontages in Chester Pass Road, Mercer Road and Viastra Drive. Based on Condition 4 of SU23, no direct vehicular access to Chester Pass Road is permitted. Instead, all vehicular access will be to/from Viastra Drive.

Chester Pass Road adjoining the site is managed by Main Roads WA.

## 2.6 Heritage

There is no registered Aboriginal heritage site on the subject land area as set out on the Department of Planning, Lands and Heritage Affairs heritage inquiry system. While noting this, land developers have an obligation under the *Aboriginal Heritage Act 1972* to protect places and objects in Western Australia that are important to Aboriginal people because of the connections to their culture.

Additionally, the site does not contain any structure or place of non-indigenous

heritage significance on the *City of Albany Municipal Inventory (heritage inventory)* or on the City's Heritage List.

**2.7 Scheme Amendment No.18**

The landowner, who develops and operates medical centres, acquired the land and amended the site's zoning from 'General Agriculture' to 'Special Use No. 23' (SU23) via Amendment 18. The landowner specifically wanted the requested range of uses in SU23 but has subsequently found the uses are too limiting and not marketable or feasible. Significantly, circumstances have changed including the development of the Health Precinct in Cockburn Road, Mira Mar.

Amendment 18 was gazetted on 10 February 2017.

Amendment 18 addressed several matters including that the public gardens would be removed from the site. The Archibald Menzies Memorial has since been relocated to Eco Park on Reidy Crescent, Spencer Park given this is a more suitable location for such a dedication.

**2.8 Landowner intent**

The current range of discretionary uses permitted in SU23 is limited. This contrasts with the range of discretionary uses available on adjoining and nearby commercial land.

Following extensive marketing, there is no market interest for most of the uses set out in the current SU23. This has been exacerbated by the development of the Health Precinct in Cockburn Road, Mira Mar.

The landowner still intends to develop and operate a medical centre/pharmacy on the site which is proposed in the north-west section. The medical centre/pharmacy will however, only occupy a portion of SU23 and there is a need to find suitable and feasible uses for the balance of the site. In addition to modifying and extending the range of uses within SU23, the Amendment also proposes to rezone a portion of Lot 1004 Viastra Drive to Highway Commercial.

The Amendment will expand the range of suitable uses for the site to assist in facilitating feasible development. The sale of the balance of the site also assists in raising capital for the medical centre/pharmacy.



Photo 1: Viastra Drive looking south

### 3. PLANNING FRAMEWORK

#### 3.1 Overview

The following section will outline how the Amendment suitably addresses relevant planning policies, strategies, plans and the *City of Albany Local Planning Scheme No. 1*. In summary, the Amendment is consistent with the State, regional and local planning framework.

#### 3.2 State Planning Framework

The following strategies and policies are of relevance to the Amendment:

- *State Planning Strategy 2050* - sets a broad strategic plan for Western Australia built on sustained growth and prosperity. The Strategy highlights the importance of job creation and supports developing strong and resilient regions. The Amendment is consistent with the Strategy given it promotes commercial, community and associated development within an activity centre.
- *State Planning Policy 1 State Planning Framework Policy (2006)* - identifies that the primary aim of planning is to provide for the sustainable use and development of land.
- *State Planning Policy No. 2.9 Water Resources (2006)* - development is required to adopt water sensitive urban design principles.
- *State Planning Policy No. 3 (2006)* - the Policy sets out the principles and considerations which apply for urban growth and settlement in Western Australia. The Policy promotes a sustainable settlement pattern, promoting development on 'brownfield' (previously developed) land, supports building on existing communities and seeks convenient access to employment and services. The Amendment is consistent with SPP3 given it provides opportunities for employment and business activity on an infill site

which forms part of an activity centre.

- *State Planning Policy 3.7 Planning in Bushfire Prone Areas (2015)* - the site is within a Bushfire Prone Area as shown at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>.
- *State Planning Policy 4.2 Activity Centres for Perth and Peel (2010)* - the principles guided the *City of Albany Activity Centres Planning Strategy (2015)*.
- *State Planning Policy 5.4 Road and Rail Noise (2019)*.
- *State Planning Policy 7.0 Design of the Built Environment (2019)*.

#### 3.3 Regional Planning Framework

##### 3.3.1 Great Southern Regional Planning and Infrastructure Framework

The Framework identifies Albany as a regional centre and a focus for growth, services and facilities. The Framework supports a diverse economic base and supports commercial, community and associated development in appropriate locations. It supports the development of activity centres.

##### 3.3.2 Great Southern Regional Investment Blueprint

The Blueprint establishes priorities for economic development and growth of the Great Southern region and provides an analysis of local, regional, national and global factors influencing the region. A strategic economic growth plan and proposed transformational projects are set out. The Blueprint also supports growing the region's population, promoting development in regional centres and a vibrant economy.

#### 3.4 Local Planning Framework

##### 3.4.1 City of Albany Local Planning Strategy

The Local Planning Strategy (LPS) classifies Albany as a regional centre and a focus for development and for promoting economic activity.

Attachment 5 shows Figure 2: Urban. The LPS does not allocate a colour/land use allocation for the site which is the approach adopted for all Special Use zoned land in the *City of Albany Local Planning Scheme No. 1*.

The LPS designates Chester Pass Mall as a Neighbourhood Centre and seeks to change the area from a shopping centre to an activity centre. This includes diversifying land uses and providing an employment node. The land to the west of the site is classified as Industry on Figure 2: Urban.

The Amendment is consistent with the LPS. The LPS:

- Sets a vision of 'To be Western Australia's most sought after and unique regional city to work, live and visit';
- Includes aspirations of Smart, Prosperous & Growing; Clean, Green & Sustainable; and A Connected & Safe Built Environment;
- Includes objectives of:
  - Contain urban development and rural living within the existing supply of land zoned and planned for settlement growth
  - Promote urban consolidation by making better use of existing zoned land and infrastructure through urban renewal and infill residential and rural living development
  - Provide an appropriate level of community facilities and service in existing and planned settlement areas
  - Progressively move retail centric shopping centres towards true activity centres that meets the shopping, employment and recreation needs of the community
- Notes the importance of the commercial/business sector to employment. The LPS supports growing and diversifying the economy and encouraging

commercial development in appropriate locations; and

- States in Part 2 (pages 30 and 31) that 'Most of Albany's medical centres are located within a 3km radius of the central business district (CBD) but most residents live further than 5km from the CBD. The lack of medical centres in the suburbs is partly addressed by diversification of retail-centric shopping centres into mixed-use activity centres which will in the future allow for services such as medical centres to establish outside of the CBD.' A focus for health facilities is within activity centres.

Given the vision and objectives of the LPS, the Amendment is consistent with the LPS.

It is also highlighted the Amendment does not propose the use of 'shop'.

The proposed Highway Commercial zoning will facilitate various uses including 'showroom'. Any showroom proposed on the site will be modest especially noting the scale of the recently approved Bunnings Warehouse (lot size of 6.6 hectares and associated floorspace).

As outlined in section 3.4.6, the proposed Highway Commercial zoning is consistent with the *City of Albany Activity Centres Planning Strategy* for the Chester Pass Road Specialised Centre.

#### 3.4.2 *City of Albany Local Planning Scheme No.1*

The *City of Albany Local Planning Scheme No.1* (Scheme) zones the site as 'Special Use No. 23 (SU23)'. The site-specific planning controls for SU23 are outlined in Schedule 4 of the Scheme.

There are currently limited uses that are permissible in SU23. The current uses are limited to aged persons' village, consulting room, hospital, medical centre, nursing home, ancillary health uses and pharmacy.

As outlined on the Existing Scheme Map, there are a wide range of nearby zones and reserves. For instance, 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). Modifying and extending the range of uses within SU23 is consistent with the adjoining and nearby zoning, the site's context and the planning framework. Additionally, rezoning a portion of the site to Highway Commercial is consistent with the site's context.

*3.4.3 Local Planning Policies*

The Council has endorsed several Local Planning Policies. Various policies are of relevance to the future use and development of the site including advertising signage.

*3.4.4 City of Albany Strategic Community Plan*

The Strategic Community Plan sets the community's vision for the future and it is the principal strategic guide for the Council's future planning and activities. The plan supports growth and progress locally and regionally. The Council seeks to promote Albany as a prosperous community, to support existing businesses and to attract new businesses.

