



ATTACHMENTS

Planning and Development Committee Meeting

02 September 2015

5.30pm

City of Albany Council Chambers

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13 July 2015

Chief Executive Officer
City of Albany
102 North Road
ALBANY WA 6331

Dear Sir/Madam

**PROPOSED TELECOMMUNICATIONS FACILITY:
LOT 105 (241) ROBINSON ROAD, ROBINSON WA 6330**

In October last year, nbn co limited(**nbn**TM) lodged a Development Application with the City of Albany for a proposed fixed wireless network facility at the above location to provide high speed broadband service to Robinson.

Following on from Council's decision to issue a notice of refusal for the Development Application in March this year **nbn** made an application on 7 May 2015 under section 252(1) of the *Planning and Development Act 2005* for the State Administrative Tribunal to review and set aside the Council's decision (and grant development approval for fixed wireless broadband telecommunications infrastructure at 241 Robinson Road, Robinson). As part of the Tribunal process associated with this application, the Council requested NBN Co investigate alternative sites in the area. **nbn** now writes to you to advise that it has concluded a comprehensive assessment of the alternative site candidates in the surrounding area.

We understand that Council has received a number of enquiries from the local community querying the location of the proposed facility and wanting to understand what other sites have been considered. We are also aware that some residents in the community have questioned why a fixed wireless facility must be located at the nominated location within Robinson.

nbn endeavours to strike a balance between providing valuable services and minimising any visual impact on the community and local environment.

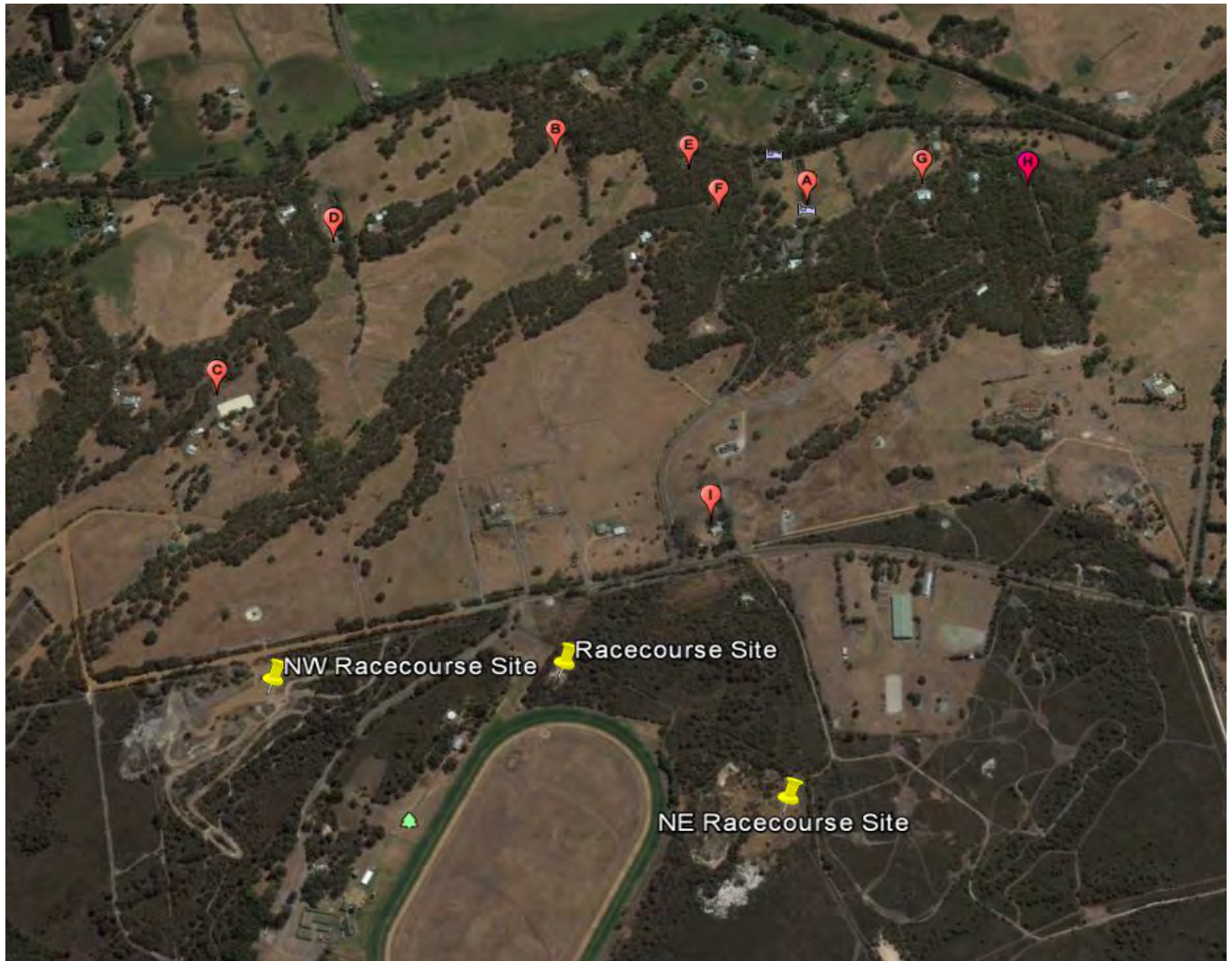
Like all radio antennas, the **nbn** fixed wireless facilities must be elevated above their surroundings to provide reliable, unbroken communications. As a rule, **nbn** does not design the network to require excessively large, visually dominating structures where avoidable. They must also be placed in a relatively central location, to allow the community to evenly share the broadband provided by the three panel antennas.

Locations that are either not close, or not relatively central to the *majority* of the community cannot provide a reliable **nbn** broadband service.

While **nbn** does seek to offset its proposed facilities from surrounding residences as much as possible, relocating beyond the periphery of a community will significantly compromise both the amount and the quality of the service the facility can provide, making these "outside" locations technically unfeasible.

Alternative Site Assessment

The map below identifies the nine (9) locations that were initially investigated by **nbn** as part of the site scoping and selection process and a further three (3) site candidates in and around the racecourse land to the south of Roberts road.



The outcome of this assessment for each of the nine (9) candidates initially investigated at the site scoping and site selection stage last year was also included in the Development Application that was submitted to Council late last year.

The table below provides an updated assessment of all twelve (12) site candidates. Town Planning, Property and Radio Frequency Engineering inputs have all been incorporated as part of this review.

| Candidate and Location | Technical Assessment | Planning Assessment |
|--|---|--|
| A. 27 Racecourse Rd, Robinson (Lot 24 on Plan 3568) | The assessment considered the establishment of a proposed 40m monopole on the subject land. Preliminary and high level desktop | The site is zoned Rural Residential and is located in generally a low density rural residential setting. Despite several attempts, the owners of this property were uncontacted and non-responsive the |



| Candidate and Location | Technical Assessment | Planning Assessment |
|--|---|--|
| | <p>assessment concluded that coverage objectives could be satisfied with a proposal from this site.</p> | <p>time of site scoping and selection last year.</p> <p>The site potentially is a suitable candidate from a planning perspective given its generally central location however the subject land is fairly open with screening and natural vegetation only really evident around the perimeter of the subject site.</p> <p>The overall financial feasibility of the candidate cannot be determined given the absence of vital commercial considerations such as power and access costs, security of tenure and other unknown site specific civil considerations.</p> |
| <p>B. 101 Robinson Road, Robinson (Lot 101 on Plan 40892)</p> | <p>The assessment considered the establishment of a proposed 40m monopole on the subject land.</p> <p>Nominal and high level desktop assessment concluded that coverage objectives could potentially be satisfied with a proposal from this site subject to further site investigation to confirm actual height and location</p> | <p>The site is zoned Rural Small Lot Holdings and is located in generally a low density rural residential setting. Noting at the time of scoping the site was zoned Rural Residential prior to City of Albany Planning Scheme No 1 change gazetted on 28th of April 2014.</p> <p>The subject land is fairly open to the south with vegetation present towards the north and eastern boundaries of the lot.</p> <p>The owners of this property were not interested in a proposal on their land and as such nbn did not proceed any further with investigations on the subject site.</p> |
| <p>C. 28 Sand Pit Road, Robinson (Lot 21 on Plan 3568)</p> | <p>The assessment considered the establishment of a proposed 40m monopole on the subject land.</p> <p>The site is located on the outer parameter on the western area of the search area.</p> <p>Given the candidate is located on the fringe of the search area and there is vegetation on the elevated areas of the site on the eastern side of the property this would require further site investigation to confirm actual height and location and whether the service objectives could be efficiently achieved from</p> | <p>The site is zoned Rural Small Lot Holdings residential and is located in generally a low density rural residential setting. Noting at the time of scoping the site was zoned Rural Residential prior to City of Albany Planning Scheme No 1 change gazetted on 28th of April 2014.</p> <p>Despite several attempts, the owners of this property were uncontactable and non-responsive the time of site scoping and selection last year.</p> <p>The overall financial feasibility of the candidate cannot be determined given the absence of vital commercial considerations such as location and establishment costs</p> |



| Candidate and Location | Technical Assessment | Planning Assessment |
|--|--|--|
| | <p>this location.</p> <p>Nominal and high level desktop assessment concluded that coverage objectives could potentially be satisfied with a proposal from this site however is likely to offer an inferior service and level of coverage compared to the subject site particularly to the serviceable premises to the east.</p> | <p>for power and access, security of tenure and other unknown site specific civil considerations. Without the ability to confirm and understand these mandatory requirements the site was not pursued further.</p> |
| D. 379 Robinson Road, Robinson (Lot 9 on Plan 3568) | <p>The assessment considered the establishment of a proposed 40m monopole on the subject land.</p> <p>Nominal and high level desktop assessment concluded that coverage objectives could potentially be satisfied with a proposal from this site subject to further site investigation to confirm actual height and location</p> | <p>The site is zoned Rural Small Lot Holdings residential and is located in generally a low density rural residential setting. Noting at the time of scoping the site was zoned Rural Residential prior to City of Albany Planning Scheme No 1 change gazetted on 28th of April 2014.</p> <p>The owners of this property were not interested in a proposal on their land and as such nbn did not proceed any further with investigations on the subject site.</p> |
| E. 325 Racecourse Road Robinson (Lot 103 on Plan 40892) | <p>The assessment considered the establishment of a proposed 40m monopole on the subject land.</p> <p>Nominal and high level desktop assessment concluded that coverage objectives could potentially be satisfied with a proposal from this site subject to further site investigation to confirm actual height and location</p> | <p>The site is zoned Rural Small Lot Holdings residential and is located in generally a low density rural residential setting. Noting at the time of scoping the site was zoned Rural Residential prior to City of Albany Planning Scheme No 1 change gazetted on 28th of April 2014.</p> <p>Despite several attempts, the owners of this property were uncontactable and non-responsive the time of site scoping and selection last year.</p> <p>The site location is highly vegetated and significant clearing would have been required in order to establish an area suitable for the nbn compound.</p> <p>The overall financial feasibility of the candidate cannot be determined given the absence of vital commercial considerations such as location and establishment costs for power and access, security of tenure and other unknown site specific civil considerations. Without the ability to confirm and understand these mandatory</p> |



| Candidate and Location | Technical Assessment | Planning Assessment |
|---|---|--|
| | | requirements the site was not pursued further. |
| F. 52 Racecourse Road, Robinson (Lot 5 on Plan 3568) | <p>The assessment considered the establishment of a proposed 40m monopole on the subject land.</p> <p>Nominal and high level desktop assessment concluded that coverage objectives could potentially be satisfied with a proposal from this site subject to further site investigation to confirm actual height and location</p> | <p>The site is zoned rural residential and is located in generally a low density rural residential setting.</p> <p>The site location is highly vegetated and significant clearing would have been required in order to establish an area suitable for the nbn compound.</p> <p>The owners of this property were not interested in a proposal on their land and as such nbn did not proceed any further with investigations on the subject site.</p> |
| G. 245 Robinson Road (Lot 104 on Plan 40893) | <p>The assessment considered the establishment of a proposed 40m monopole on the subject land.</p> <p>Nominal and high level desktop assessment concluded that coverage objectives could potentially be satisfied with a proposal from this site subject to further site investigation to confirm actual height and location.</p> | <p>The site is the closest candidate to the subject site. It is zoned rural residential and is located in generally a low density rural residential setting.</p> <p>Despite several attempts, the owners of this property were uncontacted and non-responsive the time of site scoping and selection last year.</p> <p>It is noted that the frontage to this lot is fairly sparse and as such any potential site located in this specific location would have a significantly greater visual amenity impact than the subject site.</p> <p>The rear of the property is also reasonably vegetated and would mean that if a location was selected around this area clearing would also be required in order to establish and locate nbn's compound.</p> <p>The overall financial feasibility of the candidate cannot be determined given the absence of vital commercial considerations such as location and establishment costs for power and access, security of tenure and other unknown site specific civil considerations. Without the ability to confirm and understand these mandatory requirements the site was not pursued further.</p> |



