

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3
 AMENDMENT No. 298
 SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	<p>The Environmental Protection Authority (EPA) has determined that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act), but nevertheless provides the following advice and recommendations:</p> <p>1. Environmental Issues</p> <ul style="list-style-type: none"> • Native Vegetation • Water Quality and Quantity <p>2. Advice and recommendations regarding Environmental Issues</p> <p>Native Vegetation</p> <p>The EPA is aware that three vegetation units border the subject area, namely:</p> <p>Unit 12 Jarrah/Marri/Sheoak Laterite Forest; Unit 13 Jarrah/Sheoak/Eucalyptus staeri Sandy Woodland; and Unit 39 Pericalymma spongiocaule Low Heath</p> <p>The first two units are relatively widespread</p>	<p>Appropriate revegetation buffer areas would be incorporated into any future local structure plan over the subject land.</p> <p>A foreshore management plan would be required at the time of subdivision.</p>	The submission is noted.

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			<p>within the region, however Unit 39 is much more restricted in its distribution within the Albany Regional Vegetation Survey 2010 study area and is currently under consideration for its significance. This vegetation unit immediately abuts the subject land in the north-east corner. The EPA recommends that consideration is required to establish a revegetation buffer within the subject land to provide protection for this down-slope community. Furthermore, to prevent undue threats to Unit 39, it is the EPA's recommendation that the stormwater runoff, including runoff from severe flood events, be restricted from entering the north-east sector of the subject land.</p> <p>Water Quality and Quantity</p> <p>A tributary that run into the King River transverses the subject land. The EPA recommends that a foreshore management plan be developed as part of the planning stage to ensure the adequate protection of this existing creek line and to protect the water quality and quantity that enters the King River.</p>		

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2	Telstra – Forecasting & Area Planning – South Western Access Team Manager – Forecasting Network & Technology Locked Bag 2525 PERTH WA 6001	No objections.	Nil.	The submission is noted.
3	Water Corporation PO Box 915 ALBANY WA 6331	<p>Although the Water Corporation has water and wastewater planning to serve this land with water services, these lots are remote from the development front and may be considered to be a pioneer development. Subdivision of this land will require connection to the existing reticulated water and wastewater schemes. Developers should liaise with the Water Corporation at the preliminary structure planning stage of any development to determine the Corporation's requirements.</p> <p><u>Water</u></p> <p>The 200mm diameter water main in Chester Pass Road fronting this development does not have sufficient capacity to provide water services to the full development of these</p>	Nil.	The submission is noted.

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			<p>lots. The Water Corporation's Capital Investment Program currently has the upgrading of this main scheduled for December 2016. Development prior to this upgrade will require funding by the developer.</p> <p><u>Wastewater</u></p> <p>Prior to the development of these lots a significant amount of permanent wastewater infrastructure would be required (see attached wastewater planning diagram), which is not currently scheduled in the Water Corporation's Capital Investment Program. Initial development of this land may be commenced with the use of a temporary wastewater pump station pumping to an adequate discharge point to the south.</p> <p><u>Funding</u></p> <p>The principle followed by the Water Corporation for the funding of subdivision and development is one of 'user pays'. The developer is therefore expected to provide all reticulated water and sewerage and to</p>		

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		contribute to necessary headworks. Additionally, the developer may be required to fund new works or the upgrading of existing works to provide for the increased demand resulting from the development.		
4	Western Power Locked Bag 2520 PERTH WA 6001	No objections. However, there are overhead powerlines and/or underground cables adjacent to, or traversing, the subject land.	Nil.	The submission is noted.
5	Department of Agriculture and Food 444 Albany Highway ORANA WA 6330	<p>While the Department of Agriculture and Food WA does not specifically object to the proposed rezoning of Lots 5498 and 4925 Terry Road and Lots 1 (308) and 2 (314) Chester Pass Road strong concerns are raised in regard to the potential for future land use conflict against the adjacent land currently used for intensive food production (the strawberry farm directly to the north of Lots 5498 and 4925).</p> <p>The Department acknowledges the comprehensive assessment and supporting documentation prepared by Ayton Baesjou Planning, although it does not address matters relating to buffers and setbacks between the adjacent rural land and Lots</p>	<p>An Agricultural Impact Assessment would be required to accompany any future structure plan prepared for the area. The structure plan would be required to incorporate appropriate landscaped buffers, based on the recommendations of the Agricultural Impact Assessment and consistent with the Environmental Protection Authority's guidelines for <i>Separation Distances between Industrial and Sensitive Land Uses</i>, in order to mitigate any potential land use conflict.</p> <p>Additionally, a notation would be provided on the structure plan</p>	The submission is noted.