*3.4.5 Catalina Central Planning Framework*

The *Catalina Central Planning Framework* (The Framework) was originally adopted by the City in 1999 and sets the overall approach for the neighbourhood centre. The Framework includes the Catalina Central Structure Plan, design guidance and general background for the planning and development of the centre. The Framework has not been endorsed by the WAPC.

The site is located within Precinct 2 in the Framework. The Framework (page 34) identified the site for a nursing home and private day care hospital. It noted the former plans for the site were showrooms.

The Framework does not provide a detailed plan for Precinct 2. The Framework sets out principles to be considered when the Precinct Plan, for Precinct 2, is prepared.

The Framework recommends that any development of this site should address Chester Pass Road but with access from Viastra Drive.

The Framework supports the need for precinct plans (now local development plans). This is reflected in the provisions for SU23.

Noting that Precinct 2 was essentially not addressed in detail in the Framework, the Amendment is consistent with the intent of the Framework. This includes a need to prepare a local development plans.

*3.4.6 City of Albany Activity Centres Planning Strategy*

The Activity Centres Planning Strategy identifies the Brooks Garden (Chester Pass Mall) as a neighbourhood centre. The site adjoins the Chester Pass Mall Neighbourhood Centre (activity centre) and is in the Chester Pass Road Specialised Centre (activity centre). As outlined in Attachment 6, this highlights the strengths and aspirations of this activity centre including suitability for bulky goods, comparison retail and auto services.

The Amendment does not propose the use of 'shop'.

The Amendment proposes modifying and extending uses in SU23 that will enhance the health and community precinct.

Additionally, the Amendment proposes Highway Commercial zoning consistent with the Activity Centres Planning Strategy for the Chester Pass Road Specialised Centre and which reflect the site's context. Noting the modest size of the site, the scale is small compared to the nearby Bunnings Warehouse and the number of existing showrooms nearby on Chester Pass Road.

### 3.5 Planning Framework Implications for the Amendment

Common themes of the planning framework and their implications for the Amendment include:

- Supporting sustained growth, job creation and economic development including in Albany which is a designated regional centre;
- Addressing land use compatibility;
- Providing more diverse land uses in activity centres;
- The site forms part of an activity centre and is identified for commercial, community and related uses;
- Vehicular access is to be via Viastra Drive; and
- There is a need for a Local Development Plan.

Based on the above, the requested additional uses are consistent with the planning framework and are consistent with the principles of orderly and proper planning.



Photo 2: View towards west

**4. AMENDMENT PROPOSAL**

The intent of the Amendment is to modify and extend the range of uses on SU23 along with rezoning a portion of Lot 1004 Viastra Drive to “Highway Commercial”. The changes proposed by the Amendment for SU23 are outlined in Attachment 7 which shows new provisions in green highlight and proposed deleted provisions in strikeout.

The Amendment retains SU23 but adds to and modifies the range of uses associated with SU23. The Amendment retains the requirement to prepare a Local Development Plan to provide statutory backing to prevent direct vehicular access to Chester Pass Road and to address other key planning matters.

The Amendment proposes additional uses of childcare premises, community purpose, recreation-private and veterinary centre in SU23. The Amendment deletes the uses of aged persons’ village and nursing home in SU23.

Additionally, the Amendment proposes to rezone a portion of Lot 1004 Viastra Drive to “Highway Commercial”.

The proposed additional uses and new zoning are based on a review of the site’s context, the planning framework, adjoining and nearby zoning, the approval of the Bunning’s store, passing trade and market interest.

The landowner wants to develop a medical centre/pharmacy in the north-west section of the site. At this stage, there has not been detailed design.

Future development and uses will be subject to gaining necessary approvals from the City including a Local Development Plan and development approval.



Photo 3: Looking south – adjacent commercial



Photo 4: Chester Pass Road looking south

**5. PLANNING CONSIDERATIONS AND PLANNING JUSTIFICATION**

**5.1 Overview**

This section brings together an assessment of the site's attributes, the site's context and the planning framework in considering key planning matters and justifying the Amendment.

**5.2 Appropriate Location for Commercial and Community Uses**

The site is appropriate for commercial and community uses, outlined in the Amendment, for reasons including:

- It is consistent with the planning framework;
- The area contains a mix of land uses;
- The proposed commercial and community uses are located or are a discretionary use on adjoining/nearby land;
- The site adjoins land zoned Highway Commercial;
- The site forms part of an activity centre, adjoins the regional road network and is a corner lot;
- Vacant commercial land on Chester Pass Road, between Mercer Road and the main roundabout, is a rare resource;
- The site can provide generous on-site car parking;
- Traffic impacts will be modest, especially in relation to existing commercial and industrial development on the western side of Chester Pass Road, the Chester Pass Mall and the Bunnings Warehouse and can readily be accommodated on adjoining roads and intersections;
- Uses such as childcare premises and community purposes will be beneficial in complementing the nearby Chester Pass Mall;
- It is appropriately serviced;
- The site has no environmental assets and future development will not create any adverse environmental impacts;

- The health/community precinct will be separate from the Highway Commercial (likely showroom precinct); and
- The Local Development Plan will address a range of matters in greater detail.

Accordingly, the Amendment raises limited planning issues.

Noting the proposal to develop a medical centre/pharmacy on part of the site, the balance of the site is modest in area. Proposed uses such as showroom will be low-key in scale compared to nearby showroom development on Chester Pass Road, Chester Pass Mall and the recently approved Bunnings showroom. The Bunnings showrooms is 14,747m<sup>2</sup> in area plus nursery, trade yards and timber trade sales.

The Amendment is consistent with LPS and other recent planning documents to diversify and consolidate activity centres. Accordingly, the site lends itself to a greater range of land uses for this property within an activity centre.

**5.3 Compatibility with Adjoining and Nearby Land Uses**

The proposed additional uses will be compatible with adjoining and nearby land uses/development which are predominately commercial/business and residential in nature (see Attachment 3). For instance:

- Various proposed uses are located on adjoining/nearby properties;
- The uses are consistent with the planning framework;
- The site is setback from residential properties by Viastra Drive which has a width of 22 metres and there is a brick wall on the western boundary of the aged persons' village;
- Given the statutory requirement to prepare a Local Development Plan, it is expected that carparking will be in the eastern portion of the site (this will provide

further separation to the aged persons' village);

- The proposed uses do not need buffers (there will be a need for appropriate building setbacks, building design/construction and consideration of the location of major openings. This can be addressed in future planning stages);
- There will be a need for appropriate landscaping;
- Subject to the proposed use, impacts are to be retained on-site to acceptable standards; and
- Given no habitable buildings are proposed on the Amendment site, there will be compatibility between uses within SU23 and the proposed Highway Commercial zoning.

Most of the proposed uses within SU23 will have similar noise generation as those in the current SU23. Acoustic implications were not raised as an issue in Scheme Amendment No.18.

Accordingly, the proposed expanded uses on SU23 and in the Highway Commercial zone will complement and not conflict with adjoining and nearby land uses. The proposed additional uses and zoning represent a logical and sound planning outcome for the site.

A broader range of uses are clearly suitable for the site given its current zoning (with a limited range of uses), context and that it forms part of an activity centre. The strategic direction and actions in the LPS and other documents have a broad intent to diversity the range of commercial, community and associated uses of activity centres.

The additional uses within SU23 will benefit the locality by adding to the range of goods and services provided plus the opportunity to create a place for people to connect through social interaction. The additional uses will support the proposed medical centre/pharmacy.

#### **5.4 A Need for an Increased Range of Uses**

As outlined in other sections, the landowner intends to develop a medical centre/pharmacy in the north-west portion of the site. The balance of the site will be developed by others.

Ensuring there are appropriate updated planning rules in place will assist in making the site more attractive for development and assist in providing funds to develop the medical centre/pharmacy. Developing a medical centre/pharmacy and related uses will benefit the locality through having convenient access to health facilities.

Following extensive marketing, there is no demand for most of the uses set out in current SU23. This has implications in providing the landowner with capital injection to develop the medical centre/pharmacy.

The Amendment seeks to modify and extend the current very narrow range of uses permitted within SU23. The Amendment also reflects that the health precinct is developing on Cockburn Road and a new future is required for SU23. The additional uses proposed for SU23 support uses that have the potential to be feasible and are also suitable for the site's context.

The Amendment seeks modified and additional uses for SU23 which address the site's context, the planning framework, exposure to Chester Pass Road and adjoining/surrounding land uses. Providing a broader range of uses is consistent with existing adjoining/nearby zoning and is consistent with the planning framework in supporting sustainable activity centres.