| Candidate and Location | Technical Assessment | Planning Assessment |
|--|---|--|
| H. Subject Site: 241 Robinson Road, Robinson (Lot 105 on Plan 40893) | <p>The assessment considered the establishment of a proposed 40m monopole on the subject land.</p> <p>High level desktop assessment and further modelling predictions on serviceability to the surrounding area concluded that coverage objectives could be satisfied with a proposal from this site. This has been confirmed by subsequent on site visits.</p> | <p>The site is zoned rural residential and is located in generally a low density rural residential setting.</p> <p>The location of the proposed facility itself is well set back from the nearest road and is well screened by natural vegetation in the form of mature trees. The nearest residential dwelling is that of the property owners which is located approximately 84m from the proposed facility. The closest neighbouring dwelling is setback approximately 176m from the proposed facility.</p> <p>Tenure has been finalised and the detailed civil components of power and access costs have all been assessed and determined to be feasible.</p> |
| I. 224 Roberts Road, Robinson (Lot 33 on Plan 3568) | <p>The assessment considered the establishment of a proposed 40m monopole on the subject land.</p> <p>Nominal and high level desktop assessment concluded that coverage objectives could potentially be satisfied with a proposal from this site subject to further site investigation to confirm actual height and location</p> | <p>The site is zoned Rural Small Lot Holdings and is located in generally a low density rural residential setting. Noting at the time of scoping the site was zoned Special Rural Residential prior to City of Albany Planning Scheme No 1 change gazetted on 28th of April 2014.</p> <p>The owners of this property were not interested in a proposal on their land and as such nbn did not proceed any further with investigations on the subject site.</p> |
| NW Racecourse Site | <p>Nominal and high level desktop assessment indicated a required antenna height of approximately and just over 43m would be required in this location to provide coverage to the surrounding premises in the area. This would mean a lattice structure would be required in this instance.</p> <p>Service objectives could potentially be satisfied with a proposal from this site however the site is considered an inferior technical solution to the current candidate as it does not provide</p> | <p>Site is under a Management Order to the City of Albany and would potentially require an excision of land from the Department of Lands to allow for the creation of a new lot for telecommunications use. Notwithstanding the requirement to confirm tenure either via the City of Albany or through the Department of Lands, the excision process is likely to take in excess of 12 months to finalise.</p> <p>Establishment and upgrade costs for power and access are unknown and so is the duration for securing and finalising</p> |



| Candidate and Location | Technical Assessment | Planning Assessment |
|---------------------------|--|--|
| | balanced coverage and performance to the intended coverage area and is likely to services less end users than the current proposal particularly. | tenure for this site. Given the technical requirements for servicing the surrounding premises, a 45m lattice tower would be required in this location. This is a bulkier and taller structure to the current proposed candidate as is considered to have a higher visual amenity impact to the surrounding area particular along Roberts Road. |
| NE Racecourse Site | <p>Nominal and high level desktop assessment indicated a required antenna height of approximately and just over 43m would be required in this location to provide coverage to the surrounding premises in the area. This would mean a lattice structure would be required in this instance.</p> <p>Service objectives are only partially achieved with a proposal from this site. Coverage and performance to the north in particular is inferior to the subject site.</p> <p>Projected coverage from this site indicates a large number of premises will not be able to be serviced by a facility in this location and as such is not considered a viable technical solution.</p> | <p>This site located on 261 Roberts Rd (Lot 7083) is owned by the Albany Racing Club and the land is the subject of a Crown Grant in Trust and which has conditions but are not aware of the conditions and whether these impact the Racing Club's ability to grant direct tenure on the land.</p> <p>Establishment and upgrade costs for power and access are unknown and so is the duration for securing and finalising tenure for this site.</p> <p>Given the technical requirements for servicing the surrounding premises, a 45m lattice tower would be required in this location. This is a bulkier and taller structure to the current proposed candidate as is considered to have a higher visual amenity impact to the surrounding area particular along Roberts Road.</p> |
| Racecourse Site | <p>Nominal and high level desktop assessment indicated a required antenna height of approximately and just over 43m would be required in this location to provide coverage to the surrounding premises in the area. This would mean a lattice structure would be required in this instance.</p> <p>Service objectives could potentially be satisfied with a proposal from this site however the site is considered an inferior</p> | <p>This site located on 261 Roberts Rd (Lot 7083) is owned by the Albany Racing Club and the land is the subject of a Crown Grant in Trust and which has conditions but are not aware of the conditions and whether these impact the Racing Club's ability to grant direct tenure on the land.</p> <p>Establishment and upgrade costs for power and access are unknown and so is the duration for securing and finalising tenure for this site.</p> <p>Given the technical requirements for</p> |



| Candidate and Location | Technical Assessment | Planning Assessment |
|------------------------|---|---|
| | technical solution to the current candidate as it does not provide balanced coverage and performance to the intended coverage area and is likely to services less end users than the current proposal particularly. | servicing the surrounding premises, a 45m lattice tower would be required in this location. This is a bulkier and taller structure to the current proposed candidate as is considered to have a higher visual amenity impact to the surrounding area particular along Roberts Road. |

Conclusion

Having assessed and carefully considered all the site candidates listed in the above table, **nbn** believes it has fulfilled Council's request that we consider potential alternative sites.

Whilst a number of candidates are able to achieve an appropriate level of coverage to service the surrounding area, **nbn** contends that as evidenced above, on balance there is no single site that from a planning perspective is superior or even technically and commercially equivalent.

nbn appreciates that visual impact is also an important consideration and maintains that the visual impact from the proposed candidate is acceptable and reasonable.

Furthermore **nbn** submits that any suggestion to site a facility in another location would not result in a reduction in amenity and visual impact to the surrounding community. Rather it would merely transfer the potential impacts from one location to another, and would result in a more disproportionate visual impact on adjoining residences in that vicinity.

In our view this does not strike a better balance between amenity and service provision. For this reason, **nbn** continues to propose a network design that has residents in Robinson connecting to the fibre network via a proposed 40m fixed wireless monopole at the subject site.

Yours faithfully

George Tzakis
Manager – Fixed Wireless Site Acquisition
nbn™

Albany NBN Mast

Visual Amenity Impact Assessment

EDIT 3. 13.07.2015

Prepared by: EPCAD pty ltd Landscape Architects and Environmental Planners

Prepared for: NBN

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2 Executive Summary

EPCAD were commissioned on behalf of NBN Co Ltd to conduct a Visual Impact Assessment in relation to the installation of a 40m high NBN Tower. This installation includes three panel antennas attached to the circular headframe, two parabolic dish antennas installed approximately 3m from the top of the monopole, an outdoor ancillary equipment cabinet and a 2.4 metre high chain link fence. The assessment was carried out to determine the structure's possible impacts on the public amenity within the locale of Robinson, Albany, and on a wider scale, tourist destinations within Greater Albany.

To determine these impacts, a thorough Site Survey and Desktop Analysis were conducted. The Desktop Study included analysis of maps; both aerial and local tourist maps and an analysis of the photographic evidence taken during the Site Survey. The Site Survey included a thorough drive of the immediate surrounds, and a visit to key tourist destinations to ascertain whether any portion of the proposed development would be visible from publically accessible locations.

It was determined that the ground level structures associated with the proposed monopole would not be seen from any publically accessible location, due to the dense vegetation surrounding the intended site. From several locations along public roads, it was determined that the top section, most likely to be 10-20m of the monopole, would be viewed protruding from above the line of trees along the horizon.

Publicly, the NBN Mast will be viewed by both pedestrians and people in vehicles, travelling on the surrounding roads. Those within vehicles, assumed to be travelling at the differing road speed limits of between 80km/h and 100km/h, would observe fleeting glimpses of the top section of the monopole due to the roadside and remnant vegetation. Pedestrians would be afforded longer and more protracted views of the top section of the monopole.

Privately, it was inconclusive whether any portion or section of the monopole would be seen from private blocks adjacent to the proposed site, as access is restricted. From the desktop analysis of topographical and vegetative layouts, it is inferred that there will be views of the mast protruding from ground level from within these private locales.

It was determined that to mitigate the possible obtrusiveness of the monopole, the vegetation surrounding the site needs to be maintained, so as to continue to screen the ground level components, and to assist in screening the majority of the monopole itself. Furthermore, the colour of the monopole should be a muted tone, to aid with the blending of the monopole into the surrounding landscape. This suggested mitigating factor had already been determined, according to the Planning Report – Proposed Fixed Wireless Facility as supplied by Daly International Pty Ltd.

The effect of the proposed NBN Mast will be limited to nearby surrounding properties. Its visual impact on publically accessible areas and locations will be minimal as it is generally screened from view by topography and vegetation, and it will be a minor element within a broad landscape.

3 Introduction

EPCAD have been commissioned on behalf of NBN Co Ltd to assess the visual implications of the proposed installation of a 40m high NBN Tower, including three panel antennas attached to the circular headframe at the top of the monopole, two parabolic dish antennas installed approximately 3m from the top of the monopole, and an outdoor equipment cabinet, all to be enclosed in a 2.4 metre high chain link fence on a Private Lot located at 241 Robinson Road, Albany.

This study has been undertaken under the instruction on behalf of NBN in response to the refusal of NBN's development application by the City of Albany at its Council Meeting held on the 24th of March, 2015.

In order to inform the refused development application, an in depth site selection process was undertaken to determine an appropriate location for the NBN Mast (Daly International Pty Ltd October, 2014). This process matched potential site locations against four determined key factors;

- Town Planning considerations (such as zoning, surrounding land uses, environmental significance and the possibility of visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for NBN Co to secure a lease agreement with the landowner.

The Daly Report was used to inform the basis of our Desktop research.

3.1 Capabilities

EPCAD undertakes the rigorous assessment of landscape and visual impacts and provides information for the integration of developments in sensitive environments. We have been appointed by the private sector and public authorities to provide expert evidence at Public Inquiries, Court and Tribunals using our experience and knowledge of leading techniques in Australia and overseas.

Our senior staff include a number of individuals that are experienced and skilled in thorough assessments and are able to provide advice that informs planning decisions. As an expert witness, we have provided visual impact analysis on a range of projects from "high bay warehousing" and large retail developments to coastal resorts and residential developments. Evidence has been prepared based upon extensive Zones of Visual Influence (ZVI) studies utilising both desktop analysis and site verification.

Evidence prepared for the Euro 5 Distribution Centre, Mars Pedigree High Bay Warehouse centre and a number of wind farms, set standards on the assessment of reflected colour and structures in the broader environment. EPCADs UK office provided training workshops to the planning bar and planning lawyers on visual impact.

Projects include the visual and landscape assessment and environmental integration of a number of high profile projects including the northern urban expansion of Geraldton requiring an extensive study to define impacts and effects on notable landscapes including the Moresby Range, Lawrence Wines Margret River, various developments on the banks of the Swan River and proposed extensions to urban land in Albany that may affect the amenity of National Parks and significant places.

3.1.1 Curriculum Vitae

HOWARD MITCHELL MIEnvSc MLI. AILA. DipLA
Director

Howard, is an environmental planner, landscape architect and urban designer. Howard qualified in Britain and has extensive experience in environmental integration and urban design. Howard was one of the urban design team members responsible for the development of Europe's largest new city, Milton Keynes, and has been the master plan team leader of several new settlements.

He has been involved in a number of large and controversial developments including major infrastructure planning and development initiatives. The scale and nature of much of his work has led to experience in the production of environmental impact assessments and the giving of evidence at Public Inquiries, Court and Tribunals.

As an expert witness, he has provided visual impact analysis on a range of projects from “high bay warehousing” and large retail developments to resort and residential developments. Evidence has been prepared based upon extensive Zones of Visual Influence (ZVI) studies utilising both computer modelling and site verification. Evidence prepared for the Euro 5 Distribution Centre, Mars Pedigree High Bay Warehouse centre and a number of wind farms, set standards on the assessment of reflected colour and structures in the broader environment. EPCADs UK office provided training workshops to the planning bar and planning lawyers on visual impact. His recent work has included the visual and landscape assessment and environmental integration of a number of high profile projects ranging from coastal resorts to urban expansion in Western Australia.

Howard has retained a commitment to education and continued professional development, lecturing and running professional workshops and seminars on new settlement/urban design, environmental planning and environmental legislation in the United Kingdom, America and Australia. He presently is a member of the Masters External Advisory Panel (EAP) providing advice to the International Water Centre (IWC), Masters of Integrated Water Management courses and also the Water Sensitive Cities program, a joint initiative by Australia’s four leading universities.

ROBIN BURNAGE BA (Hons) Dip LA CMLI AILA
Associate Director

Robin has over 20 years of wide ranging construction industry experience. His work at EPCAD benefits from his project management and design skills and applied them across all sectors of change in the environment ensuring effective delivery of quality places. His depth of understanding of urban redevelopment and construction has been instrumental to the successful creation of EPCAD’s major projects. He has been responsible for numerous acclaimed successful urban landscapes for new communities, street activation, regeneration projects and large scale public art installations.

Robin’s early career as a civil engineer in London established his construction knowledge that underpinned his growth as a landscape architect working in Australia and the UK. Prior to joining EPCAD he was a director of a UK based practice where he managed large scale urban design and construction projects including masterplanning, design of new settlements, town centre regeneration, urban renewal projects, and landscape engineering works. Designing for people and getting it built is Robin’s thing.

Robin has holidayed in Albany for the past 10 years. This has given Robin an intimate knowledge of the local surrounds. He has conducted Visual Impact Assessments in the UK, and also contributed to a Visual Impact Assessment within Albany that impacted a local National Park.

SHADRA COOPER
Landscape Architect

Shadra joined EPCAD in November 2014 after completing her Bachelor of Landscape Architecture at the University of Western Australia. During her time at University, Shadra developed a keen interest in the graphic and artistic nature of Landscape Architecture and subsequently had several art pieces both shown and sold at a local Art Gallery.

She has rapidly gained experience and confidence in the demands of a busy studio and brings fresh new thoughts to our collaborative working style.