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		<p>5498 and 4925.</p> <p>While there are several examples across Australia and internationally where land used for intensive food production can co-exist near or within urban areas, although it can only be so with sufficient buffers, vegetation screening and setbacks in place to reduce potential land use conflict.</p> <p>It is therefore recommended by the Department that an Agricultural Impact Assessment (as presented in Appendix 3 of the State Planning Policy No. 2.5) is undertaken to ensure that sufficient buffers, etc. are taken into consideration.</p> <p>The Department also recommends that memorials/caveats are recorded for the proposed 'Residential Development' area, noting that the adjacent 'Rural' zoned land to the north is used for intensive agricultural purposes (i.e. irrigated annual horticulture for food production).</p> <p>It should be noted that any changed land use on rural land needs to include sufficient buffers, vegetation screening and/or</p>	<p>requiring memorials to be placed on the certificates of title of any future lots, advising that the adjacent 'Rural' zoned land to the north is used for intensive agricultural purposes (i.e. irrigated annual horticulture for food production). This would be implemented at the time of subdivision.</p>	

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		setbacks on the re-zoned land to minimise land use conflict. To ensure that agricultural operations on land next to rezoned areas are not restricted, the Department recommends that minimum setbacks/buffers should be incorporated into the rezoned areas in accordance with the Environmental Protection Authority's guidelines for <i>Separation Distances between Industrial and Sensitive Land Uses</i> . These guidelines set out minimum separation distances for a range of agricultural activities including market gardens, orchards and dairies.		
6	Department of Water PO Box 525 ALBANY WA 6331	<p>Waterways</p> <p>A minor non-perennial waterway traverses Lot 5498 and drains directly into the King River. This waterway is currently in a degraded condition. Through the development process, this waterway should be restored to provide ecological, social and passive recreation functions. A biophysical assessment should be conducted to determine the appropriate foreshore reserve. At subdivision stage a foreshore management plan should be prepared.</p>	A biophysical assessment would be undertaken at the structure planning stage to determine the final extent of the foreshore reserve. A foreshore management plan would be prepared at the time of subdivision.	The submissions are noted.

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		<p>Stormwater Management</p> <p>A local water management strategy (LWMS) should be prepared and submitted with the outline development plan. The LWMS should be prepared in accordance with Department of Water guidelines.</p> <p>Land Capability</p> <p>More detailed information on the capability of the site to support the land use change is required. In particular, information is required on soils and groundwater.</p>		
7	<p>Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330</p>	<p>1. General Comments and Locality Setting</p> <p>The proposed amendment involves minimal impacts upon native vegetation and is therefore consistent with the EPA and City of Albany preference to see further expansion of residential areas in and around Albany located on already cleared land. Any potentially adverse off-site impacts appear to be manageable through sound planning initially through the outline development plan and subsequently</p>	<p>The level of detail provided in the DEC's submission is acknowledged. However, as with other submissions, many of these specific issues would be dealt with through a future structure plan over the subject land, including:</p> <ul style="list-style-type: none"> • The provision of appropriate revegetation buffer areas; • Initial stormwater drainage design (with detailed stormwater drainage design being undertaken at the 	<p>The submission is upheld in part.</p> <p><u>Modification required:</u></p> <p>The reference in Section 3.5.7 to a primary school site on Henry Street is deleted.</p>

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		<p>through eventual subdivision conditions.</p> <p>The subject land does not have potential to fulfil a significant connectivity conservation function <i>per se</i> through any requirement to revegetate <i>linkages</i> with uncleared lands outside the area, however there is a case for some 'boundary buffering' using revegetation in the NE sector of the subject land. The proponents already foreshadow the potential enhancement of two isolated areas of remnant native vegetation within the area.</p> <p>2. The tributary which crosses the property</p> <p>DEC is not able to comment on the water quality and management aspects of this tributary and advice will presumably have been sought by the City from the Department of Water on these matters.</p> <p>3. Proximity to uncleared Crown reserves</p> <p>The subject land lies adjacent to three Crown reserves (Attachment 1):</p>	<p>time of subdivision);</p> <ul style="list-style-type: none"> • The protection and enhancement of remnant native vegetation; • The provision of a notation requiring memorials to be placed on the certificates of title of any future lots, advising that the adjacent 'Rural' zoned land to the north is used for intensive agricultural purposes (which would then be implemented at the time of subdivision); and • Application of the methodology contained within the Planning for <i>Bushfire Protection Guidelines – Edition 2</i>. <p>It has also been confirmed with the Department of Education that the DEC are correct in noting that the school site referred to in Section 3.5.7 has been withdrawn.</p>	