In relation to the proposed Highway Commercial zoning, the uses would be similar to what occurs on the western side of Chester Pass Road near the Amendment site. This is also consistent with the Activity Centres Planning Strategy for the Chester Pass Road Specialised Centre.

### 5.5 No Residential Component

The Amendment proposes to delete the uses of aged persons' village and nursing home. The reasons include:

- These uses are generously provided in the locality (near Chester Pass Mall) through existing/planned aged persons accommodation;
- Based on extensive marketing, there is limited market interest in the site which has lower amenity compared to properties further from Chester Pass Road; and
- There are amenity considerations along with additional costs of addressing acoustic standards given the site adjoins Chester Pass Road.

### 5.6 Environmental Impact

Environmental considerations were addressed through Scheme Amendment No. 18. This includes road noise from Chester Pass Road.

The Amendment will create minimal environmental impacts. For instance, the site has been previously cleared of native vegetation, the site is connected to the reticulated sewerage system and the site is connected to the City's stormwater system. Additionally, the site forms part of an activity centre which facilitates some journeys to be made by cycling and walking, and in time, by public transport.

The proposed additional uses within SU23 are low-key in nature while the range of uses in a Highway Commercial zone do not require buffers. Possible impacts such as noise and light-spill can be effectively controlled through the Local Development Plan and development approval conditions.

It is expected that noise implications created by uses on the site will be minimal compared to traffic noise on Chester Pass Road (in particular), Mercer Road and Viastra Drive.

### 5.7 Managing Bushfire Risks

No issues were raised relating to bushfire risks in Amendment No. 18.

The site is classified as a Bushfire Prone Area as outlined at <https://maps.slip.wa.gov.au/landgate/bushfireprone>. The Amendment will lower bushfire risks compared to the current uses in SU23 through the removal of aged persons' village and nursing home which are vulnerable land uses. Subject to what uses are proposed at the Development Application stage, it will be necessary to prepare a BAL assessment. While noting this, a range of measures will assist to lower bushfire risks on the site including provision of appropriate water supplies, fire hydrants, low-fuel areas around buildings and multiple access/escape routes.

### 5.8 Vehicular Access and Car Parking

Access and traffic impacts were considered in Amendment 18.

The site has frontage to Chester Pass Road, Mercer Road and Viastra Drive. Vehicular access will, however, be limited to/from Viastra Drive. Future access will comply with sight distance standards which will facilitate safety for road users.

Traffic impacts from the site will be modest and can readily be accommodated on adjoining roads as has been demonstrated through various traffic impact assessments. The existing road network and intersections have sufficient capacity to address traffic generation from proposed development uses on the site without undermining traffic operations or safety.

The traffic generation from the site will be minor compared to Chester Pass Mall, the Bunnings Warehouse and other traffic generation in the area.

The site will accommodate car parking on-site.

**5.9 Local Development Plan**

Based on advice from the local government, the Amendment proposes to delete the requirement to prepare design guidelines for SU23. References to design guidelines for the site are now more effectively addressed through a Local Development Plan. The required Local Development Plan is required to be prepared to the satisfaction of the local government.

Accordingly, there is a statutory requirement to prepare a Local Development Plan for SU23. The Local Development Plan will provide assurances to the City and other stakeholders that relevant matters will be suitably addressed.

At the Amendment stage, there are some known design parameters such as no direct vehicular access to Chester Pass Road. There are, however, various unknown design parameters/different options including the mix of uses and their land requirements. These matters will be clarified and addressed in greater detail through the Local Development Plan.

The landowner intends to develop a medical centre/pharmacy in the north-west section. With the current health and economic changes and challenges, the final footprint will not however be known for some time. Accordingly, the Amendment does not prescribe the footprint for the medical centre/pharmacy as this has yet to be finalised. It is noted there are more rules applying to this small commercial/community site than most other comparable properties in Albany.

**5.10 Servicing**

The site is already appropriately serviced. It is not envisaged that upgrading of services is required to facilitate the Amendment.

**5.11 Supporting the Local Economy**

As previously outlined, the Amendment is consistent with the planning framework. Approval and implementation of the Amendment will assist to encourage additional commercial and community

activity on the site (which forms part of an activity centre), assist with job creation and will have various economic benefits. This includes it will support local employment, assist in a more sustainable local economy and it will add to Albany's overall viability, vitality and prosperity as a regional centre.

**5.12 Future Subdivision and/or Boundary Realignment**

As part of the Local Development Plan, it is expected that the future lot designs will be addressed. In time, as part of a subdivision application, Lots 201 – 203 will either be realigned or amalgamated and extended to ensure they have legal and practical vehicular access to Viastra Drive.

**5.13 Visual Impact/Design**

This will be addressed through the Local Development Plan. A range of requirements are set out in SU23.

**5.14 Planning Justification**

The planning justification for the Amendment is summarised below in Table 2:

| <b>Table 2 – Summarised Planning Justification</b>   |   |   |   |  |
|--|---|---|---|--|
| Strategic  | Land Use Planning   | Environment, Landscape and Heritage   | Transport and Servicing   | Economic and Community   |
| The Amendment is consistent with the State, regional and local planning framework including that it promotes job creation and development in an activity centre. | <p>The site is well located for commercial and community development including that it is compatible with adjoining and nearby uses.</p> <p>The site is suitable and capable for commercial and community uses.</p> <p>Development will be effectively controlled through Scheme provisions plus the requirement to prepare a Local Development Plan.</p> | <p>The site contains no environmental assets and will not create adverse environmental impacts.</p> <p>Bushfire risks will be lowered through the removal of vulnerable land uses.</p> <p>There are manageable landscape impacts and there are opportunities to upgrade the landscaping. This will, in part, be addressed through the Local Development Plan.</p> | <p>Traffic impacts can be readily accommodated on adjoining roads.</p> <p>Car parking will be contained on-site.</p> <p>The site is appropriately serviced.</p> | <p>It will promote job creation by supporting development within an activity centre and assist to diversify and grow the local economy.</p> <p>The proposal will assist in enhancing Albany as a regional centre and assist in creating jobs.</p> <p>The proposal will assist to enhance Albany through adding to its overall viability, vitality and prosperity and adding to the range of services that can be provided.</p> |

In view of the above, the Amendment is consistent with the planning framework and the principles of orderly and proper planning.

## 6. CONCLUSION

This report confirms that the Amendment, which modifies and extends the range of uses within SU23 and rezones a portion of Lot 1004 Viastra Drive to Highway Commercial:

- Is consistent with the planning framework;
- It respects the local context; and
- Will assist to facilitate suitable and feasible development on a site that forms part of an activity centre.

The support of the WAPC and the Hon. Minister for Planning is requested to approve the Amendment to modify and extend the range of uses in Special Use No. 23 for Lots 201, 202 and 203 Chester Pass Road and portion of Lot 1004 Viastra Drive, Lange along with rezoning a portion of Lot 1004 Viastra Drive to Highway Commercial.