Having family living in Denmark, Shadra has travelled to and holidayed in Albany for the past 24 years, giving her a familiar knowledge of the immediate surrounds of the area.

3.2 Glossary of Terms Featured in this Report

EPCAD/The landscape architect: EPCAD Pty Ltd, Landscape Architects and Planners; Author of this report and conductor of this Visual Amenity Impact Assessment.

NBN: NBN co ltd; client for which this assessment was conducted for.

The site/ the proposed location/the proposed site/subject site: The site as identified by the client for the location of the monopole (Figure 1).

The NBN Mast/Monopole/NBN Monopole/mast/proposed monopole/NBN Tower: The proposed development for which this report has been written.

ODP: Overall Development Plan

Wind Farm: Albany Wind Farm

Yacht Club: Albany Yacht Club

ZVI: Zone of Visual Influence or 'seen area'

4 Visual Landscape Evaluation

4.1 Scope and Context

Guidance for undertaking a Visual Landscape Evaluation is provided by the state planning authority, Department of Planning & Western Australian Planning Commission within *Visual Landscape Planning in Western Australia; November 2007* (VLPWA).

This study has been undertaken in accordance with the following principles, as set out in the VLPWA;

- a) Determine Visual management objectives;
- b) Describe the proposed development;
- c) Describe the potential visual impacts;
- d) Develop visual management measures; and
- e) Prepare final recommendations and options for monitoring.

With these principles, the following two methods were used to inform this report;

- a) Desktop study of cartographic and photographic material
- b) Site Survey by an experienced Senior Landscape Architect and a Landscape Architect

The Desktop study included the analysis of local mapping and aerial imagery to assess the general land uses, vegetation layout and topography of the local area around the subject site. This was conducted at two different scales. The first analysis was conducted within a 2km radius around the subject site. This analysis took into consideration topographical elements, vegetation placement, public access and areas within the immediate vicinity of the proposed site.

The secondary mapping exercise took into consideration tourist destinations, as described in local tour guide maps. The purpose of this exercise was to gauge the likelihood of being able to discern the monopole from commonly accessed public areas. This gauge was based upon distance and surrounding topographical features. This area was within a 7km radius of the subject site. This distance was established based on the proximity of major local tourist destinations in the vicinity of the site and the Albany CBD that would potentially have a sightline to the site.

Based upon the desktop analysis, the locations where the monopole was likely to be viewed from were determined, and the route for the Site Survey was planned. The Site Survey was conducted over a day by an experienced Senior Landscape Architect and a Landscape Architect. This involved an extensive analysis of the views to the proposed monopole location from surrounding road ways, including Robinson Road, Racecourse Road, Manni Road, Roberts Road, Monroe Crescent, Lower Denmark Road, Knights Road and Gledhow S Road.

An initial vehicular based visual assessment was undertaken covering all of these roads, to first understand the site, paying particular attention to vegetation patterns and topographical elements. On the vehicular based visual assessment, at locations where the vegetation and topography provided views towards the subject site, photographs were taken and the location marked accurately on an aerial image. A final vehicular based visual survey was undertaken to correlate the photos taken and to take further notes documenting the direction of the subject site in relation to the road, surrounding vegetation and its estimated height, manmade structures that could be seen from the same location, dwellings and sheds and topographical elements including valleys, ridges and hills, all of which compiled the inherent character of the landscape.

A further desktop study was conducted on the images and accompanying notes to ascertain the visual impact the monopole would have upon the perceived views taken during the Site Survey. Factors used to determine the visual impact included;

- The surrounding vegetation – was the vegetation tall enough to hide all, or more than 50% of the monopole;
- Topographical elements such as hills, ridges and valleys; did these provide screening for the monopole, did it mean the viewer, from these particular locations were looking up or down at the proposed monopole;
- Other manmade structures – were there manmade structures within the same field of view, were they bigger or smaller than the proposed monopole, and were they a more obvious element within the landscape than the monopole was going to be.

These principles along with the Site Survey and Desktop Study were used to ascertain the local, intermediate and wider community visual assets and characteristics, and to evaluate the likely effects of the Fixed Wireless Telecommunications Facility within the context of the overall landscape, its character and value.

The photographic equipment used to take the images in this report was a Canon EOS 500D with an EFS 18-200mm lens. Images were taken without magnification.

4.2 Site Description

The site as identified in Figure 1 Location Plan (241 Robinson Road, Robinson, WA) is bounded to the north by Robinson Road, Rural Residential lots are located to the east and west, parks and recreation reserves are located south west, and rural small holding land uses located to the north of Robinson Road. (Daly International Pty Ltd October, 2014)

Located approximately 4km south-west of the Albany Town site. The Lot has a North/South aspect. The surrounding district consists of large properties predominantly made up of “hobby farms”, with large individual dwellings and outbuildings. This also includes ancillary buildings made necessary by the farming practices conducted through the district area.

Topographically, the area consists of undulating low hills, providing elevated spaces along with shallow valleys. This undulating topography means that clear views to the interior of the property proposed for the monopole location is limited to isolated locations along adjacent public roads, dependent on density of roadside and adjacent vegetation.

There is a significant amount of retained vegetation in the vicinity, with several large mature gum trees that hide the elevated portions of land. This vegetation acts as a significant screen for the private residences within the area providing enclosure and privacy. Apart from the remnant vegetation, there are large swathes of typical road reserve plantings, including but not limited to; hedges, Eucalypts, exotic plant species and weeds. This intermittent roadside vegetation acts as additional screening for the private land holdings. The intermittency of the roadside vegetation, means that there are several locations along the surrounding roads (as shown in the Panoramas) that provide views into the interior of private Lots.

The landscape surrounding the subject site includes a variety of manmade items such as power transmission lines and poles, streetlights and an existing transmission tower structure. This significant structure is located at Lot 56 Cuming Road, Gledhow, as determined in the secondary Desktop Study. These interventions within the landscape remind the viewer that the area around the subject site, although rural is not a pristine landscape, and in fact has been manipulated by man through several decades of agrarian practice within the locale.

The landscape surrounding the proposed location can only be perceived from the local roads as public footpaths are not provided in the area. The lack of footpaths means local pedestrians use the roads. The roadside vegetation along all roads that were surveyed, along with the pockets of remnant vegetation, prevents open vistas of the site, there by only being granted glimpses of the surrounding landscape. These glimpsed views are achieved to the side, and as such tend to be perpendicular to the line of travel. There are portions of roads where roadside vegetation is limited, thereby granting

more views into private residential lots, for example along Roberts Road to the south of the subject site. The speed limit on all surrounding roads are between 80km/h and 100km/h, amplifying the effectiveness of roadside vegetation screening and thereby reducing views into the interior private Lots.

Figure 1 – Location Plan



4.2.1 Significant Site Features

The most significant features observed within the private Lot, that is intended to be the location of the proposed NBN mast, include the dwelling and existing vegetation.

The mature trees on site vary in height and are estimated to be between 20m and 40m tall, creating a dense screen across the subject Site.

The adjacent roads are also lined with mature Eucalypts, with heights up to 30m tall, again creating a secondary vegetative screen.

The locale surrounding the intended Site comprises remnant vegetation and manmade landscapes and objects. Due to these manmade elements, the landscape has been manipulated, and is therefore not a natural viewscape.

Significant elements within the landscape include an approximately 60m tall transmission tower structure located within 14km to the North of the Site, on Lot 55 Cuming Road, Gledhow, WA, the Albany Wind Farm can be sighted from some key locations in the vicinity of the proposed site and the two telecommunication towers that are atop Mount Melville in Albany City Centre.

Other manmade structures include power poles and power lines, Street Signs, Bitumen roads, Bollards and individual dwellings.

4.3 District Landscape Area

4.3.1 District Landscape Character

The dominant characteristics that comprise the district landscape character can be summarised as;

- Rolling topography;
- Large mature Eucalypts and other endemic vegetation;
- Livestock including sheep, cattle and horses within the paddocks fronting the roads;
- A matrix of large lots separated by mature boundary plantings; and
- Open grassed paddocks.

These elements make up the rich landscape that is only publically viewed from the surrounding road infrastructure.

In addition to the elements summarised above, manmade elements punctuate the landscape; The Albany Wind Farm can be seen from several points within the local premise of the proposed site. Silhouetted on top of a ridge in the distance, the Wind Turbines provide a point of difference within the landscape. In the opposite direction, one can see the two telecommunications towers situated on Mount Melville located in Albany. This places direct sight lines to three significant manmade objects from the local constraints of the area surrounding the proposed site.

4.3.2 Viewing Experience and Values: How is the District Landscape Viewed

In publicly accessible locations the landscape character is experienced from surrounding roads on a local scale and from locations recognised as tourist destinations on a wider scale. Tourist destinations include local recreation points, lookouts and marked walking trails. The area is viewed by pedestrians from high points and lookouts from tourist destinations and from lower elevations when on adjacent roads. From a vehicle, the proposed monopole is sighted from adjacent roads. As the roads are often flanked by dense vegetation to a height typically between 15 and 30m, immediate or close-up views are limited in number and location. The site is almost always viewed from a distance, with the perimeter vegetation restricting views to internal areas.

5 Visual Impact Assessment

5.1 The Proposed NBN Mast

An outline of the proposed site has been provided by Daly International Pty Ltd.

The proposed NBN Mast will be a 40m high unpainted, muted tone (grey) monopole, along with radio and transmission telecommunications equipment, ancillary equipment cabinet(s), three panel antennas attached to the circular headframe at the top of the monopole, two parabolic dish antennas installed approximately 3m from the top of the monopole and all shall be enclosed within a secured (2.4m high chain link) fenced compound, measuring approximately 124m². This will be situated on an elevated area of land within a privately owned, Rural Residential Block.

The proposed height of the NBN Mast has been designed by NBN in order to provide the required function for which the structure is intended.

The Mast and associated fenced ground mounted plant will provide fixed Wireless Internet for the locale of Robinson, under the proposed NBN upgrade.

5.2 Key Views

5.2.1 Public Amenity

Views to the proposed site are limited from publically accessible locations. The compound for the monopole is inaccessible to the public, and not viewable from any publically accessible location. The only component of the monopole that will be viewable by the public from publicly accessible locations will be the upper section of the mast, either protruding above or through the surrounding vegetation.

Along Robinson Road, there are limited points where someone within the public realm will catch glimpses of the upper section of the monopole. These particular locations are along a stretch of road, where the speed limit is set at 80km/h, and as such these glimpses would be fleeting, when viewed from a moving vehicle. Pedestrians, will be afforded more time to be able to view the monopole. Along the section of Robinson Road, directly south of the Lot where the proposed site is situated, a viewer would be able to see the top section of the monopole. (Refer to Panorama 7.) This particular view is one of the limited enclosed views of the monopole. The roadside vegetation is tall, and dense, framing views to the monopole, where the vegetation is cleared.

At the intersection of Racecourse Road and Robinson Road there is a key line of sight towards the proposed site for the monopole. This is where vegetation has been cleared for safety reasons at the intersection. As traffic will stop in this location, both drivers and passengers in vehicles will be afforded more time to potentially register the monopole in the surrounding landscape. Along the remainder of Racecourse Road, both dense roadside vegetation and remnant vegetation within private residential lots almost completely obscure lines of sight towards the proposed location. It is unlikely there will be any view of the monopole from vantage points along this road. At the south end of Racecourse Road the viewer is able to see the top of an existing mast. In a south-east direction the Albany Windfarm is visible from the road. The very top of the proposed NBN Mast may be seen protruding above the line of trees.

Due to a newly constructed road, located approximately 540m to the South of the subject site, there are areas where roadside vegetation has been cleared. This provides opportunities to potentially view the top section of the proposed monopole. One particular location (Refer to Panorama 1) gives a straight view line directly towards the proposed site. With the clearing of vegetation within this area, the viewer is likely to see the top possibly 5-10m of the monopole. At the truncation of the road as topographically it is lower, the dense vegetation to the north would screen the monopole from view of the public realm.

Along Roberts Road, approximately 1.3km to the south west, adjacent to the Albany Racecourse, there would likely be continuous glimpsed views of the proposed monopole. This is due to the open

paddocks with minimal remnant vegetation and little fence line plantings. (Refer to Panorama 2). Continuing along Roberts Road there will be definite partial views of the top of the proposed pole, however, there are existing pole like structures already within the landscape that can be viewed from this vantage point. For example; an existing transmission tower estimated to be approximately 60m tall (located at Lot 55 Cuming Road, Gledhow), power transmission poles and street lights. This particular area within the local landscape is more obviously manipulated with the clearing of the firebreak that is situated directly perpendicular to Roberts Road. This fire break is also the location of a long line of power poles.

On the corner of Roberts Road and a private track, from the Public Realm the viewer can observe the two towers atop Mount Melville in Albany City Centre located due east, along with the top of Mount Clarence. This is along with two large existing monopole like structures, and several power poles lining the road. From here, you may see possible, occasional glimpses of the proposed NBN Mast (Refer to Panorama 10).

Along Manni Road (Refer to Panorama 3), it is likely a viewer within the Public realm will be able to see the top section of the proposed mast. This will appear as a mute tone, grey pole punctuating the sky above the tree lined horizon.

5.2.2 Private Amenity

As the location for the proposed site is surrounded by private residences and access is restricted, some assumptions had to be made based on the inability to access those sites.

Residents and visitors of the dwelling on the Lot that has granted the lease will in all likelihood be able to see the monopole.

Given the topographical characteristics of the adjacent private lots, it is likely that those lots on higher elevations would be granted sporadic views of the monopole. Surrounding private lots would see the top section of the mast. However, large existing swathes of mature remnant vegetation would screen the base, which would include the fenced ground mounted plant and a large portion of the mast, from these adjacent blocks.