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		<p>Reserve 39532, <i>Gravel</i>, City of Albany (northern boundary); Reserve 329, <i>Recreation</i>, City of Albany (northern boundary and a small section of eastern boundary); and Reserve 27179, <i>Tertiary Education</i>, Minister for Education (eastern boundary).</p> <p>The former reserve has been almost totally cleared or partially rehabilitated following gravel extraction but retains an approximately 50-70m wide strip of uncleared vegetation along the common boundary with the subject land. The other two reserves are uncleared except for some boundary firebreaks or other sandy access tracks. They will be strongly supported by DEC to remain uncleared as they now form one of the last remaining large area of significant vegetation within the Albany peri-urban zone.</p> <p>Examination of the ARVS data indicates that three vegetation units border the subject land (Attachment 2):</p> <ul style="list-style-type: none"> • Unit 12 Jarrah/Marri/Sheoak Laterite 		

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		<p>Forest (identified by a grey/blue colour on Attachment 2);</p> <ul style="list-style-type: none"> • Unit 13 Jarrah/Sheoak/<i>Eucalyptus staeri</i> Sandy Woodland (identified by a tan colour on Attachment 2); and • Unit 39 <i>Pericalymma spongiocaula</i> Low Heath (identified by a pink colour on Attachment 2) <p>The first two units are relatively widespread in the study area but the third unit is much more restricted and may be distributed mainly within the ARVS area only. It contains two Priority Flora species and is currently being further assessed for its significance. It is susceptible to <i>Phytophthora</i> dieback and is fire sensitive. Although there is no clearly defined surface watercourse on Lot 4925, the unit is down-slope of the NE section of the subject land, hence may be at threat from any <i>Phytophthora</i> or other waterborne diseases or unnatural nutrient run-off originating in that part of the subject land.</p> <p>The vegetation within the two latter Crown reserves is classified as <i>Residual</i> which equates with <i>Very Good</i> to <i>Excellent</i> to</p>		

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		<p><i>Pristine Condition</i> under the Keighery classification (Attachment 3). The strip of vegetation between the gravel reserve and the subject land is classified by the ARVS as <i>Transformed</i> (equating to <i>Degraded</i> through to <i>Good Condition</i>).</p> <p>In the context of the proposed scheme, the following factors may require consideration to the adjoining Crown land:</p> <ul style="list-style-type: none"> • Any development of the subject land should be 'self-contained', with no runoff emissions permitted in the NE sector. Please note the comments below regarding stormwater management; • The <i>Pericalymma spongiocaula</i> Low Heath (Unit 39) which is under further consideration for its significance immediately abuts the subject lands in the NE corner. Consideration is required to establish a revegetated buffer within the subject land as additional protection for this down-slope community; and • The development should be fully self-contained with regard to fire protection, with increased lot sizes enabling greater building envelope setback distances and 		

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		<p>with higher order bush fire hazard building standards mandatory so as to reduce any hazard separation zones that may otherwise impact upon <i>Residual</i> vegetation in the adjoining Crown Lands. The penultimate sentence of Section 3.5.6 should include reference to biodiversity as a goal as well as 'fire protection guidelines'.</p> <p>4. Remnant native vegetation</p> <p>The proponents have noted the presence of two areas of remnant native vegetation within the subject land. The potential significance of these is as follows:</p> <ul style="list-style-type: none"> • A narrow triangular area is located towards the NE corner of Lot 4925. Examination of aerial photography clearly shows this area to be highly degraded and the ARVS does not record it even as <i>Transformed</i> native vegetation. However, it lies immediately adjacent to the south of the area discussed above where revegetation to create a protective buffer for buffering of the <i>Pericalymma spongiocaula</i> Low 		

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		<p>Heath (Unit 39) occurring in the Crown reserve is raised. Hence before it is dismissed for its apparent lack of inherent conservation value, it may be a potential 'building block' for any agreed revegetation and provide a limited amount of buffering shelter, especially in its eastern half. It should therefore remain subject to Clearing of Native Vegetation mechanisms. The proponents have already indicated retention of this vegetation in their Opportunities and Constraints figure after page 24; and</p> <ul style="list-style-type: none"> • A second area of Unit 12 vegetation which is in <i>Transformed</i> condition is located within the SE corner of Lot 5498. The proponents also indicate retention of this vegetation. This area should certainly be retained. It lies only about 80m north of a strip of native vegetation in <i>Very Good Condition (Modified)</i> running east-west across Lot 392 to the south (Attachment 3). Furthermore, if this area is fenced to protect it from stock grazing its condition will significantly improve with time, and there could be a degree of 'symbiotic 		