**PLANNING AND DEVELOPMENT ACT 2005**

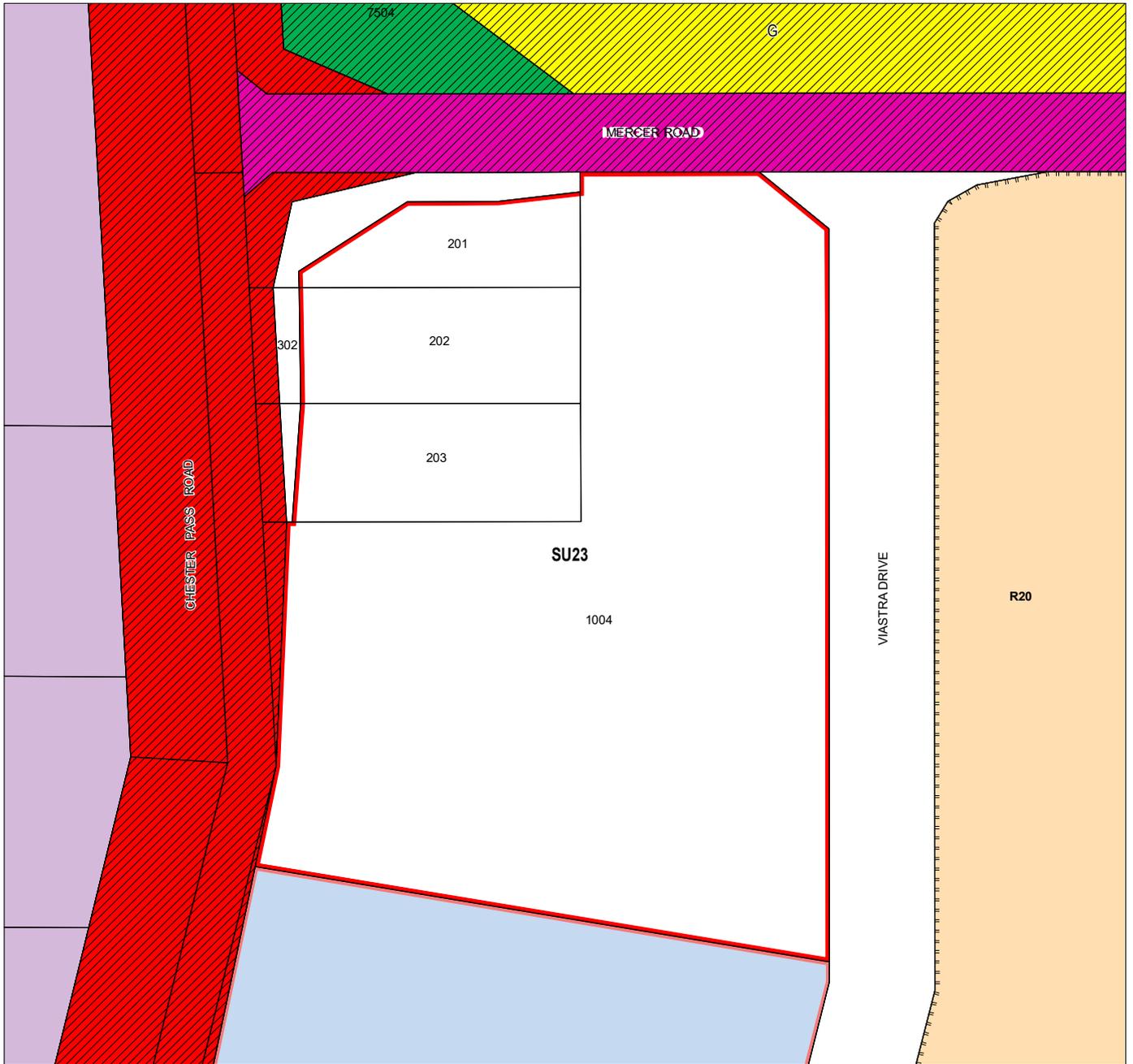
**CITY OF ALBANY**

**LOCAL PLANNING SCHEME No. 1**

**AMENDMENT No. 36**

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

1. In Schedule 4 Special Use Zones, for Special Use Zone No.23 (SU23), delete the Special Uses of "Aged Persons' Village" and "Nursing Home".
2. In Schedule 4 for SU23, add the Special Uses of:
  - Child Care Premises
  - Community Purpose
  - Recreation-Private
  - Veterinary Centre
3. In Schedule 4 for SU23, modify the "Conditions" column by:
  - Adding "as a 'D' use" after "Local Government" in Condition 1.
  - Replacing "Structure Plan and/or Local Development Plan and Design Guidelines" with "Local Development Plan" in Condition 1.
  - Replacing "Design Guidelines" with "Local Development Plan" in Condition 2.
4. Rezone a portion of Lot 1004 Viastra Drive, Lange from "Special Use (SU23)" to "Highway Commercial".



EXISTING SCHEME MAP

**Legend**

- |                          |                           |
|--------------------------|---------------------------|
| Cadastre with Lot number | <b>LPS Reserves</b>       |
| R Codes                  | Local road                |
| <b>LPS Zones</b>         | Major road                |
| Highway commercial       | Parks and recreation      |
| Light industry           | Priority road             |
| Residential              | G Public use : Government |
| Special use              |                           |



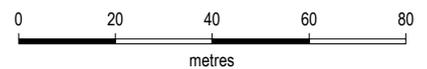
Department of Planning,  
Lands and Heritage

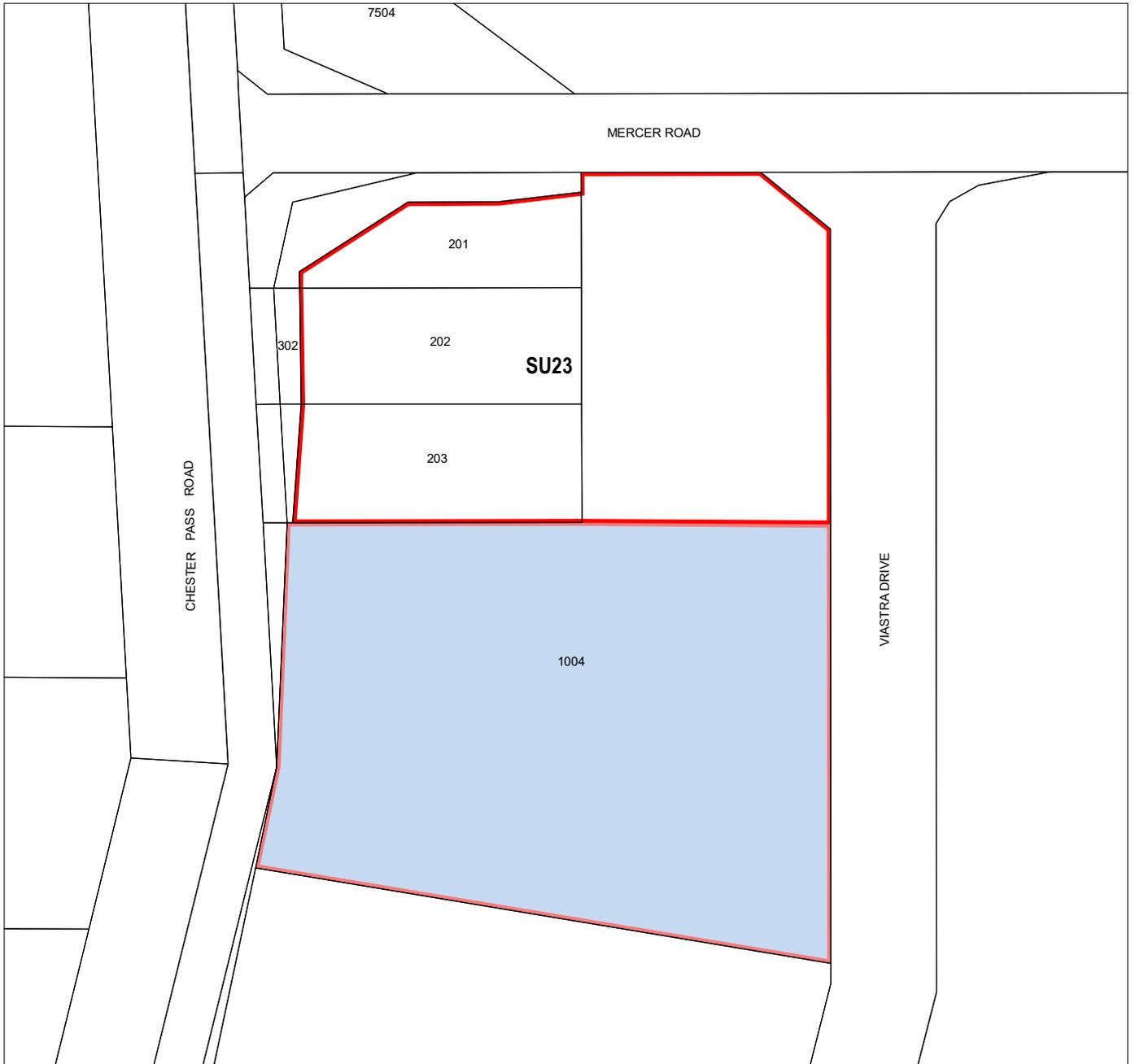
Produced by Geospatial Research and Modelling,  
Department of Planning, Lands and Heritage, Perth WA  
Base Information supplied by Western Australian  
Land Information Authority SLIP 1096-2018-1

**City of Albany**

Local Planning Scheme No. 1

Amendment No. 36





**PROPOSED SCHEME AMENDMENT MAP**

**Legend**

Cadastre with Lot number

**LPS Zones and Reserves Amendments**

Highway commercial

Special use



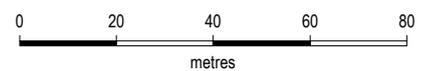
**Department of Planning,  
Lands and Heritage**

Produced by Geospatial Research and Modelling,  
Department of Planning, Lands and Heritage, Perth WA  
Base Information supplied by Western Australian  
Land Information Authority SLIP 1096-2018-1

**City of Albany**

Local Planning Scheme No. 1

Amendment No. 36



**COUNCIL ADOPTION FOR ADVERTISING**

This Standard Amendment was adopted for advertising by resolution of the Council of the City of Albany at the Ordinary Meeting of the Council held on the ..... day of .....2020.