5.3 Likely Changes in the Landscape

Landscape is not a static amenity and is continuously changing. For example, with agriculture being the predominant land use within the local area differing agricultural uses will continuously change the surrounding landscape. Along with the necessary clearing of vegetation for agricultural business, these create larger changes within the landscape. The qualities of the landscape are therefore subjective. The concept of 'landscape' is a cultural construct and its enjoyment of perception is affected by changes. However, there are no known other significant developments proposed for this locality.

5.3.1 Anticipated Short Term Effects

The site itself will have very little change. The construction of the NBN Mast requires minimal vegetation clearing. This means the current dense screen of local vegetation will not be significantly reduced. What little vegetation is cleared will eventually re-grow.

Access to the location is via the existing firebreak access track of Robinson Road. This means there will be minimal need for clearing vegetation for an access track, requiring no major impacts during construction.

5.3.2 Anticipated Mid-Term Effects

Little to no foreseeable midterm effects.

5.3.3 Anticipated Long-Term Effects

Little to no foreseeable long term effects within the broader landscape. However, the vegetation surrounding the site for the proposed site will continue to grow, and will continue to further screen the monopole.

The existence of a mast, fabricated from low reflective materials, within a landscape of mature trees and rolling topography, will widely be considered as just another vertical manmade component of the character of the areas.

6 Key Locations & Assessment of Changes

6.1 Scope

During the on site assessment, it was determined that there were two main potential tiers of sightline to the monopole location, based on whether one could see the proposed monopole from the local surrounding public domain, and whether it was discernible from the tree lined horizon from tourist locations. A local view and a tourist view were the subject of the investigation. The following chapter assesses local viewpoints identified during the Site Visit as possible locations where the proposed monopole may be sighted from. Refer to Figure 2.

In terms of views towards the proposed site for the NBN Mast from iconic tourists locations, three key locations were selected; Albany Wind Farm, Albany Yacht Club and Princess Royal Drive Boardwalk. Refer to Figure 3 for locations.

Comments and assessments are based on experience and professional opinions and refer to the possible impact, and ability to lessen the impact of the NBN Mast on the visual qualities and characteristics of the district landscape.

Local Views

6.1.1 Panorama 1;

This view appears as a straight trajectory down the newly constructed road forming part of a new rural subdivision. This view looks directly towards the proposed site of the NBN Mast. This location is located approximately 540m south-west of the proposed site.

6.1.1.1 *The key characteristics of this panorama are;*

- Straight, newly constructed asphalt road;
- The expanse of sky;
- The dense plantings of large mature trees; and
- Open grassed fields.

6.1.1.2 *Other important features in this view are;*

- The for sale signs on the proposed lots, which are temporary;
- Timber post and guideline wire fencing along the road;

6.1.1.3 *Changes likely to occur in this view are;*

- The top of the monopole would be seen from the road above the tree line; and
- The vegetation along the horizon is estimated to be between 20 and 30m tall, it is estimated that the mast would project 10-20m above the line of vegetation.
- Construction of residential dwellings



The red line indicates approximate location of the proposed NBN Mast within the Panorama, located behind the trees. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, this extract is not to scale. (Extract from Figure 2)

6.1.2 Panorama 2

Taken from Roberts Road adjacent to the Albany Racecourse. This location is located approximately 1.3km south-west of the proposed site.

6.1.2.1 *The key characteristics of this panorama are;*

- Undulating hills;
- Dense mature remnant vegetation;
- Little to no roadside vegetation of any significant height;
- Isolated dwellings; and
- A large existing pole in the distance.

6.1.2.2 *Other important features in this view are;*

- Timber post and guideline wire fencing line the road, depicting Lot boundaries;
- Newly planted vegetation on the side of the road;
- Power poles;
- Mount Melville along the horizon; and
- Isolated trees standing in the grassed field.

6.1.2.3 *Changes likely to occur in this view are;*

- The monopole will be visible from this location;
- It is likely the viewer would see the top section of the proposed monopole along the horizon, rising above the dense tree line; and
- The vegetation along the horizon is estimated to be between 20-30m tall, the monopole is estimated to project 10-20m above the line of vegetation in this location.



The red line indicates the approximate location of the proposed NBN Mast within the Panorama, located behind the trees. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, this extract is not to scale. (Extract from Figure 2)

6.1.3 Panorama 3

- This panorama is a view from Manni Road, located 600m from the proposed site, to the south-east.

6.1.3.1 *The key characteristics of this panorama are;*

- Large open grassed paddock;
- Large mature vegetation;
- Expansive sky; and
- Isolated large dwelling;

6.1.3.2 *Other important features in this view are;*

- Grassed drainage swales along the roadside;
- Timber and guideline wire fencing along lot boundary;
- Street signs depicting the end of the road;
- Grey/green tones of the mature vegetation;
- Bitumen road;
- Curated gardens lining the private driveway to the isolated dwelling;
- The power lines punctuating the sky above the tree line; and
- The screen plantings surrounding the building.

6.1.3.3 *Changes likely to occur in the view are;*

- The monopole would be visible from this location;
- The monopole would be visible from this location as a grey pole rising above the densely vegetated tree line; and
- The vegetation along the horizon is estimated to be between 20-30m tall, the monopole is estimated to project 10-20m above the line of vegetation in this location.



The red line indicates the approximate location of the proposed NBN Mast within the Panorama, located behind the trees and the dwelling. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, extract is not to scale. (Extract from Figure 2)

6.1.4 Panorama 4

This panorama was taken from the end of Monroe Crescent. This particular location provides a main sight line towards the location of the proposed monopole. This location is located 600m south of the proposed site.

6.1.4.1 *The key characteristics in this panorama are;*

- Red dirt private driveways;
- Several isolated large dwellings with associated out buildings;
- Large gates;
- Partly vegetated sand pile;
- Open grassed paddocks; and
- Large mature trees.

6.1.4.2 *Other important features in this view are;*

- Electricity boxes in the foreground;
- Timber post and wire guideline fence running parallel to the road;
- Stands of mature trees planted as screens along lot boundaries; and
- Expansive sky.

6.1.4.3 *Changes likely to occur in the view are;*

- The monopole will be visible from this location;
- This sight line provides an occasion where the viewer would be able to observe the top section of the proposed monopole; and
- The vegetation along the horizon is estimated to be between 20-30m tall, the monopole is estimated to project 10-20m above the line of vegetation in this location.



The red line indicates the approximate location of the proposed NBN Mast within the Panorama, located behind the trees and dwelling. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, extract not to scale. (Extract from Figure 2)

6.1.5 Panorama 5

The location from which this Panorama is taken is located approximately 390m to the south-east of the site.

6.1.5.1 *The key characteristics in this panorama are;*

- The private driveway;
- Large, mature roadside vegetation acting as a screen;
- Open grassed paddocks; and
- Dense tree line.

6.1.5.2 *Other important features in this view are;*

- The bright blue wheelie bin;
- The semi-permeable lot boundary fencing;
- Isolated street signs and letter boxes depicting the urbanisation of this particular locale;
- The asphalt road; and
- The grey/green tones of the surrounding vegetation.

6.1.5.3 *Changes likely to occur in the view are;*

- Likely to be no changes to this view;
- The proposed monopole would be lost amongst the dense cover of trees and vegetation; and
- Not shown in this panorama, there are distance views to the Albany Wind Farm from this particular location.



The red line indicates the approximate location of the proposed NBN Mast within the Panorama, located behind the trees. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, extract not to scale. (Extract from Figure 2)

6.1.6 Panorama 6

This panorama was taken from a bend in the road along Robinson Road. This location is approximately 270m east of the proposed site.

6.1.6.1 *The key characteristics in this panorama are;*

- Undulating topography;
- Large mature trees;
- Dense vegetative scrub; and
- Heavily vegetated drainage basin.

6.1.6.2 *Other important features in this view are;*

- The asphalt road truncating the landscape;
- The road barricade running parallel to the roadside;
- The timber bollards;
- The red of the dirt to the side of the road; and
- The grey/green tones of the vegetation.

6.1.6.3 *Changes likely to occur in this view are;*

- The road acts as a direct sight line towards the proposed monopole;
- As the viewer is coming from a lower point than that which the monopole is proposed to be situated on, the viewer would get a view of the top section of the mast intermingled with the trees; and
- As the trees are sparser, than other areas of the immediate location, the monopole would be more obvious in amongst the landscape.



The red line indicates the approximate location of the proposed NBN Mast within the Panorama, located behind the trees. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, extract not to scale. (Extract from Figure 2)

6.1.7 Panorama 7

This panorama was taken from Robinson Road directly out the front of the Lot for which the NBN Mast is proposed to be located.

6.1.7.1 The key characteristics in this Panorama are;

- Red bridge;
- Dense mature vegetation obscuring the interior of the Lot;
- The predominant species of trees in the foreground are *Agonis flexuosa*;
- The grassed open paddock; and
- The dense vegetation forming a tree line;

6.1.7.2 Other important features in this view are;

- The timber post and wire fence depicting the lot boundary in the foreground; and
- The grey/green tones of the vegetation.

6.1.7.3 Changes likely to occur in this view are;

- There will be definite views of the proposed monopole punctuating the sky above the tree line;
- As the trees screening the location of the proposed monopole are estimated to be between 20 and 30m tall, the monopole would protrude above the tree line by between 10 and 20m;
- This particular image represents the enclosed vista within this location; and
- This is the closest location within the public realm a viewer would be able to see the mast.



The red line indicates the approximate location of the proposed NBN Mast within the Panorama, located behind the trees. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, extract is not to scale. (Extract from Figure 2)

6.1.8 Panorama 8

This Panorama has been taken from a location approximately 280m north-west of the proposed site.

6.1.8.1 *The key characteristics of this panorama are;*

- The large mature Eucalypts lining the road;
- The open grassed field;
- The dense mature vegetation to the background of the image, creating a dense tree line against the sky;
- Several large dwellings;
- Grassed hillocks in the background; and
- Undulating topography.

6.1.8.2 *Other important features in the view are;*

- The horses;
- The shed located on the edge of the vegetation;
- The timber post and guideline wire fencing; and
- The grey/green tones of the vegetation.

6.1.8.3 *Changes likely to occur in this view are;*

- The top section of the monopole would be seen protruding above the dense vegetative horizon;
- The vegetation along the horizon is estimated to be between 20 and 30m tall; and
- It would be located above the main shed (blue) in this particular view.



The red line indicates approximate location of the proposed NBN Mast within the Panorama, located behind the trees and dwellings. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, extract is not to scale. (Extract from Figure 2)

6.1.9 Panorama 9

This Panorama was taken from the corner of Roberts Road and a Private Track located approximately 1km from the subject site.

6.1.9.1 *The key characteristics in this panorama are;*

- Large mature trees lining the road;
- Open, grassed, undulating fields;
- The dam/body of water in the background;
- Asphalt road; and
- The stands of edible fruiting trees that are heavily curated.

6.1.9.2 *Other key features in this view are;*

- The slim timber post and guideline wire fencing along the road side;
- The shed located near the road;
- The street signs along the road; and
- The large dwelling located at the bend of the road in the distance.

6.1.9.3 *Changes likely to occur in this view are;*

- From the public realm, the viewer would only see the top section of the proposed monopole; and
- The proposed monopole would appear as a thin grey pole punctuating the sky above the tree line, by approximately 10-20 metres.



Red line indicates approximate location of the proposed NBN Mast within the Panorama, located behind the trees. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama (extract from Figure 2)

6.1.10 Panorama 10

This panorama was taken from the end of a local traffic only dirt road. The road acted as an arrow straight towards the proposed site for the NBN Mast.

6.1.10.1 *The key characteristics in this panorama are;*

- Open grassed field;
- Private dirt drive way;
- Power and telecommunications lines;
- Large mature trees;
- Dense belt of vegetation in the background; and
- Expansive sky.

6.1.10.2 *Other important features in this view are;*

- The vegetation planted along fence lines;
- The bright green of the grass compared to the grey/greens of the native vegetation; and
- Fence lines depicting Lot boundaries.

6.1.10.3 *Changes likely to occur in this view are;*

- It is likely that someone within the public realm will be able to see the very top section of the mast; and
- It would appear as a thin grey pole punctuating the sky, approximately 10 to 20m above the existing tree line, which is estimated to be between 20 and 30m tall.



The red line indicates the approximate location of proposed NBN Mast within the Panorama. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama, extract not to scale. (Extract from Figure 2)

Albany Yacht Club

6.1.11 Albany Yacht Club

Panorama 11 is an expansive view looking north-west towards the site from the Albany Yacht Club. This has been compiled from multiple photographs. It represents a typical view as the viewer scans the horizon expanding the field of view. The Yacht Club is located 6.3km from the subject site. For location refer to Figure 3.

