

ALTERNATE MOTION – COUNCILLOR MOIR

ITEM: DIS104

TITLE: LOCAL STRUCTURE PLAN NO.9 – LOT 660 LA PEROUSE ROAD, GOODE BEACH

DIS104: ALTERNATE MOTION BY COUNCILLOR MOIR

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council Recommend that the Western Australian Planning Commission NOT APPROVE the proposed structure plan.

Councillor Reason:

1. **The proposal does not adequately address or meet the Objectives of SPP2.6 that are to:**
 1. Ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;
 2. Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
 3. Provide for public coastal foreshore reserves and access to them on the coast; and
 4. Protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.

The WALGA Climate policy statement from July 2018 states;

2.6 Local Government urges effective adaptation and resilience planning

Local Government is committed to the common goal of ensuring that Western Australia's human communities and natural ecosystems have the resources and assistance to enable them to build maximum resilience and adapt to climate change impacts that are now understood to be unavoidable.

Local Government asserts that it is the responsibility of all spheres of Australian Government to ensure that their decisions, policies and programs take into consideration the likely impact of climate change on current and future human settlements, natural resources and ecosystems and facilitate adaptation to these. These include but are not limited to disaster relief, national security, environment, energy, infrastructure and land use planning, water, housing, health and transport.

Local Government notes there are some policies, programs and limited funding for *coastal* adaptation in Western Australia, and a body of work completed in relation to bushfire planning and management. While this action is welcome, it is insufficient, and there is currently only *minimal* capacity and resourcing available to adapt to other effects of climate change, such as changes in temperature and rainfall, extreme weather events such as heatwaves and floods, flow-on effects such as the health and social impacts of climate change.

City of Albany Environmental policy

Document Reference Number; NP1766768
Revised OCM 23/05/2017 resolution CCCS 028

Objective

To ensure that the City of Albany commits to taking action on climate change, recognising that while uncertainty is present in existing climate science, this does not present a reason for inaction or delay of action, and that the “precautionary principle” should be applied.

The key principles behind this objective include:

- Ensuring that an understanding is reached on the potential impacts of climate change in a local, regional and international context;
- A commitment to reducing the vulnerability of the City to climate change impacts through risk management and adaptation strategies.

Policy Statement

The City of Albany is committed to ensuring that appropriate responses are undertaken to mitigate the potential climate change impacts. To achieve this, the City will:

- Acknowledge and recognise climate change as a factor in all City operations
- Be prepared and adaptable to future events, by applying the “precautionary principle” and conducting risk analysis. The resulting risk analysis will be used for informed decision-making;

Legislative and Strategic Context

Local Government Act 1995

Section 1.3 (3) of the Local Government Act 1995 states... *“In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity”.*

In order to ‘meet the needs of current and future generations’, Local Government must address climate change impacts on its community. A range of mitigation and adaptation strategies must be applied to ensure that economic, social, environmental and legal obligations are met.

Albany 2030 Community Strategic Plan, Theme 3: Clean, Green & Sustainable

In terms of the City’s strategic plan, this policy compliments and recognizes the Community Strategic Plan at the time of adoption:

What our community said:

Our community continues to love the city’s natural assets, coastline and green spaces within our municipality. Our climate, coastline, parks and natural reserves are strongly valued by our community. Our community believes these should be protected, maintained and, where practical enhanced. There is a strong desire for our natural assets to feature prominently in nature based tourism opportunities, and to promote Albany as a sustainable city;

They would also like the City to lead by example in environmental sustainability.

- 2. The proposal will have a detrimental impact on the amenity of the locality including the following —**
- (i) environmental impacts of the development;**
 - (ii) the character of the locality;**
 - (iii) Social impacts of the development;**

1Due to the tight constraints created by the required wetland buffer and coastal setbacks, the proposed intensified unsustainable development (planning to retreat) places the fragile coastal ecological system under an increased, and unnecessary threat. One of the main concerns is that with a planned 50 year lifespan, if the CHRMAP modelling is correct, then, if we have one of those 1 in 100 major storm events sooner rather than later it may jeopardise the integrity, not just that of the development site (built structure) but that of a unique and biodiverse ecosystem which is a public asset for the enjoyment and prosperity of current and future generations. Under the SPP2.6 guidelines the first recommended action for managing risk is to avoid according to the risk management hierarchy.

(Note that an application has been submitted to register the area as an Aboriginal heritage site, which is currently pending)

- 3. The proposal will have a detrimental impact on the natural environment and water resources.**

The Department of Water and Environmental Regulation (DoWER)

Who are not in support of the proposal stated that:

The hydrological data and analysis provided by the consultant in the Structure Plan Report does not adequately describe the current pre-development hydrology and Insufficient analysis is presented to adequately demonstrate the post-development Hydrology has been considered or how risks have been addressed; and The increased hydraulic loading from the development may impact the hydraulic Gradient, leading to greater groundwater flow towards the lake.

Also the *Department of Biodiversity, Conservation and Attractions (DBCA)* advised that: There is little recognition of Lake Vancouver as a wetland of regional significance (South Coast Significant Wetlands, DoW 2008), and more detail on potential impacts would be useful.)