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

**COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL**

This Standard Amendment was supported for submission to the Minister for Planning for approval by resolution of the City of Albany at the Ordinary Meeting of the Council held on the ..... and the Common Seal of the City of Albany was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

**WAPC RECOMMENDED/SUBMITTED FOR APPROVAL**

.....

DELEGATED UNDER S.16 OF THE  
*PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

**APPROVAL GRANTED**

.....

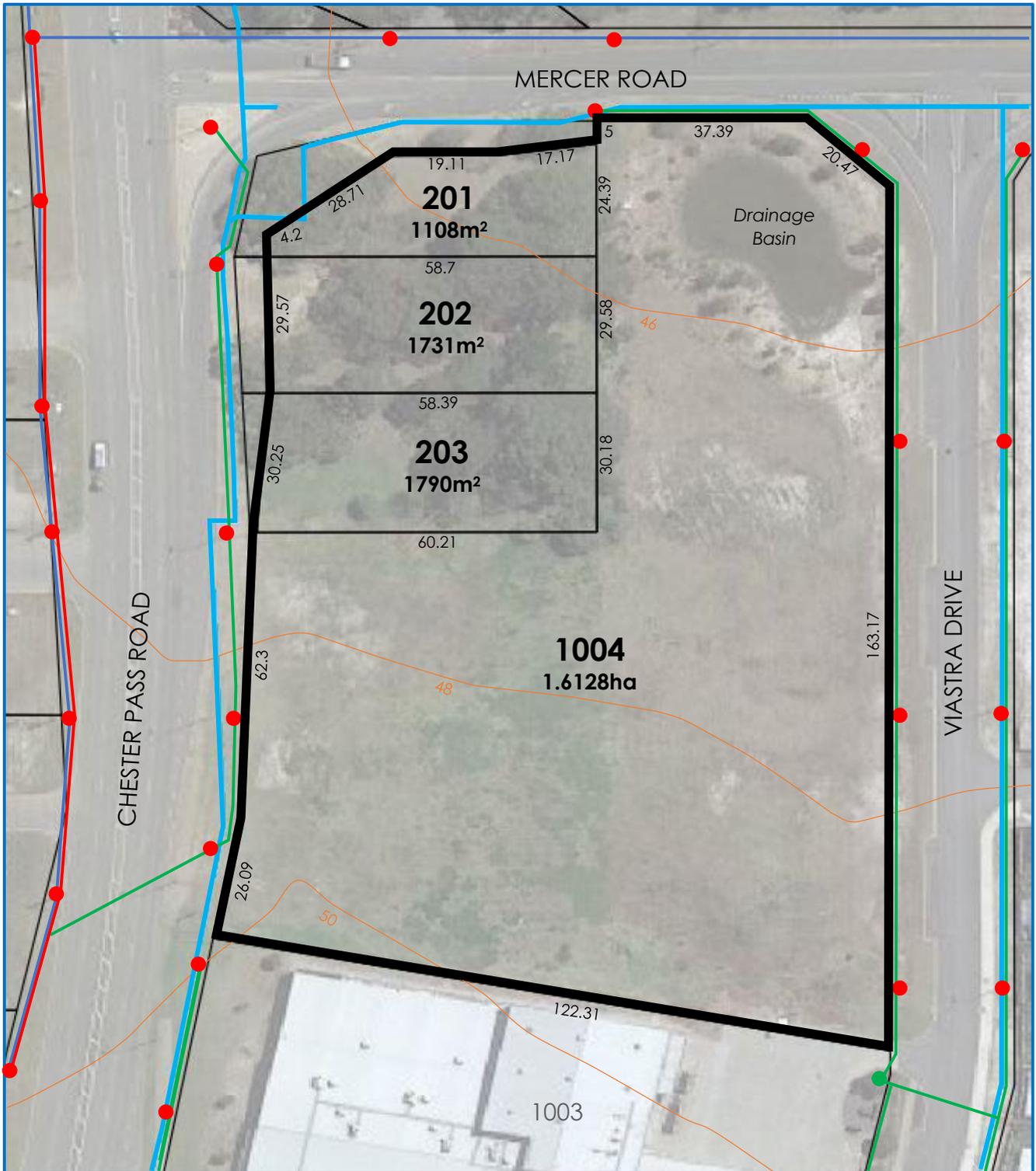
MINISTER FOR PLANNING  
*S.87 OF THE PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

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# ATTACHMENT 1

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**AMENDMENT SITE PLAN**

Lots 201, 202 & 203 Chester Pass Road & Lot 1004 Viastra Drive  
 Lange  
 City of Albany



**Legend**

- Amendment Site
- Contours (2m)
- Western Power Powerpole
- Western Power Distribution Overhead Powerline High Voltage 1kV – 33kV
- Western Power Distribution Overhead Powerline Low Voltage 1kV – 33kV
- Western Power Distribution Underground Cable
- Western Power Pillar
- Underground Water Pipe



Edge Planning & Property  
 124 Hare Street, Mount Clarence  
 ALBANY WA 6330  
 W: www.edgeplanning.com.au  
 E: albanym@edgeplanning.com.au  
 M: 0409 107 336

| REV | DESCRIPTION    | DATE   | STATUS   |
|-----|----------------|--------|----------|
| A   | AMENDMENT SITE | 200317 | APPROVED |
|     | DESCRIPTION    | YYMMDD |          |

DRAWING NUMBER  
**EP 200317 01**

REV  
**B**

Issued for design intent only. All areas and dimensions are subject to detail design & survey.

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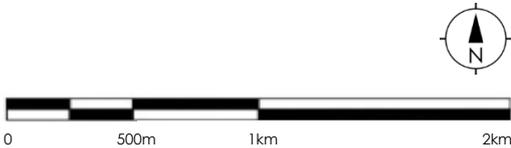
# ATTACHMENT 2

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**LOCATION PLAN**

Lots 201, 202 & 203 Chester Pass Road  
Lot 1004 Viastra Drive  
Lange  
City of Albany