6.1.11.1 . *The key characteristics of this panorama are;*

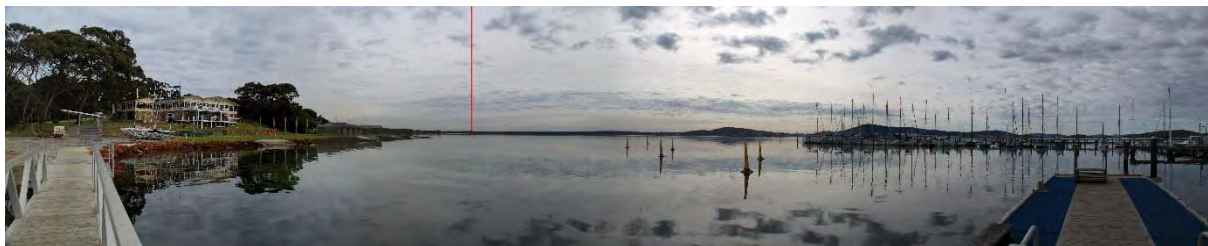
- This foreground of this view is dominated by human activity, or evidence of, including the sailing club, marina and jetty facilities, boat ramp, car parks and sea wall;
- The most commanding feature in this scene is the water body of Princess Royal Harbour as it extends to the far horizon; and
- The expansive open skies.

6.1.11.2 *Other important features in this view are;*

- The boats moored at the dock;
- The blue/grey of both the sky and the water;
- The large mature eucalypts situated by the Yacht Club; and
- The grassed slopes surrounding the Yacht Club.

6.1.11.3 *Changes likely to occur in this view are;*

- There is an extremely slight chance of being able to see the proposed monopole in the far distance;
- This would appear as a very thin grey pole in amongst dense grey/green vegetation;
- The vegetation along the horizon is estimated to be between 20 and 30m tall, therefore the proposed monopole would protrude between 10 and 20m above the height of the trees; and
- It would be hardly discernible from the dense vegetation along the horizon. It would require the viewer to be searching for it along the coast line to be able to see it in any significant detail.



The red line indicates the approximate location of the proposed NBN Mast within the Panorama. The red line *does not* indicate the height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama. (Refer to Figure 2 for other locations.)

Albany Locality

6.1.12 Albany Wind Farm, Albany

Panorama 12 is an expansive view looking from Albany Wind Farm north-east towards Albany City Centre. This panorama has been compiled from several photographs, and represents a typical view of the surrounding landscape when visiting the Wind Farm. The Albany Wind Farm is located 5.15 km from Albany City Centre. For location refer to Figure 3.

6.1.12.1 *The key characteristics of this panorama are;*

- The rolling topography covered in low growing dense vegetation;
- The Wind Turbines that stand at 65m tall (Synergy 2015)
- The expansive sky; and
- The Southern Ocean.

6.1.12.2 *Other important features of this view are;*

- The grey/green tones of the dense vegetation covering the slopes;
- The sun beginning to set directly over the peninsula;
- The strip of land in the far distance to the left of the frame; and
- The Albany City Centre just visible between the land formations.

6.1.12.3 *Changes likely to occur in this view are;*

- Very little change is likely to occur in this view;
- If the tower is at all discernible, it would be lost in amongst the dense vegetation, as the viewer would be looking from above; and
- The viewer's eyes would more likely be drawn to other notable landmarks in the view, for example the Wind Turbines which are a more obvious feature within the landscape.



The red line indicates the approximate location of proposed NBN Mast within the Panorama. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama. (Refer to Figure 2 for other locations.)

6.1.13 Princess Royal Drive, Boardwalk

Panorama 13 is an expansive panorama that has been compiled from several photographs and represents a typical view as perceived by both locals and tourists from the end of the boardwalk looking north-east towards the Albany Entertainment Centre. This panorama was taken 5.1km from the subject site. For location refer to Figure 3.

6.1.13.1 *The key characteristics of this panorama are;*

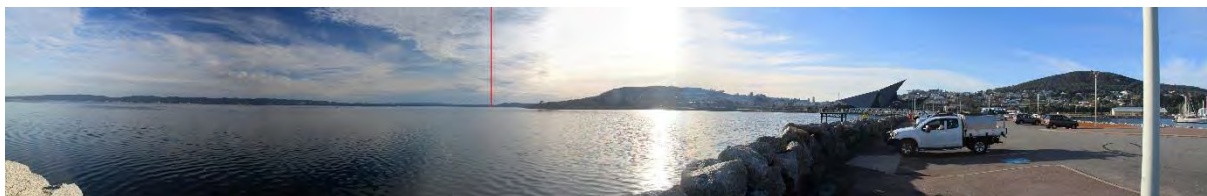
- The heavily industrialised foreground hosts a number of very large-scale buildings, including the newly built Entertainment Centre (opened in December 2010 (Council 2015));
- The continuous land mass in the far distance;
- Mount Melville; and
- The Princess Royal Harbour body of water.

6.1.13.2 *Other important features of this view are;*

- Along the shoreline in the far distance, numerous individual buildings can be seen dotted in the landscape as small white punctuations;
- The rock sea wall in the foreground;
- The tall light posts lining the jetty;
- The boats in the marina; and
- The expansive sky above the harbour.

6.1.13.3 *Changes likely to occur in this view are;*

- Very little, the monopole, which may be seen, even from this great distance, would appear as a very slim pole situated in amongst dense mature vegetation, which would almost entirely obscure the mast; and
- As the vegetation along this horizon is estimated to be between 20 and 30m tall, the mast would protrude by between 10 and 20m above this line of the horizon; and
- It is not likely to be discernible within the context of the scale of view.



The red line indicates the approximate location of proposed NBN Mast within the Panorama. The red line *does not* indicate height or width of the proposed NBN Mast within the landscape.



Location and direction of Panorama. (Refer to Figure 2 for other locations.)

6.2 Conclusions

- The site itself, including the lower portion of the 40 metre high monopole, radio and transmission telecommunications equipment and the ancillary equipment cabinet surrounded by a secured 2.4 metre high chain link fence; cannot be seen from any publically accessible areas;
- The existing landscape screens the proposed site from view, meaning that if any of the proposed NBN Mast is viewed from the public realm, it would only be a section of the top of the pole;
- The existing landscape character already includes a diverse range of manmade elements including agricultural buildings and infrastructure, power poles, fence lines and other tall manmade structures. The introduction of the NBN Mast will add another man made element to this landscape. Nor would the NBN Mast be a feature that would dominate within the landscape;
- The top of the monopole will be viewed from selective points within the immediate locality of the proposed site, however it will be seen from the surrounding roads, which have speed limits of between 80km and 100km/h, indicating that any views would be fleeting glimpses between the road side vegetation;
- Retained vegetation directly around the proposed site will be important to maintain the screen of vegetation that currently exists within the Lot of the proposed site;
- From Albany Yacht Club and Princess Royal Drive Boardwalk, the monopole will be visible, but only as a slim barely discernible pole amongst dense mature vegetation. This is due to the relatively large distance of these tourist destinations from the proposed site;
- From Albany Wind Farm, as the viewer would be looking down onto the poles location it would be extremely difficult, if not impossible to make out the pole, as it would be lost amongst the surrounding vegetation;
- The pole would have very little visual impact on the surrounding public domain as there are already several significant manmade structures within the immediate locale;

The effects of the proposed NBN Mast will be limited to nearby surrounding properties. Its visual impact on the surrounding publically accessible areas will be minimal as it is generally screened from view by existing vegetation, both remanent and installed by man or will be a minor element within a broad landscape.

7 Visual Management Objectives

7.1.1 Proposed Visual Management Measures

7.1.1.1 *Landscape Response*

- Maintain the existing vegetation surrounding the proposed site for the NBN Mast, as this will continue to grow and further screen the monopole;
- As there is very little requirement for clearing of vegetation during construction, the majority of the mature vegetation will act as an instant screen; and
- There is a possibility for some further planting of local endemic species to further screen the proposed monopole;

7.1.1.2 *Development Response*

- The pole should be an unobtrusive colour. NBN Co Ltd have proposed that it is intended for the pole to be unpainted, muted tone (grey), which will blend with the immediate vegetation and sky.

8 Figure 2



9 Figure 3



10 Appendices – Planning Report, Proposed Fixed Wireless Facility

National
Broadband
Network

Planning Report Proposed Fixed Wireless Facility

241 Robinson Road
Robinson WA 6330

NBN Site Reference
NBN 6KAZ-6ALN-51-01-ALBANY

The contents of this document reflect NBN Co's current position on the subject matter of this document. It is provided solely to explain information relevant to NBN Co's planning proposal. The contents of this document should not be relied upon as representing NBN Co's final position on the subject matter, except where stated otherwise. Any dates provided are indicative only, are subject to change and are dependent upon a number of factors.

Prepared on behalf of NBN Co Limited
By Daly International Pty Ltd
October 2014

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Executive Summary

| | | |
|------------------------------|---|----------|
| Proposal | <p>NBN Co propose to install a new fixed wireless facility at 241 Robinson Road, Robinson, comprised of the following:</p> <ul style="list-style-type: none"> ▪ 40m high monopole; ▪ 2 X parabolic dish antennas; ▪ 3 X panel antennas on a circular headframe; ▪ 1 x outdoor cabinets (and 1 x future) at ground level; & ▪ Ancillary equipment associated with operation of the facility, including cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment. | |
| Purposes | The proposed facility is necessary to provide NBN fixed wireless coverage to the Robinson region. | |
| Property Details | <p><i>Lot & Plan No:</i> 105 on DP 40893 <i>Street Address:</i> 241 Robinson Road, Robinson, WA <i>Overall Site Area:</i> 6.1648 ha approx. <i>Property Owner:</i> Algean Pty Ltd</p> | |
| Town Planning Scheme | <p><i>Council:</i> City of Albany Council <i>Zones:</i> Rural Residential (29) <i>Use Definition:</i> Telecommunications facility</p> | |
| Applicable Planning Policies | Relevant State & Local Planning Policies | Complies |
| | <i>State Planning Policy 5.2 Telecommunications Infrastructure</i> | Yes |
| Application | Use and development of the land for the purposes of construction & operation of a Telecommunications Facility (Fixed Wireless facility) | |
| Applicant | <p>NBN Co Limited (NBN Co) c/- Daly International Level 1, 1002 Hay Street PERTH WA 6872 Contact: Rochelle Barclay Our Ref: 6ALN-51-01- ALBA</p> | |

1 INTRODUCTION

NBN Co has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the National Broadband Network (NBN). Ericsson has in turn engaged Daly International to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

The NBN is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services. NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support the Fixed Wireless component of this network, NBN Co requires a fixed wireless transmission site to provide fixed wireless internet coverage to Robinson and to serve as a key communications anchor point for another NBN Fixed Wireless facility in the area of Little Grove.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, namely:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for NBN Co to secure a lease agreement with the landowner.

This application seeks planning consent for:

- a 40 metre high monopole;
- radio and transmission telecommunications equipment; and
- ancillary equipment cabinet(s).

Located at 241 Robinson Road, legally known as Lot 105 on deposited plan 40893.

This submission will provide assessment in respect of the relevant planning guidelines, and demonstrates site selection on the basis of:

- The site is designed so as to be appropriately located & sited so as to minimise visual impact on the immediate & surrounding area;
- The site is designed to achieve the required coverage objectives for the area;
- The proposal is designed to operate within the regulatory framework of Commonwealth, State and Local Government; and
- The facility is designed to operate within all current and relevant standards and is regulated by the Australian Communications and Media Authority.

This planning report provides details of the proposed installation, assesses its compliance with the relevant planning instruments, draws a number of conclusions regarding likely impacts in terms of key relevant issue areas and recommends that the proposal be approved.

2 BACKGROUND

2.1 NBN Co and the National Broadband Network

NBN Co is the organisation responsible for overseeing the upgrade of Australia's existing telecommunications network and for providing wholesale services to retail service providers. The NBN is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure. The NBN's fixed wireless network will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

NBN Co's fixed wireless network is designed to offer service providers with wholesale access speeds of up to 25Mbps for downloads and 5Mbps for uploads.¹

2.2 What is Fixed Wireless and how is it different to Mobile Broadband?

The NBN's fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver services to a fixed number of premises within each coverage area. This means that the bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use.

Unlike a mobile wireless broadband service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.

2.3 The Fixed Wireless Network – Interdependencies

Although fixed wireless facilities are submitted to Council as standalone developments from a planning perspective, they are highly interdependent. Each fixed wireless facility is connected to another to form a chain of facilities that link back to the fibre network. This is called the 'transmission network'.

The transmission network requires line of sight from facility to facility until it reaches the fibre network. The fixed wireless network will remain unconnected without the transmission network and a break in this chain can have flow on effects to multiple communities.

A typical fixed wireless facility will include three panel antennas mounted above the surrounding area. Each antenna is designed to cover a set area to maximise signal strength. These network antennas communicate to a small antenna installed on the roof of each customer's home or business.

¹ NBN Co is designing the NBN to provide these speeds to our wholesale customers, telephone and internet service providers. End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like equipment quality, software, broadband plans and how the end user's service provider designs its network.

The proposed Fixed Wireless facility at Robinson is a fibre-link site. It has been designed not only to provide fixed wireless internet services to surrounding premises, but is also designed to be a Fibre Hub “the critical connection point between the fibre network and the Little Grove adjoining Fixed Wireless facilities via the transmission network”.

The character of the Fixed Wireless network is visually demonstrated through Figure 1 below.

