

## ALTERNATE MOTION BY COUNCILLOR TERRY

ITEM NUMBER: DIS182

ITEM TITLE: LOCAL STRUCTURE PLAN NO. 10-LOT 10 CHESTER PASS ROAD  
AND LOT 521 MERCER ROAD, WALMSLEY

DATE & TIME RECEIVED: THURSDAY 14 NOVEMBER 2019 AT 9.16AM

**DIS182: ALTERNATE MOTION BY COUNCILLOR TERRY**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council, pursuant to Schedule 2, Part 4, cl.20.(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:**

- 1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No. 10, subject to modifications identified within the ‘Combined June 2019 and November 2019’ Schedule of Modifications as appropriately amended:
  - a. That the structure plan is appropriately changed to:**
    - i. Support the use of “Transport Depot” on condition that any “Transport Depot” is only used by “as of right vehicles”.**
    - ii. Recommend that any associated future scheme amendment includes appropriate modifications to Schedule 11 IA1; To include the use “Transport Depot” as a discretionary use on the condition that any “Transport Depot” is only used by “as of right vehicles”.****
- 2. Forward structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.**
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly, including that the City is supportive of expanding the light industrial area and allowing for additional residential and not supportive of transport depots being located at the subject site.**

### **Councillor Reason:**

Since the Local Structure Plan was first lodged, the State and Federal Government have confirmed funding for the Albany Ring Road and have issued tenders for construction.

The main aim of building the Ring Road is to keep heavy freight vehicles, RAVs, away from the main roundabout and also away from residential and commercial zones on Albany Highway and Chester Pass Road inside the new Ring Road.

If Council were to permit a temporary approval for up to two Transport Depots, which by definition includes RAVs, then once the Ring Road is completed in early 2023 we will be permitting RAVs inside the Ring Road for up to three years.

When the temporary approval expires the lessee will need to relocate and any delay in relocation may lead to a compliance issue.

By making a long term strategic decision now based on the knowledge that the Ring Road will be completed in early 2023, Council will ensure that there are no compliance issues in the future and not require any temporary Transport Depots to relocate.

**Officer Comment:**

The Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed provisions for local planning schemes Schedule 2 part 9 Cl 72) enables a local government to issue Temporary Development Approvals.

*“72. Temporary development approval*

*The local government may impose conditions limiting the period of time for which development approval is granted. “*

A Temporary Development Approval is an appropriate way to facilitate and control a land use approval in the interim whilst awaiting more certainty for changes to take affect within the statutory framework or environment.

Whilst Staff cannot assume that compliance action will be required, the alternative motion will remove the likelihood for any potential non-compliance even further.

The alternative motion will make little difference to the long term implementation of the Structure plan and any subsequent Planning Scheme.

Transport Depots that will allow “as of right vehicles” would be an appropriate long-term use for this area and will not have and a detrimental impact on the amenity of the area.

Staff therefore consider the alternative motion a suitable alternative.