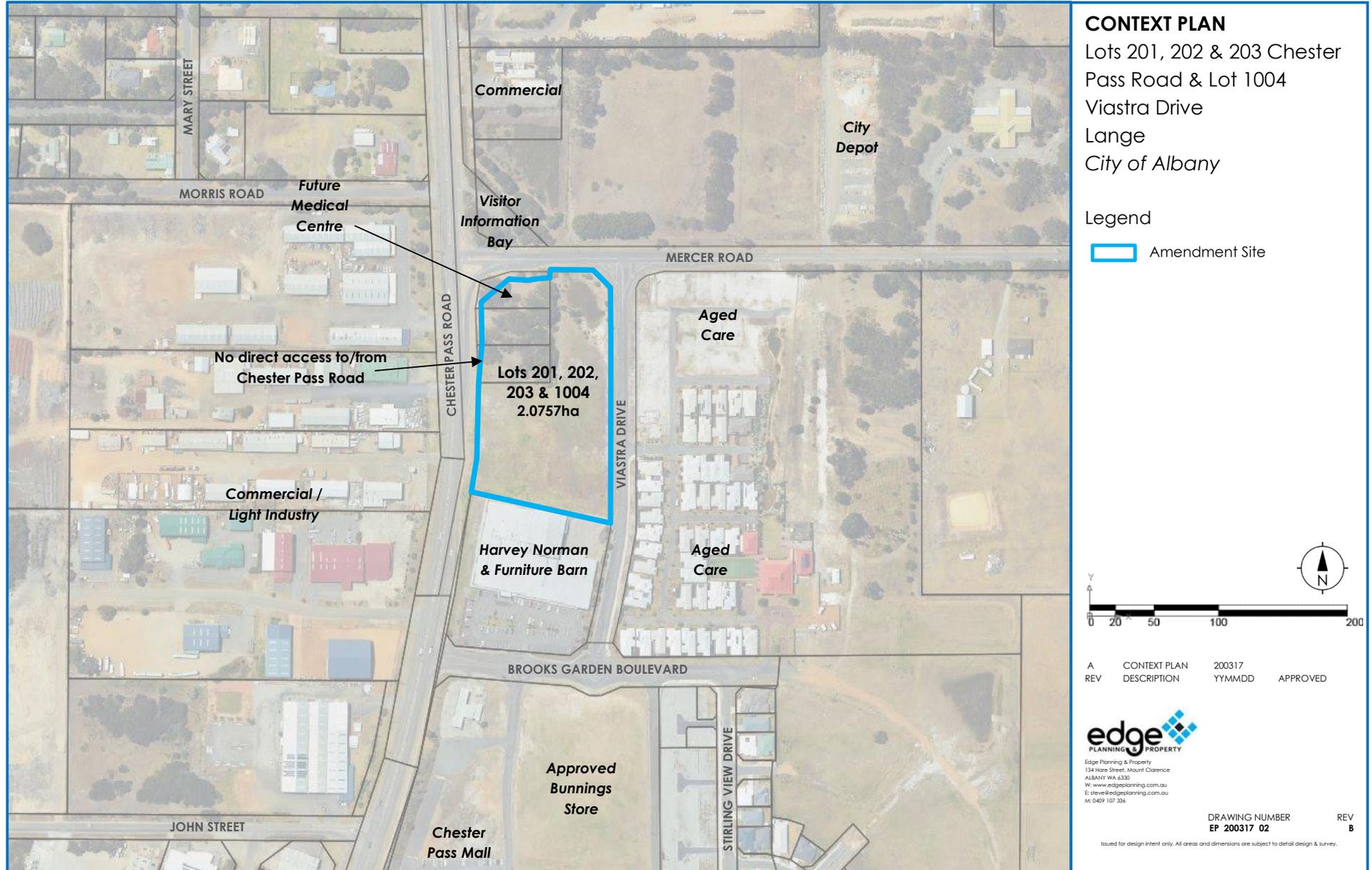


**edge**  
PLANNING & PROPERTY  
Edge Planning & Property  
134 Hare Street, Mount Clarence  
ALBANY WA 6330  
W: [www.edgeplanning.com.au](http://www.edgeplanning.com.au)  
E: [steve@edgeplanning.com.au](mailto:steve@edgeplanning.com.au)  
M: 0409 107 336

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# ATTACHMENT 3

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# ATTACHMENT 4

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WESTERN



AUSTRALIA

|                     |                       |
|---------------------|-----------------------|
| REGISTER NUMBER     |                       |
| <b>201/DP400007</b> |                       |
| DUPLICATE EDITION   | DATE DUPLICATE ISSUED |
| <b>2</b>            | <b>20/2/2017</b>      |

**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)

ENANBY PTY LTD OF 12 CAREY STREET BUNBURY WA 6230

(T N558358 ) REGISTERED 20/2/2017

**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 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 local 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 AUTHORITY: CITY OF ALBANY



WESTERN



AUSTRALIA

|                   |                       |
|-------------------|-----------------------|
| REGISTER NUMBER   |                       |
| N/A               |                       |
| DUPLICATE EDITION | DATE DUPLICATE ISSUED |
| 2                 | 20/2/2017             |

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

VOLUME 2820 FOLIO 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)

ENANBY PTY LTD OF 12 CAREY STREET BUNBURY WA 6230

(T N558358 ) REGISTERED 20/2/2017

**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 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 local government, legal, surveying or other professional advice.

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



WESTERN



AUSTRALIA

|                     |                       |
|---------------------|-----------------------|
| REGISTER NUMBER     |                       |
| <b>1004/DP41555</b> |                       |
| DUPLICATE EDITION   | DATE DUPLICATE ISSUED |
| <b>5</b>            | <b>5/12/2016</b>      |

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

VOLUME **2623** FOLIO **478**

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 1004 ON DEPOSITED PLAN 41555

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

CLOUDY BEACH INVESTMENT COMPANY PTY LTD OF 12 CAREY STREET, BUNBURY  
(TP N077871 ) REGISTERED 30/7/2015

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

1. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR DRAINAGE PURPOSES TO CITY OF ALBANY - SEE DEPOSITED PLAN 41555.
2. J745625 RESTRICTIVE COVENANT TO COMMISSIONER OF MAIN ROADS - SEE DEPOSITED PLAN 41555. REGISTERED 16/5/2006.
3. N500260 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 5/12/2016.

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 a lot or location.

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

**STATEMENTS:**

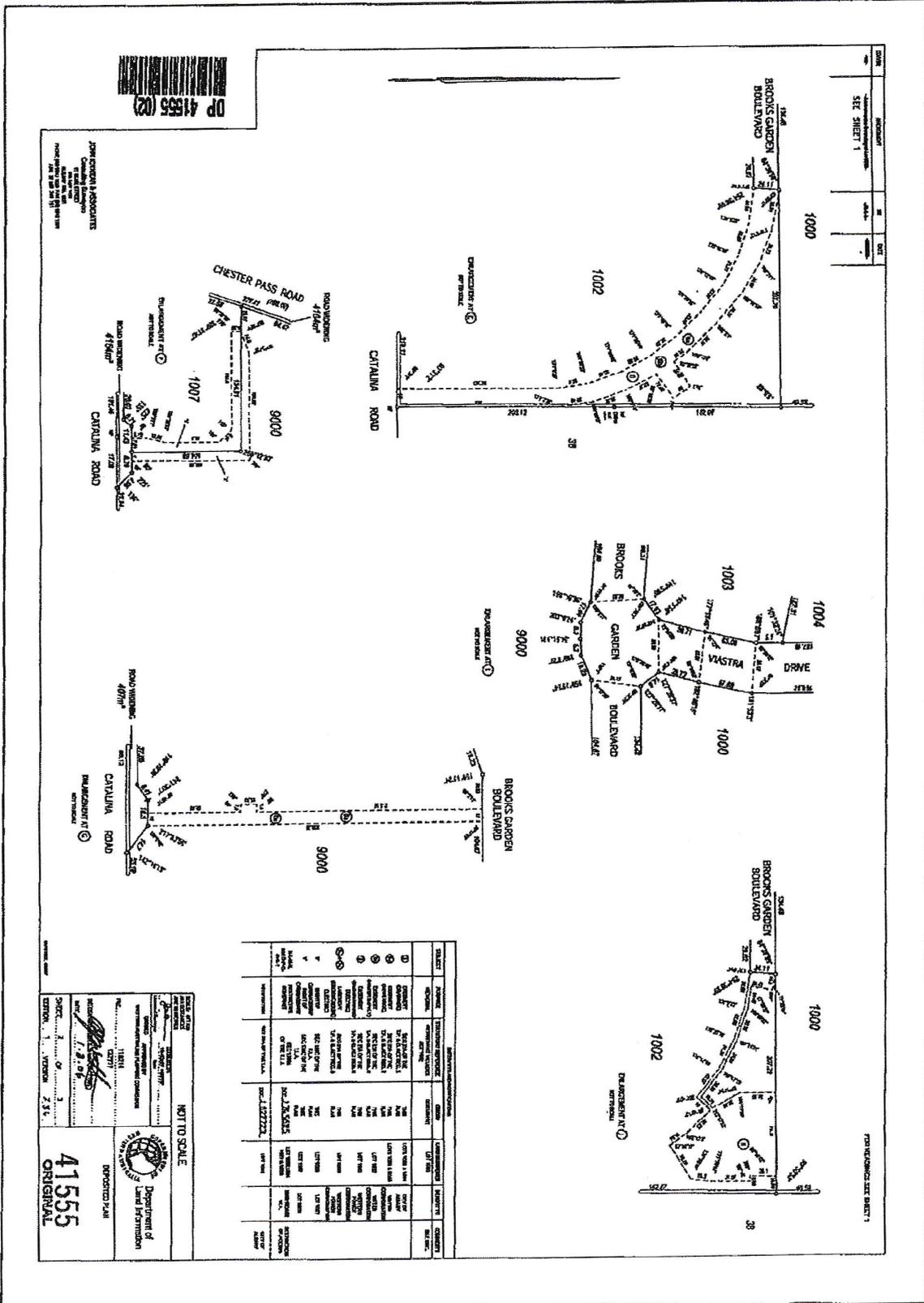
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP41555  
 PREVIOUS TITLE: 1411-886, 1503-679, 1503-680, 2083-426  
 PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.  
 LOCAL GOVERNMENT AUTHORITY: CITY OF ALBANY