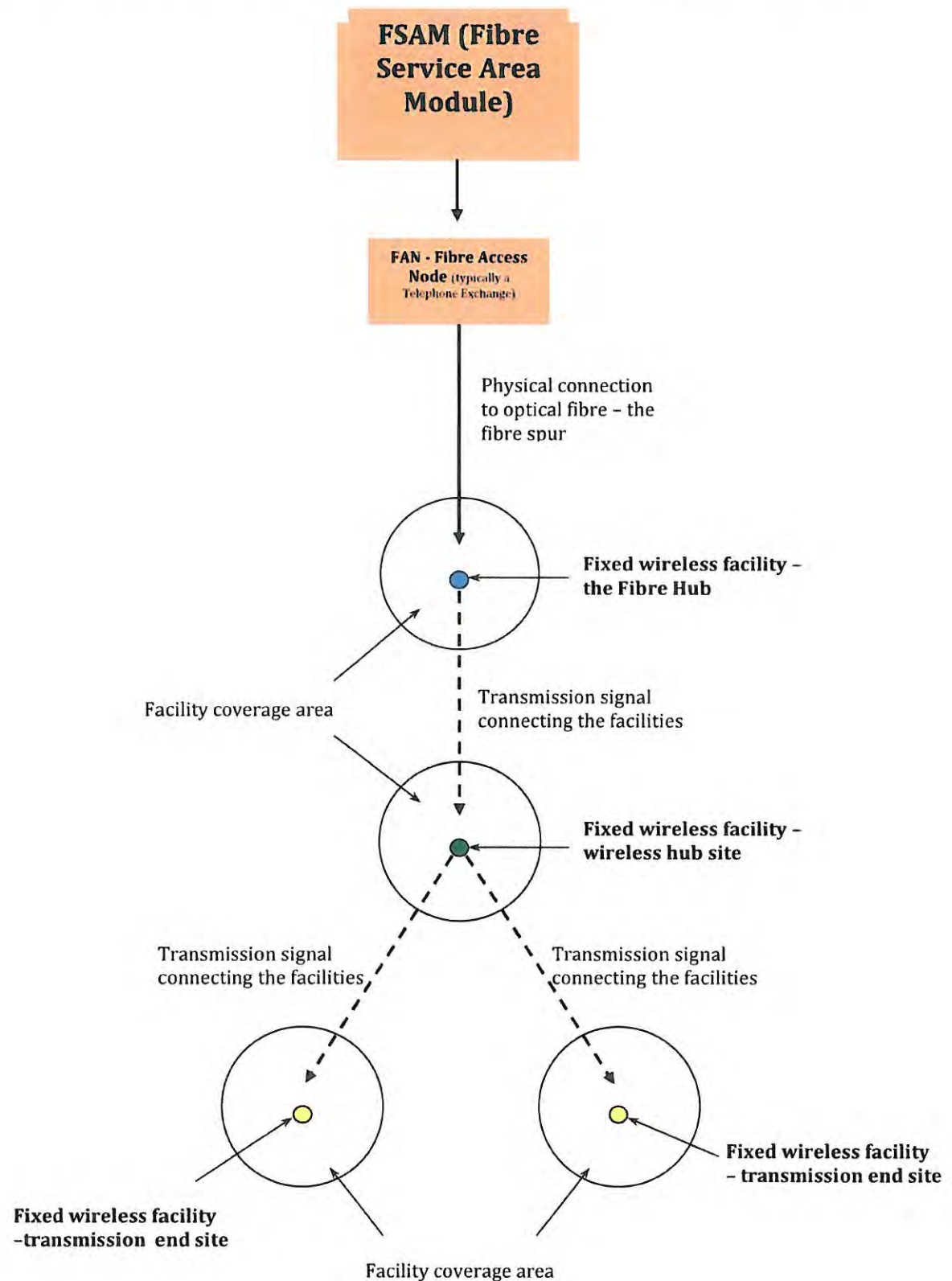


Figure 1: The fixed wireless network

3 SITE SELECTION

Planning for a new fixed wireless broadband facility is a complex process. NBN Co conducts a rigorous multi-stage scoping process, as outlined below.

3.1 Identification of areas requiring Fixed Wireless coverage

NBN Co's Fixed Wireless locations are determined by a number of factors including the availability of both the NBN Co Fibre transit network and the availability of Point of Interconnect (POI) facilities to allow for the installation of NBN Co fibre equipment. NBN Co uses a number of methods to identify those parts of Australia that require Fixed Wireless coverage. When an area is identified as requiring Fixed Wireless coverage, investigations are undertaken to determine the measures required to provide this coverage.

NBN Co has identified a requirement to provide a Fixed Wireless facility at Robinson. The facility is designed to provide Fixed Wireless internet services to dwellings in the Robinson area, in addition to serving as a key communications link for another NBN Fixed Wireless facility in the Little Grove area.

3.2 Site Selection Parameters

NBN Co generally identifies an area where the requirement for a Fixed Wireless facility would be highest, a 'search area.' A preliminary investigation of the area is then generally undertaken, in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations to establish a facility.

Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other issues that influence network design, which have to be resolved in parallel.

Some of the issues that may be considered include visual amenity, potential co-location opportunities, the availability and suitability of land as well as a willing site provider, occupational health and safety, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints affecting network line of site, legislative policy constraints, environmental impacts, and cost implications.

The number, type and height of facilities required to complete the Fixed Wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established to provide Fixed Wireless internet services to a local community.

3.3 Candidate Sites

Following the identification of the search area, a number of candidate sites were examined. Each candidate was assessed based on the ability to meet the coverage objectives and site considerations detailed above. A total of nine (9) candidates were selected for in-depth investigation, as per **Figure 2** on the following page.

NBN Co endeavors to avoid locating search areas in close proximity to residential localities and potentially sensitive land uses, where practicable. The Robinson area is comprised predominantly of rural residential; parks and recreation; and rural small holding land uses. As such, NBN Co considers that the Robinson area provides an appropriate location for a facility, given the appropriate separation from higher-density residential and other sensitive land uses.

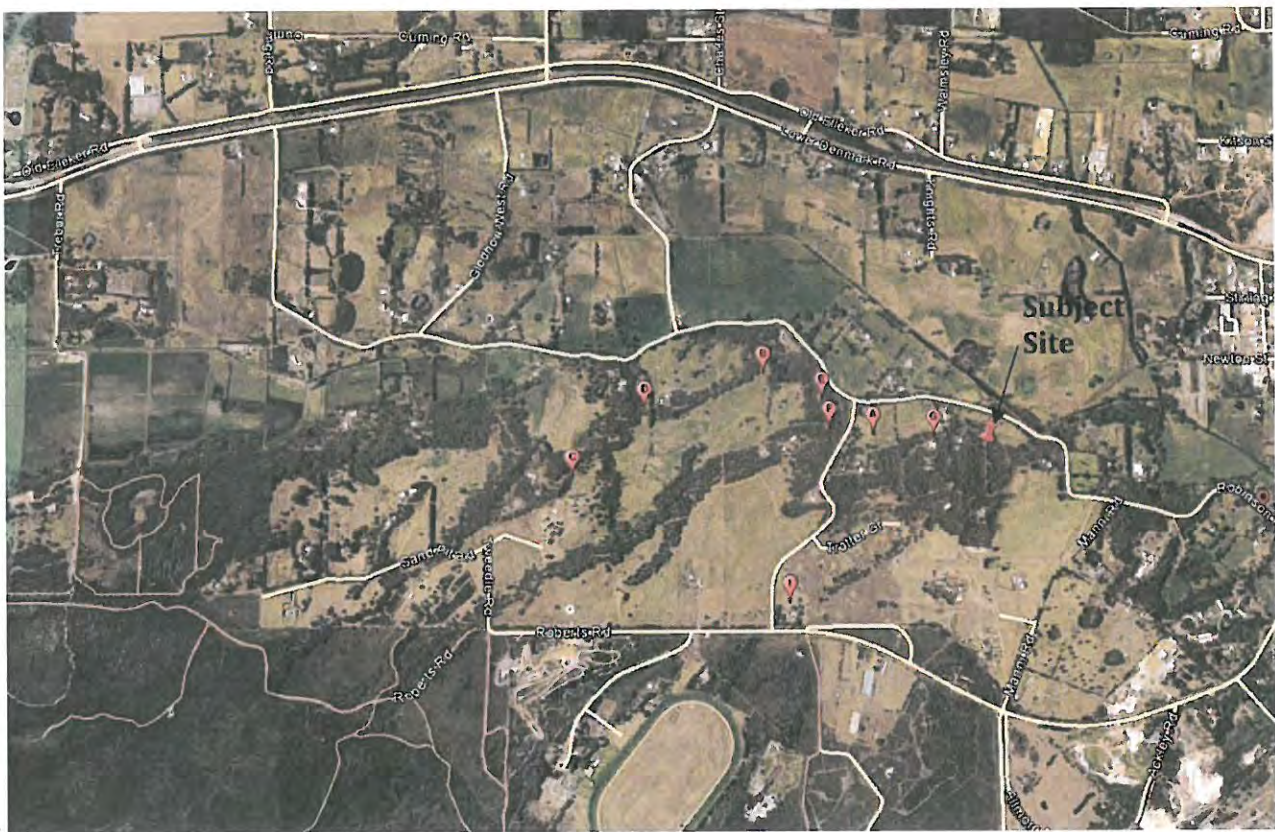


Figure 2 – NBN Co Candidate Sites (from Google Earth)

A summary of the candidates that were proposed is set out below, including a description of the opportunities and constraints that each site afforded.

| Candidate | Address and Lot Number | Facility Type | Description |
|-----------|--|----------------------|---|
| A | 27 Racecourse Road, Robinson (Lot 24 on Plan 3568) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 27 Racecourse Road, Robinson. The owners of this site were contacted twice and no response |

| | | | |
|----------|--|----------------------|--|
| | | | was received. |
| B | 101 Robinson Road, Robinson (Lot 101 on Plan 40892) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 101 Robinson Road, Robinson. The owners of this site were not interested in the proposal. |
| C | 28 Sand Pit Road, Robinson (Lot 21 on Plan 3568) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 28 Sand Pit Road, Robinson. The owners of this site were contacted twice and no response was received. |
| D | 379 Robinson Road, Robinson (Lot 9 on Plan 3568) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 379 Robinson Road, Robinson. The owners of this site were not interested in the proposal. |
| E | 325 Robinson Road, Robinson (Lot 103 on Plan 40892) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 325 Robinson Road, Robinson. The owners of this site were contacted twice and no response was received. |
| F | 52 Racecourse Road, Robinson (Lot 5 on Plan 3568) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 52 Racecourse Road, Robinson. The owners of this site were not interested in the proposal |
| G | 245 Robinson Road, Robinson (Lot 104 on Plan 40893) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 245 Robinson Road, Robinson. The owners of this site were contacted twice and no response was received. |
| H | Subject Site: 241 Robinson Road, Robinson (Lot 105 on Plan 40893) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 241 Robinson Road, Robinson. The owners of this site have agreed and have signed a lease. |
| I | 224 Roberts Road, Robinson (Lot 33 on Plan 3568) | New 40 m monopole | NBN Co investigated establishing a new 40 metre monopole at 224 Roberts Road, Robinson. The owners of this site were not interested in the proposal. |

3. 4 Site Selection

This section has provided an overview of the process and particulars relating to site selection. Candidate H - 241 Robinson Road, Robinson (Lot 105 on DP 40893) is considered the ideal candidate site for the location of the proposed NBN fixed wireless facility for the following reasons:

- The proposed site has been particularly targeted to provide the optimal required quality of service as required by NBN Co across the Robinson region;
- The proposed facility is located in a rural residential area, on an elevated area of the site to minimize the tower height; existing vegetation will adequately screen the tower;
- The site provides sufficient spatial separation from sensitive land uses with the nearest dwellings located approximately 84 metres and 176 metres from the proposed site;
- The surrounding landscape includes mature dense vegetation and other street furniture such as streetlights, power lines; railway infrastructure amongst other visual clutter. In this way, the tower will not be a distinctive introduction to the surrounding landscape. Furthermore, the existing vegetation is expected to provide partial screening and soften the scale of the proposal.

4 SUBJECT SITE & SURROUNDS

The telecommunications facility is proposed to be located at 241 Robinson Road, Robinson. The land is formally described as Lot 105 on Plan 40893. The land is presently improved by a detached dwelling and ancillary structures. The site is irregular in shape and has a total area of approximately 6.1648 hectares. Access to the property is via an existing access track from Robinson Road (please refer to the Proposal Plans contained in **Appendix 3- Proposed Plans**).

The subject site is zoned Rural Residential (29) (Please refer to the Zoning Map in **Section 6.3.2** of this report). The surrounding area consists predominantly of rural residential (located east and west) parks and recreation (located south west); and rural small holding land uses (located to the north). The nearest dwelling is setback 84 metres (owners dwelling) and the closest neighbouring dwelling setback approximately 176 metres. **Figure 3** on the following page depicts the subject site in the context of the surrounding area. This image shows the low-density rural residential character of the surrounding area.

Where possible, NBN Co endeavours to co-locate with existing telecommunications facilities if it is feasible to do so. As per data from the Mobile Carriers Forum (MCF) National Site Archive, there are no suitable telecommunications sites within the Albany area. Accordingly, co-location could not be achieved in this instance.