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			<p>protection' between it and the aforementioned vegetation to the south.</p> <p>In the eighth dot point of page 15, Section 3.5.5 Stormwater Management, there is reference to direction and disposal of stormwater <i>"to the north-east"</i>. In view of the comments above in dot point one, any such planning for stormwater in this part of the subject land will need to be carefully designed so as to avoid undue threat towards Unit 39 vegetation in the adjoining Crown land. This may require an engineering solution in order direct excess water flows (including runoff from severe flood events) along contours around the unit and associated revegetation works.</p> <p>5. Other matters</p> <p>The western third of the subject land adjoins an existing strawberry farm on its northern boundary and a proposed Service Industrial Area on Lot 10 to the SW. There could be cross boundary issues in both cases with regard to emissions and noise and these will have to be addressed through subsequent planning stages, including</p>		

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		<p>possible Section 70A notifications.</p> <p>In Section 3.5.7 there is reference to a future primary school site on Henry Street to the west of Chester Pass Road. This potential locality has now been withdrawn by the Department of Education.</p> <p>In Section 3.5.10 the first dot point on page 18 suggests possible rehabilitation of the gravel pit on Crown reserve 39532 to provide a district open space facility. If such a concept is advanced, any use or development should be self-contained with regard to the adjoining Crown reserve 329 including <i>in situ</i> fire protection and <i>Phytophthora</i> dieback hygiene management.</p>		
8	Department of Education 151 Royal Street EAST PERTH WA 6004	No objections.	Nil.	The submission is noted.
9	FESA	FESA expects that the methodology included in the Planning for <i>Bushfire Protection Guidelines – Edition 2</i> is applied to the subject land.	The methodology contained within the Planning for <i>Bushfire Protection Guidelines – Edition 2</i> would be applied to any future structure plan covering the subject land.	The submission is noted.

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10	Main Roads WA	<p>Noise modelling of Chester Pass Road indicates that a noise attenuation buffer in the order of 165 metres will be required on Lots 1 (308) and 2 (314) Chester Pass Road and Lot 5498 Terry Road.</p> <p>Main Roads would look to impose the following conditions upon any future development of Lots 1, 2, 5498 and 4925 given the proximity of a major freight route:</p> <ol style="list-style-type: none"> 1. Limited access to Chester Pass Road. All traffic from the development should be designed to exit onto Terry Road. The Terry Road/Chester Pass Road intersection will require upgrading to accommodate the increased traffic resulting from the development. 2. A point to point restrictive covenant for the benefit of Main Roads WA being registered on the certificates of title of all lots fronting Chester Pass Road pursuant to section 129BA of the Transfer of Land Act, to prohibit vehicular access from these lots onto Chester Pass Road 	<p>Limitations on access to Chester Pass Road, upgrading of the Terry Road/Chester Pass Road intersection, a noise attenuation buffer and initial stormwater drainage design would be incorporated into any future structure plan prepared over the subject land.</p> <p>Additionally, a notation would be provided on the structure plan requiring a point to point restrictive covenant to be registered on the certificates of title of any future lots fronting Chester Pass Road, in order to restrict vehicular access. This would be implemented at the time of subdivision.</p> <p>Detailed stormwater drainage design would be addressed at the time of subdivision.</p>	The submission is noted.

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		<p>and notice of this restriction to be placed on the diagram or plan of survey (deposited plan) at the expense of the applicant.</p> <p>3. A noise attenuation buffer of 165 metres for Lots 1, 2 and 5498 shall be established and notification of this requirement shall be placed on the Certificates of Title for affected lots.</p> <p>4. No stormwater drainage shall be discharged from the development into the Chester Pass Road drainage system.</p> <p>Main Roads is aware of the relatively narrow road reserve (40 metres in some sections) along Chester Pass Road. When Main Roads realigns and reconstructs Chester Pass Road into a four lane divided highway, land may be required from Lots 1, 2 and 5498.</p>		
11	Mr W & Mrs R Tweedie Freshpict Strawberry Farm	As the owners of Freshpict Strawberry Farm at 382 Chester Pass Road, we would like to make comments on the proposed	See submission 5 above.	The submission is noted.

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	382 Chester Pass Road WALMSLEY WA 6330	<p>amendment to Town Planning Scheme No. 3.</p> <p>Although we are not against the development, we would like Council to take into account the fact that we plan to continue growing strawberries at 382 Chester Pass Road for the foreseeable future. We have a substantial investment in our property and the very nature of our business means that we need to spray some chemicals on our crop to protect it from rot, insects, etc. We would ask the Council to effect, if the amendment is approved, appropriate setbacks to enable us to continue our agricultural business with no restrictions on our general operations on the farm.</p> <p>We do try to minimise our impact on our neighbours and will continue to do so into the future. We would like Council to make sure that the future owners of any properties that are development next door to us are aware of the operations that we undertake agriculturally in the normal production of our strawberry crop.</p>		