Officer Comment in relation to the proposed alternate motion.

City staff are not supportive of the alternate motion as proposed by Councillor Moir. Officers Stand by the recommendation and explanations stated in report: DIS104 Local Structure Plan No.9 – Lot 660 La Perouse Road, Goode Beach.

- 1. The proposal does not adequately address or meet the Objectives of SPP2.6:**

The State Planning Policy 2.6 (SPP2.6) recognizes that there '*are existing public and private assets in a number of localities along the Western Australian coastline that are currently vulnerable to coastal hazards*'. The SPP2.6 recognises this problem and therefore allows the adaptation option of '*planned or managed retreat*'.

The 'planned or managed retreat' option is applicable to 'Brownfield' and 'Infill' development such as the Lot 660 which has been designated in the City's Scheme for development.

The 'planned or managed retreat' option recommends the removal of 'at risk' development upon the occurrence of certain events.

The DOT stated in their submission on the structure plan proposal, the following:

'DoT have reviewed the Strategy and consider comments provided on the January 2017 version in regard to coastal physical processes have been adequately addressed.'

The report also recommend a requirement for the following actions to be undertaken by the property owner:

Visual Inspections

- Visual inspection and monitoring of the beach to identify any significant changes in the shoreline is to occur on an annual basis. Should significant changes occur, early planning around adapting to sea-level rise is to be undertaken.

Shoreline Mapping

- Every 5 years, aerial photographs are to be taken and the coastal vegetation line mapped to track the movement of the shoreline. Should significant changes occur, early planning around adapting to sea-level rise is to be undertaken.

Survey Cross Sections

- If the eroded shoreline came within a distance of approximately 36m of the resort site, survey cross sections should be completed every 1 to 2 years to determine the extent of change in shoreline profile. Should significant changes occur, early planning around adapting to sea-level rise is to be undertaken.

2. The proposal is not expected to have a detrimental impact on the amenity of the locality including the following —

- i. The environment;**
- ii. The character of the locality;**
- iii. Social characteristics.**

It is proposed that conditions and management plans are implemented to ensure a five star (quality) resort is developed at the subject site, to blend with the surrounds, to protect natural surrounds, to enhance natural surrounds and to integrate with the surrounding community.

Additional Management plans proposed to be implemented include:

- An Urban Water Management Plan to ensure protection of water quality. This includes: best practice management, including no direct drainage into Lake Vancouver, treatments such as flush kerbing for diffuse discharge (where possible) and soil amendment of basins. Extra hydrological information to be gathered and analysed.
- Foreshore Management Plan.
- Coastal Management Plan.
- Remnant Vegetation management Plan (weeds, disease and revegetation).
- Bushfire Management Plan.
- Accommodation management plan. The AMP is to be implemented by an on-site caretaker and is to provide criteria for appropriate behaviour of tenants considerate of surrounding landholders and the environment (e.g. management of noise and rubbish).

3. The proposal is not expected to have a detrimental impact on the natural environment and water resources.

- The structure plan has incorporated best practice management options to mitigate risks to the lake (i.e. for road, other structure, stormwater, effluent treatment).
- The environmental scientist (Aurora Environmental) acting on behalf of the structure plan undertook an environmental assessment of the subject land. The wetland, flora and fauna, hydrology and threatened species were all assessed in accordance with legislative standards and consultation with government agencies. The structure plan has been designed considerate of environmental imperatives, including protecting vegetation surrounding the lake and managing effluent and stormwater in accordance with legislative standards.
- Flora and fauna surveys have been used to inform the structure planning process. Vegetation associated with Lake Vancouver will not be disturbed.
- No Threatened or Priority species were recorded on site. In addition, no species listed as Threatened under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 were recorded.
- All stormwater generated from impervious surfaces in relation to the tourist resort (buildings and pavement) will be contained on-site;
- Roof based stormwater runoff will be stored in rainwater tanks plumbed into each unit for reuse in toilets, washing facilities and the proposed swimming pool. Overflows from water tanks will be infiltrated at the point of discharge;
- Stormwater runoff from road pavements will be infiltrated at source through the use of vegetated swales;
- Stormwater management will incorporate the latest water sensitive urban design elements;
- A groundwater report developed for the subject area concluded that a buffer zone of 60 m between residential development and Lake Vancouver is suitable. The report stated that this will provide opportunity for nutrient extraction by vegetation, and add to the protection of the lake water.
- Further to the above, it will be required that prior to the submission of a Scheme Amendment, surface water and groundwater data shall be seasonally collected from Lake Vancouver. Management and/or mitigation measures determine by a qualified hydrologist in response to findings from this monitoring are to be incorporated into the LPS provisions to the satisfaction of the City of Albany.

The structure plan is a guide for future planning. It is proposed that a scheme amendment process occur subsequent to structure planning. The Environmental Protection Authority confirmed (refer to letter from EPA) that it is prepared to consider the proposal as a scheme amendment under s.48A of the EP Act.