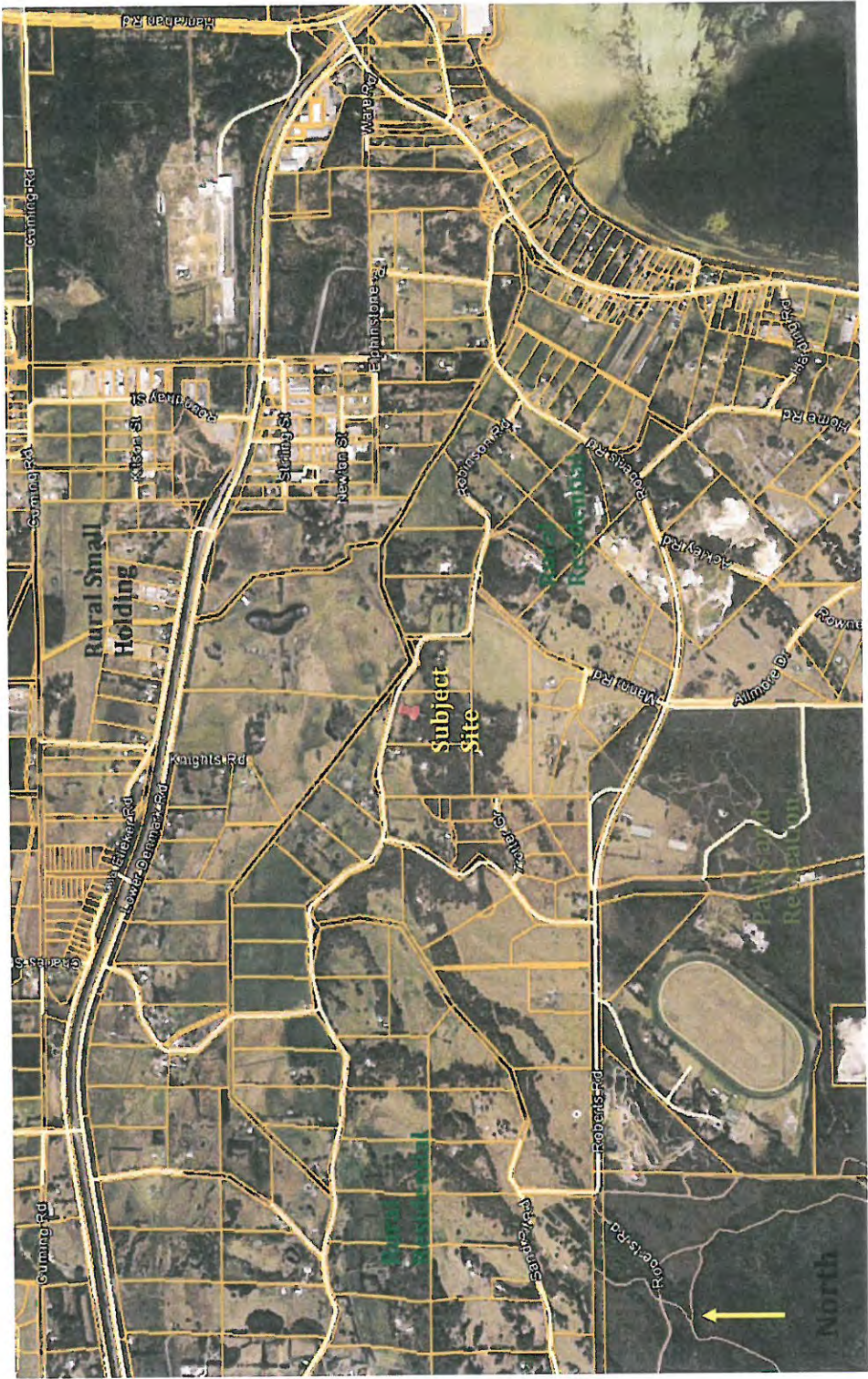


Figure 3 – Aerial Photo of subject site, illustrating surrounding context (Courtesy of Google Maps)

Figure 4; and **Figure 5** below depict the proposed location of the NBN Fixed wireless facility within the site, and the view from the proposed location looking towards Robinson Road. More site photos are included in **Appendix 2- Site Photographs**, and include a Photomontage illustrating the proposed facility as it would appear in the landscape.



Figure 4 – Proposed location of the NBN Wireless Facility compound



Figure 5 – View from proposed facility location towards Robinson Road

5 THE PROPOSAL

5.1 Facility and Equipment Details

5.1.1 Equipment to be Installed

Approval is sought for the development of a telecommunications facility, comprising a forty (40) metre high monopole, associated radio transmission telecommunications equipment and ancillary components including an outdoor cabinet enclosed within a secure compound which measures approximately 124 m² in area.

The proposed NBN Fixed Wireless facility at Robinson is also intended to operate as a transmission hub site within the network, serving as a key communications receiving point for another NBN fixed wireless broadband station in the wider Albany region.

The proposed monopole will feature a circular headframe at the top of the monopole accommodating three (3) x panel antennas measuring approximately 1077 mm x 300mm x 115mm. Two (2) parabolic dish antennas will also be installed at approximately 37 metres on the monopole and will be 600mm in diameter. (Please refer to **Appendix 3 – Proposed Plans** for further details.)

5.1.2 Access and Construction Details

The proposed NBN compound will be accessed via the existing firebreak access track off Robinson Road and part of the proposal includes an upgrade to this track (Please refer to **Appendix 3 – Proposed Plans** for further details).

NBN Co considers the site access to be appropriate given the NBN Co facility will not be a significant generator of traffic. Once operational, the facility should require once annual maintenance visits, but would remain unattended at all other times. As the facility is expected to generate minimal trips per year, it is anticipated that traffic interference will be negligible.

During the construction phase, it is planned that a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction are expected to be of a short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that road closure will be required, NBN Co will apply to the relevant authorities for permission.

The facility and all ancillary components are proposed to be constructed over the one title. A copy of title is provided as **Appendix 1**. Plans indicating the details of the proposal form part of the documentation of this application. Additional photos of the site and proposed development plans are provided as **Appendices 2 & 3** respectively.

5.1.3 Utility Service Details

The facility will be powered by a proposed underground power cable from existing western power pole (#448738) to the proposed NBN equipment shelter.

5.1.4 Construction and Noise

Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

There is expected to be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter, once installed. Noise emanating from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.

A total construction period of approximately ten weeks (including civil works and network integration and equipment commissioning) is anticipated. Construction activities will involve four basic stages:

- Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;
- Stage 2 (Weeks 2, 3 and 4) – Construction of the mast;
- Stage 3 (Weeks 5 and 6) – Construction of the equipment shelter and fences;
- Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.

Once operational, the facility is designed to function on a continuously unstaffed basis and will typically only require maintenance works once a year, for approximately one day per year.

6 CURRENT PLANNING CONTROLS

6.1 Commonwealth Legislation

6.1.1 The Telecommunications Act 1997

Schedule 3 of the *Telecommunications Act 1997* (Cth) empowers Carriers to install low-impact facilities without participating in the planning approval process. The *Telecommunications (Low Impact Facilities) Determination 1997* (Cth) defines which facilities are low-impact facilities. As the proposed monopole cannot be defined as a low-impact facility, the Commonwealth power does not apply. As such, unless a State or Territory exemption applies, a planning permit is required.

It is noted that Rural areas are identified as areas of settlement with the highest level of priority for the siting of a low-impact facility within The Telecommunications Act 1997.

6.2 State Legislation –

6.2.1 Planning and Development Act 2005

The proposal is subject to the provisions of the *Planning and Development Act 2005*. This Act controls development within Western Australia through the application of environmental planning instruments. It is those instruments that document whether or not development is permissible, either with or without development consent, or prohibited.

6.2.2 State Planning Policy 5.2 Telecommunications Infrastructure

This policy provided a framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of Western Australia. Planning Policy 5.2 states that ‘telecommunications infrastructure should be located, sited and designed in accordance with 15 Guiding Principles’. Please refer to **Appendix 5 – Response State Planning Policy 5.2** for compliance with the provisions of this policy.

6.2.3 Guidelines for the Location, Siting and Design of Telecommunications Infrastructure

The guidelines provide advice on the location, siting and design of telecommunications infrastructure to assist local government in planning for telecommunications facilities at the local level and are designed to be read in conjunction with Telecommunications Infrastructure Statement of Planning Policy 5.2, any town planning scheme for the particular area, and any local planning policies relevant to telecommunications infrastructure. These guidelines were taken into consideration when selecting this site.

6.2.4 Visual Landscape Planning in Western Australia

The Visual Landscape Planning Manual for Western Australia provides advice to state agencies, local governments, developers and the community on techniques for incorporating visual landscape planning into the planning system. The manual has been developed by the Department

for Planning and Infrastructure with the assistance of a working group including the Department of Environment and Conservation (DEC) and Main Roads WA. The manual provides visual landscape planning methods: explains the techniques of visual landscape evaluation and visual impact assessment in detail. Part 3 of the manual provides guidelines for location, siting and design: considers land uses and developments that may give rise to potential impacts on different landscapes and measures to address these impacts.

An assessment of the report against these guidelines follows to assist council planners in their assessment of this application.

Guideline

1. Location

- a. *Assess the potential location of the tower and comply with management standards for the area.*
- b. *When locating and siting telecommunication towers avoid significant features, travel routes and recreation areas where possible.*
- c. *Locate towers where there is similar infrastructure in the surrounding landscape and proposed construction area.*
- d. *High points in the landscape vary in their prominence as viewed from different locations. Where possible choose higher points that appear less prominent from key views and/or travel routes.*
- e. *To reduce impacts on key views, there are two options: locating further up a slope is better for short distance views, and for long distance views choose locations back from the top of the ridge or further down the slope (Figure 3.24)*

Response:

NBN Co identifies an area where the proposed facility is likely to provide maximised service to the community (a 'search area') and undertakes a preliminary investigation in conjunction with its planning and property consultants, radiofrequency engineers and designers in order to identify possible locations and options to locate a facility. Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other critical issues that influence network design, and these have to be resolved in parallel. Some of the issues which need to be considered are visual amenity, potential co-location opportunities, the availability and suitability of land and a landowner willing to lease land, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints, legislative policy constraints, environmental impacts and cost implications. The number, type and height of facilities required to complete the fixed wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established. The chosen location for the site has been selected after careful consideration of nine (9) candidate sites.

In order to achieve coverage objectives for the area and considering the willingness of land owners, the chosen site was the best possible location for the siting of the facility. Corridors of intermittent vegetation screen the views from Robinson Road and other local roads in the road network.

The proposed tower is sited on an elevated portion of the site. To provide council with a clearer understanding of the proposal, **Appendix 2- Site Photographs** includes a photomontage as a visual representation of the proposed facility taken from a viewpoint on Robinson Road. The

photomontage demonstrates that the location of this facility does not detract from the current visual amenity. The addition of this tower will significantly increase local telecommunications coverage and access.

Guideline

2. *Siting*

- a. *Avoid siting towers directly on a focal area (ie the focus of the view), particularly where they are in line with travel route line-of-sight.*
- b. *Keeping the towers away from potential focal areas will reduce the overall visual impact*
- c. *Towers that are sited sufficiently away from travel routes can be completely screened from view. This is possible and is the most desirable option.*
- d. *Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively.*
- e. *Siting telecommunication towers close to objects of a similar scale (whether they are natural, such as trees, or built features such as other infrastructure) will reduce their prominence and hence their potential visual impact.*
- f. *Siting towers on existing buildings; there are many designs and strategies to site towers on existing buildings to reduce the overall visual impact.*

Response:

The chosen location for the site has been selected after careful consideration of nine (9) candidate sites as discussed in the preceding response. The proposed site is not in direct line of sight on main travel routes, and is largely screened by existing vegetation. Due to the site's elevation the height of the tower has been able to be kept considerably smaller than other similar facilities. There are no existing structures or buildings that could be used for co-location. However the proposed facility has the capacity for the co-location of further facilities. Please refer to **Appendix 2- Site Photographs** for a visual representation of the proposed facility.

Guideline

3. *Design*

- a. *Use an appropriate colour scheme to harmonise with the surrounding landscape in any given situation (natural, rural, built areas).*
- b. *Using colour will reduce glare and reflectivity. If the towers are not painted, the steel is more reflective in the light and will draw more attention.*
- c. *Avoid clutter on individual towers. Combine all additional elements in the most streamlined way possible.*
- d. *Combine several towers that are in the same location. This avoids duplication and consolidating the facilities on to one tower reduces the overall visual impact on multiple towers in one location.*
- e. *Reduce the visible bulk of the entire structure. Lattice web towers are usually less intrusive than solid towers. This applies with wide to slim design tower regards to the overall design of telecommunication towers, check height requirements in the proposed construction area. Towers can often come in standard sizes and may be taller in height than necessary. Minimise height wherever possible.*
- f. *Camouflage towers: this technique is popular, and if designed sensitively can be very effective in reducing potential visual impact.*

Response:

The materials and colours used have been chosen to remain complimentary to the surrounding landscape. In our experience, if the monopole remains unpainted (dull grey colour), over time fades to best blend with the uniform colours of the site's rural setting This facility presents an opportunity for future colocations of similar infrastructure. Any such co-location would be dependent on structural capabilities and other operators coverage objectives.

The development application has considered the Visual Landscape Planning Guidelines for Telecommunications Infrastructure and it is considered that the proposal remains consistent with the provisions for location; siting and design.

6.3 Local Legislation

The City of Albany Planning Scheme No. 1 (from herein referred to as 'the scheme') gazetted on the 28th of April 2014 is administered by the City of Albany is the applicable local planning instrument for this application.

6.3.1 Local Policies

Notwithstanding that there are a range of local planning policies applicable in the council jurisdiction, none of these policies currently apply to this development application.

6.3.2 Zoning

The scheme identifies the site for the proposed facility 241 Robinson Road, Robinson as Rural Residential 29. **Figure 6 below** provides the planning scheme map and legend identifying the site as Rural Residential 29.