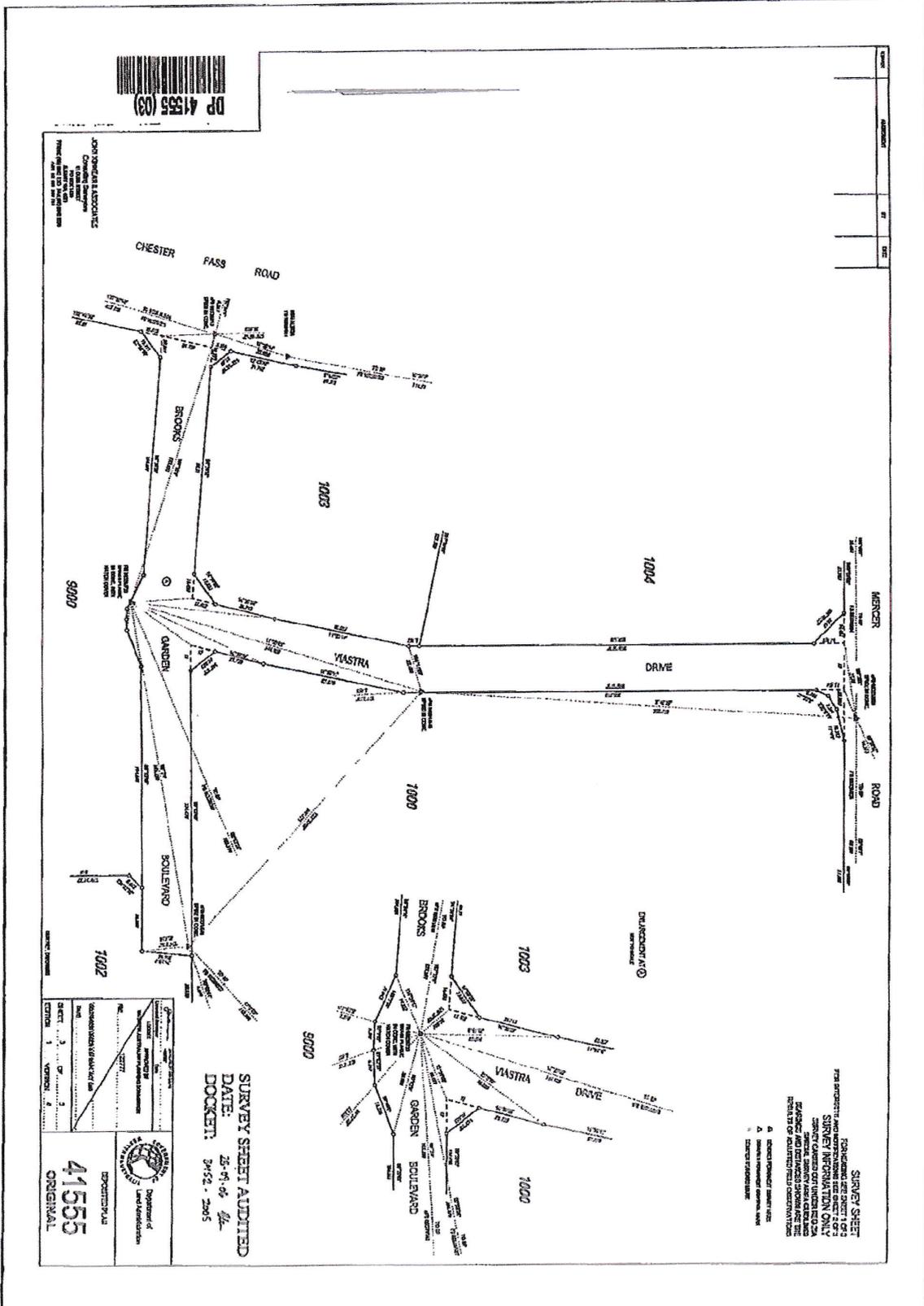
NOTE 1: L635401 SECTION 138D TLA APPLIES TO CAVEAT K254991



LANDGATE COPY OF ORIGINAL NOT TO SCALE Thu Jul 25 09:35:31 2013 JOB 42364843



LANDGATE COPY OF ORIGINAL NOT TO SCALE Thu Jul 25 09:35:31 2013 JOB 42364843



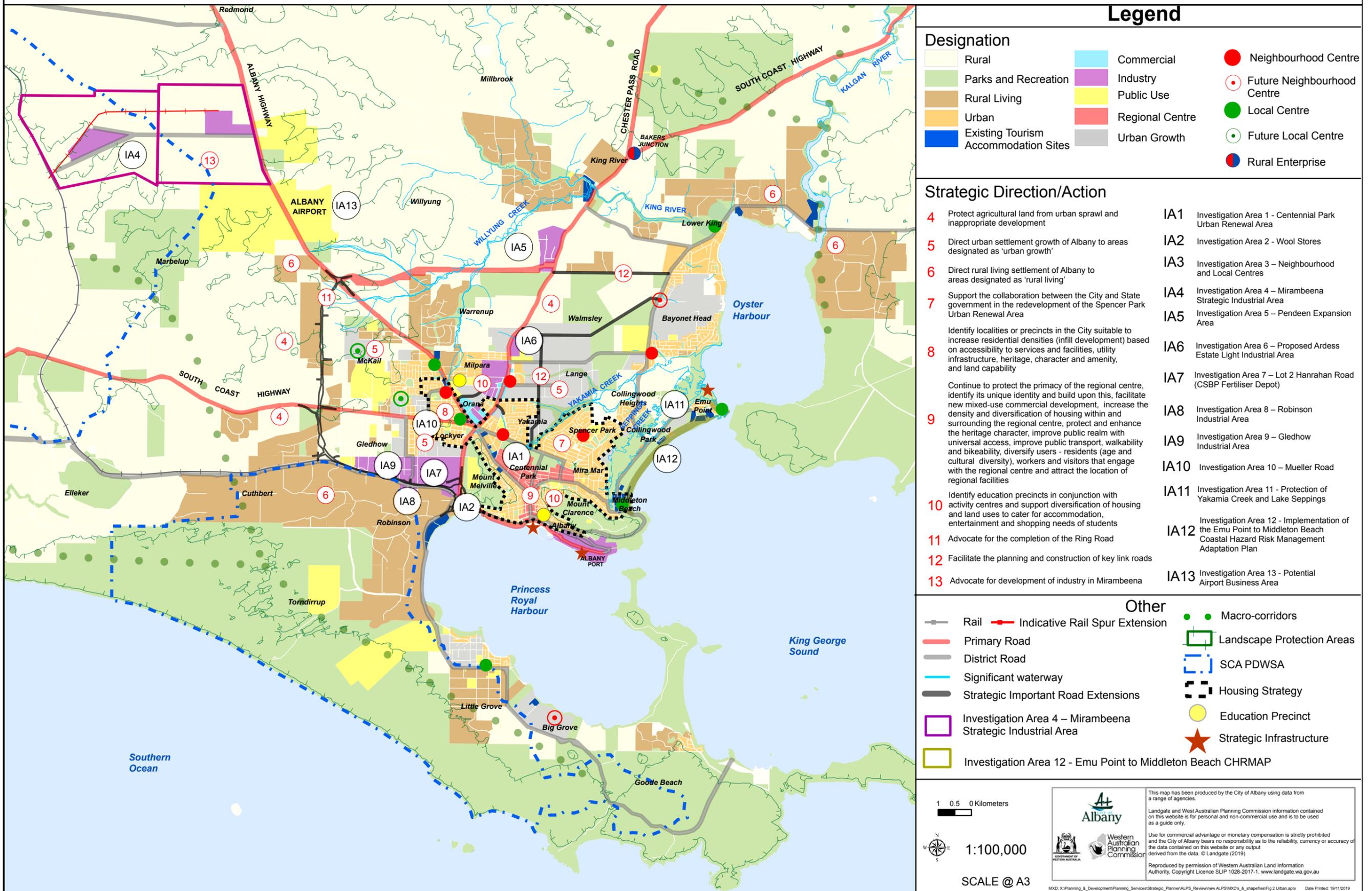
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# ATTACHMENT 5

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# Local Planning Strategy 2019

Figure 2: Urban

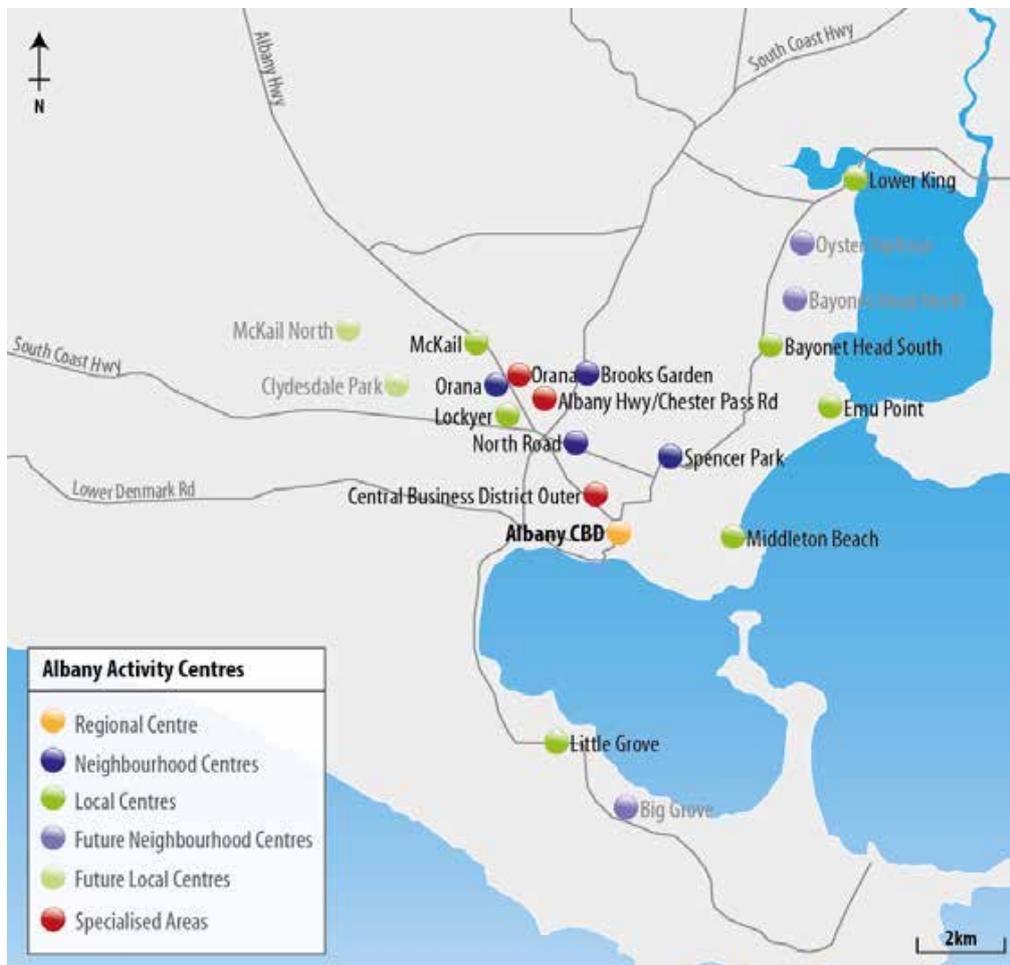


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# ATTACHMENT 6

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Figure 36. Activity centre map



Source: Pracsys 2015

Figure 37. Current Activity Centre Hierarchy

| Current Centre Type   | Function   | Typical Land Uses   | Name   |
|---|--|---|--|
|  <p>Neighbourhood Centre</p> | <p>A focus on servicing the daily and weekly needs of residents. Their relatively smaller scale catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchments.</p> | <p>Convenience retail (e.g. Specialty Shops, Supermarkets, Convenience Goods, Personal Services)<br/>Local professional and services offices<br/>Community purpose</p>              | <p>Bayonet Head North (Future)<br/>Bayonet Head South<br/>Brooks Garden North Road<br/>Orana<br/>Oyster Harbour (future)<br/>Spencer Park<br/>Big Grove (future)</p> |
|  <p>Local Centre</p>       | <p>Some daily and weekly household shopping needs, community facilities and a small range of other convenience services.</p>   | <p>Convenience retail<br/>Personal services<br/>Local offices<br/>Community purpose</p>   | <p>Clydesdale Park (future)<br/>Emu Point<br/>Little Grove<br/>Lockyer<br/>Lower King<br/>McKail General Store<br/>McKail North (future)<br/>Middleton Road</p>      |
|  <p>Specialised Centre</p> | <p>Provides for a regionally significant strategic purpose or service industry. The function will be unique for each centre.</p>   | <p>Industrial or light industrial<br/>Bulky goods and large format retail<br/>Convenience retail<br/>Offices<br/>Other uses as appropriate to the unique function of the centre</p> | <p>Albany Highway<br/>Orana<br/>Chester Pass Road</p>  |

**Brooks Garden Neighbourhood Centre**

Current land uses in Brooks Garden are primarily Light Industry, Future Urban, Neighbourhood Centre, Highway Commercial and General Industry (see Figure 50). Primary functions include convenience, comparison and bulky goods retail (see Figure 51). There

are aspirations for this centre to increase the quantity and quality of comparison retail offer and improve the urban form throughout the centre.

**Figure 50. Brooks Garden**



Source: Pracsys 2015

**Figure 51. Brooks Garden strengths, aspirations and challenges**



Source: Pracsys 2015

**Chester Pass Road Specialised Centre**

provide bulky goods retail and comparison retail for City of Albany residents.

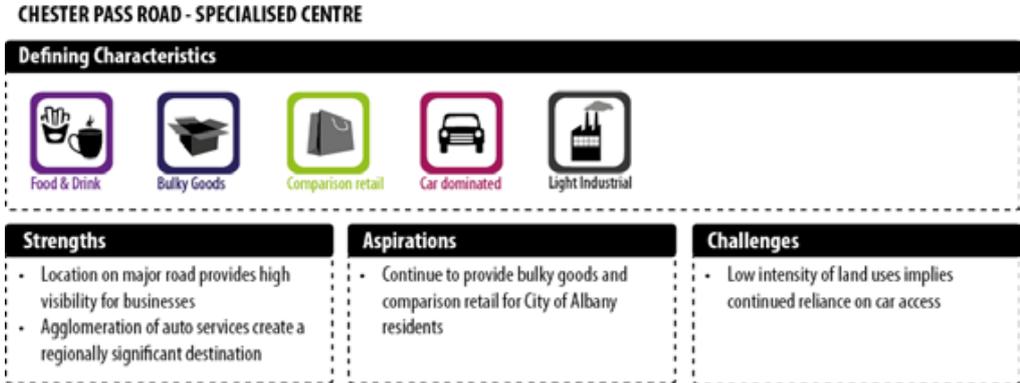
Current land uses at Chester Pass are primarily Highway Commercial, Light Industry and General Industry (see Figure 72). Primary functions include bulky goods retail and comparison retail (see Figure 73). There are aspirations for this centre to continue to

**Figure 72. Chester Pass Road**



Source: Pracsys 2015

**Figure 73. Chester Pass Road strengths, aspirations and challenges**



Source: Pracsys 2015

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# ATTACHMENT 7

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| No.  | Description of Land  | Special Use   | Conditions  |
|------|--|---|---|
| SU23 | Lot 1004 Viastra Drive, Lange<br>Lots 201, 202 and 203<br>Chester Pass Road, Lange | <p><del>Aged Persons' Village</del></p> <p>Consulting Room</p> <p>Hospital</p> <p>Medical Centre</p> <p><del>Nursing Home</del></p> <p><del>and</del> Other ancillary health and support uses approved by the Local Government</p> <p>Pharmacy</p> <p><b>Child Care Premises</b></p> <p><b>Community Purpose</b></p> <p><b>Recreation-Private</b></p> <p><b>Veterinary Centre</b></p> | <ol style="list-style-type: none"> <li>1. All development and land use shall require development approval from the Local Government <b>as a 'D' use</b> and shall be generally in accordance with an approved <del>Structure Plan and/or Local Development Plan and Design Guidelines</del> <b>Local Development Plan</b> prepared by the proponents and endorsed by the Local Government.</li> <li>2. The <del>Design Guidelines</del> <b>Local Development Plan</b> shall address: <ul style="list-style-type: none"> <li>• Building height and bulk;</li> <li>• Setbacks and noise mitigation;</li> <li>• Building design and windows, openings and street frontages/facades;</li> <li>• Materials and colours;</li> <li>• Access, loading/servicing areas and car parking;</li> <li>• Landscaping, public art and signage.</li> </ul> </li> <li>3. The development of the land shall be subject to preparation and implementation of a Stormwater Management Plan.</li> <li>4. No direct vehicular access to Chester Pass Road is permitted.</li> <li>5. The Pharmacy use shall include a dispensary and the sale of incidental &amp; medical products.</li> <li>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.</li> </ol> |