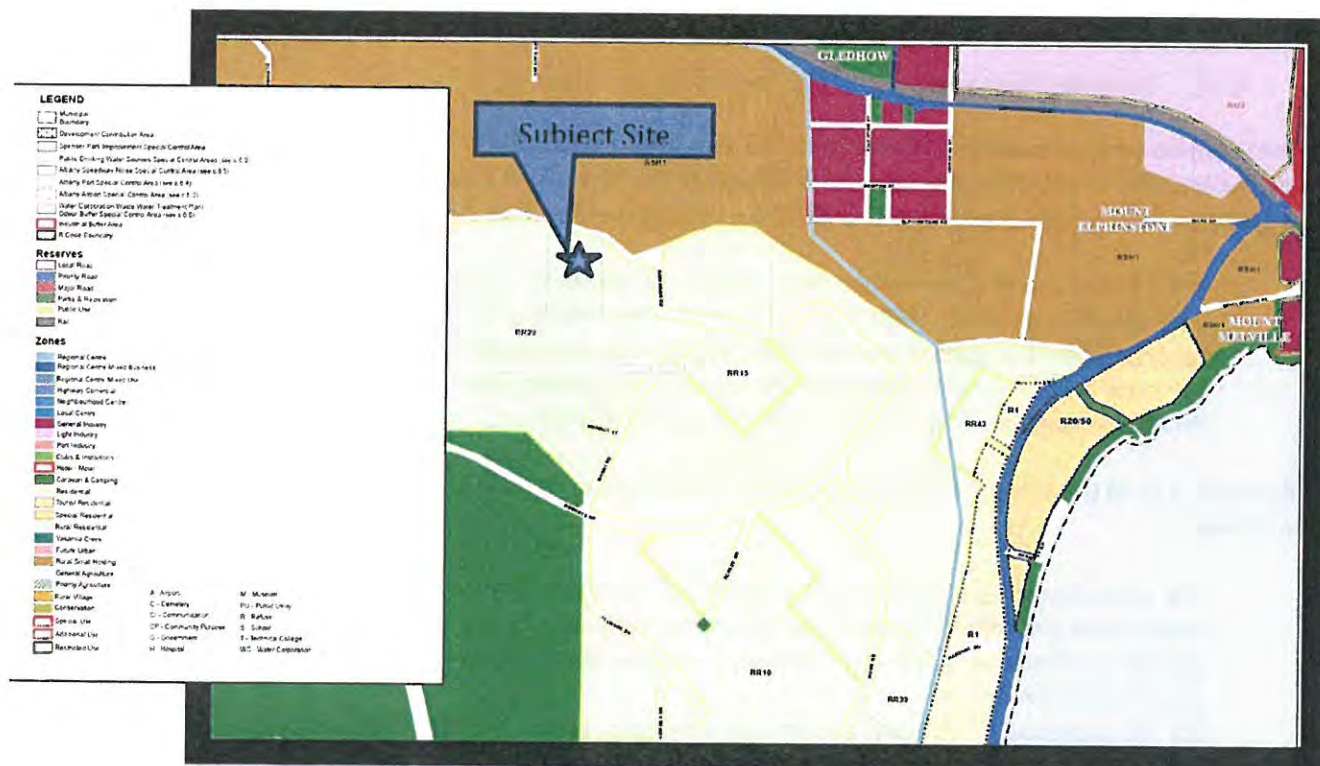


Figure 6 – City of Albany Planning Scheme No. 1 Map 3 (Courtesy of City of Albany)

Schedule 1 of the Planning Scheme defines telecommunications as:

'Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network'.

The use is not listed in the zoning table, which identifies that the use must comply with clause 5.5.13 and Schedule 14. The scheme dictates that:

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the Local Government may:

(a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

(b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or

(c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Accordingly, this report will assess the proposal against clause 5.5.13 and Schedule 14, and it is understood that Council will advertise the application in accordance with the procedures of clause 9.4.

6.3.3 Bushfire Protection

There are no current maps that identify the site as a bushfire hazard zone. It is understood from discussions with Council that the site will be subject to Bushfire prone mapping once this mapping is approved by the State Government. Section 5.4 of the scheme states the following:

5.4.1.2 The Local Government may require all planning proposals (including scheme amendments, structure plans and subdivisions) to include a fire hazard assessment and report prepared in accordance with the methodology and classifications (as determined by the Local Government) contained in the Western Australian Planning Commission Bushfire Protection policies and guidance at the time of application.

Section 5.4.13 of the scheme outlines a number of provisions pertaining to fire protection measures:

The Local Government shall require all planning proposals to incorporate appropriate fire protection measures which may include:

(a) The requirements of the City's Annual Fire Regulation Notice (as amended from time to time);

(b) The provision of an adequate fire fighting water supply and equipment including, but not limited to, fire hydrants, standpipes and hose connections;

(c) The provision of fire access tracks for access and egress of 2WD vehicles and access for emergency service vehicles;

(d) Fire prevention and suppression measures to be implemented by all landowners on land to which the development relates, including the implementation of building protection zones and hazard separation zones, collectively forming the low fuel zone; and incorporation of construction standards for buildings including those in AS 3959 – Construction of Buildings in Bushfire Prone Areas (as updated from time to time) and the Building Codes of Australia.

The site will be accessed via an existing firebreak track and given the nature of the proposed facility as a non-habitable structure with no risk to loss of life, no further fire protection measures are considered necessary.

6.3.4 Objectives of the Zone

The zone objectives are reiterated below with a response that demonstrates how the proposal is compliant with each provision; or, identifying that the provision is not relevant to the proposal.

(a) Create small rural land holdings for residents who wish to enjoy a residential lifestyle within a rural landscape and environment; and

Response:

No further subdivision is proposed and accordingly the application remains compliant with this provision.

(b) Provide for residential and limited incidental land uses which:

(i) Are compatible with the preservation and protection of environmentally sensitive areas such as remnant vegetation and groundwater protection areas;

(ii) Do not visually detract from the landscape and the visual amenity of the locality;

(iii) Allow for uses and developments that are fit for purpose and minimise any onsite or off-site impacts such as soil erosion, nutrient loss, drainage and potential land use conflicts; and

(iv) Are located in close proximity to existing urban areas and can enjoy appropriate urban servicing to the lots including rubbish disposal, reticulated water, community facilities and fire infrastructure.

Response:

(a) (i) The site is not listed as an environmentally sensitive area and is not identified as a groundwater protection area. Accordingly the proposal remains compliant with this provision.

(ii) The proposal has been sited to be screened from view by both existing vegetation on site and in addition vegetation in the local area provides further screening whilst travelling on the local road network. Please refer to **Section 6.2.4** and **Appendix 5- Response to State Planning Policy 5.2** for more information relating to protection of visual amenity.

(iii) Please refer to Section 6.3.2 for information relating to the designation of the use in this zone. The use is not listed and council reserves the right to advertise the proposal. It is noted that the consideration of this proposal against higher order documents including the *Telecommunications Act* where a rural zone is considered ideal for telecommunications facilities; and *State Planning Policy 5.2 Telecommunications Infrastructure* – where the siting of this facility is considered appropriate indicate that from a state and national planning perspective this use is ideally situated in this type of zone.

The compound is proposed to be constructed above ground, with no significant earthworks or disturbance to the soil proposed. The hardstand area is minimal and will not significantly impact on drainage in the area. The size of the compound is insignificant in comparison to the size of the site and is located centrally on the site. Accordingly, there is no land use conflict.

(iv) It is considered that the proposal will contribute to the ability of residents in the Robinson locale to access appropriate urban servicing, of which telecommunications is now considered fundamental.

6.3.5 Coastal Development

Section 5.3.2 of the scheme identifies that *'in assessing any land use or development proposals in the vicinity of the coast, the Local Government shall have due regard to the recommendations of Southern Shores 2001-2021– A Strategy to Guide Coastal and Marine Planning and Management in the South Coast Region of Western Australia'*. It is understood that council may request information relating to an assessment of this proposal against the document. Any such request will be adhered to in the assessment process.

6.3.6 Vegetation Protection and Revegetation

For the construction of the NBN fixed wireless facility, minimal vegetation clearing is required. The Environmental Protection- (Clearing of Native Vegetation) Regulations 2004 (Prescribed Clearing Section 51c- item 1) states that

Clearing of a site for the lawful construction of building or other structure on a property, being clearing which does not together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed 5ha, if-

- (a) the clearing is to the extent necessary; and*
- (b) the vegetation is not riparian vegetation.*

This item no. 1 provides an exemption for the clearing proposed for the site, provided that any relevant approvals are obtained (planning approval and building approval); and additionally, that the site is not listed as having native vegetation (environmentally sensitive area).

The site is mapped as an environmentally sensitive area. Based on this premise, no vegetation clearing permit will be required upon successful attainment of planning approval and building permit.

6.3.7 Local Rural Strategy

Under the previous planning scheme, The Local Rural Strategy planning map lists this site as being in Visual Management Area A. The provisions from this strategy are listed below and accompanied by a response.

(b) Siting of Development

All development including dwelling houses, outbuildings, rainwater tanks and extractive industries shall be sited such that they:-

- (i) Do not detract from significant views;
- (ii) Are not located on ridge tops (to avoid silhouetting against the skyline);
- (iii) Are preferably not located on slopes greater than 1 in 10; and
- (iv) Are sympathetic to existing landscape elements.

Response:

Please refer to section 6.2.4 for a response to (b) (i) and (b) (iv). The proposal is not situated on a ridge top and the portion of the site chosen to accommodate the development is flat.

(c) Building Design, Materials and Colours

Buildings shall be sympathetic to existing landscape elements in terms of their design, materials and colour.

Response:

Please refer to section 6.2.4 for a response to (c).

(d) Infrastructure, Driveways and Firebreaks

- (i) Roads shall be constructed to minimum design standards with a minimum of cut and fill;
- (ii) Roads, driveways, firebreaks and other infrastructure shall follow the contours of the land and be located such that they minimise cut and fill and do not form visible straight lines;
- (iii) Areas of cut and fill should be revegetated immediately following construction to minimise their visibility; and
- (iv) Rural residential development should be serviced with underground power where it is practical to do so.

Response:

The access route proposed is the existing firebreak. Once constructed, the facility will be serviced once a year. In addition, this is not a public facility and accordingly, the proposed access is considered sufficient. The access is already constructed and accordingly provision (d) (iii) is not applicable. Provision (iii) is not applicable. The proposed cabling will be underground as show in the proposed plans (**Appendix 3**).

(e) Clearing of Native Vegetation

Clearing of native vegetation for buildings, infrastructure and essential firebreaks shall be confined to the absolute minimum necessary for open space and garden areas, infrastructure installation and fire protection.

Response:

Will comply with this provision.

(f) Signs

Signs along highways should not distract from the visual amenity of an area, and where deemed essential for safety, tourism or information reasons should be so designed and located that they harmonise with their surroundings.

Response:

Signage does not form a part of this proposal and hence this provision does not apply.

6.3.8 Provisions Applicable to Particular Zones

This section lists the provisions that apply in particular to the rural residential zone. Each provision is addressed with a response.

5.5.13.2.1 Building Design, Material and Colours

- (a) A dwelling and/or outbuilding shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.*
- (b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.*
- (c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.*
- (d) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.*
- (e) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with AS 3959 – Construction of Buildings in Bushfire Prone Areas or any document superseding it.*

Response:

Provisions (a) and (e) are not applicable. No habitable dwellings are proposed as a part of this application. Complies with Provisions (b); (c); and (d).

5.5.13.2.2 Fire Protection

- (a) In the event of there being any variations or conflict between a Fire Management Plan endorsed by a Local Government for a specific Rural Residential zone and the following fire protection provisions, the requirements of the endorsed Fire Management Plan shall prevail.*
- (b) All buildings shall be sited to allow for the development of a low fuel zone around the building and any other necessary fire protection measures to be implemented to the satisfaction of the Local Government.*
- (c) The required width depends on the slope of the land between the building and the bush fire hazard and minimum distances of a low fuel zone are:*

- Land between 0° to 10°
 - Land between 10° to 20°
 - Land between 15° to 20°
- (d) Where buildings are located on a negative slope (i.e. downhill from a bush fire hazard) a minimum of 20 metres is required.
- (e) The low fuel zone must be maintained in a low fuel state and fulfil the following conditions:
- (i) Bush fire fuels must be maintained below 100 millimetres in height;
 - (ii) Trees and branches which may fall onto a house must be removed; and
 - (iii) Lower branches of remaining trees must be trimmed.

Response:

The proposal is for a non-habitable Class 10b facility. Please refer to **Section 6.3.3** for a discussion on Bushfire protection.

5.5.13.2.3 Modifications to Designated Building Envelopes/Setbacks

- The Local Government may permit variations to the position of a designated building envelope and/or building setback, where it is satisfied that the modification:*
- (a) Is consistent with the objectives for the zone;*
 - (b) Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;*
 - (c) Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;*
 - (d) Is required due to the topography or shape of the lot; and*
 - (e) Will have no adverse impact on the amenity of existing residences on adjoining lots.*

Response:

Provisions (a)- (e) are not applicable. No variations to setbacks are proposed as a part of this application.

5.5.13.2.4 Fencing

- (a) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and*
- (b) Where boundary fencing is permitted by the Local Government it shall be of rural construction comprising posts and wire or similar materials.*
- (c) The Local Government shall only approve the keeping of stock, animals and/or any Rural Pursuit activity if confined to existing cleared areas of a lot. The Local Government will require fencing to contain any livestock and protect remnant vegetation and/or exclusion areas as a condition of approval.*

Response:

Provisions (a)- (b) are not applicable- there is no boundary fencing proposed. A chainlink security fence is proposed to secure the facility however this fencing is not located proximate to any boundaries. Provision (c) not applicable. No keeping of animals is proposed as a part of this application.

5.5.13.2.5 Remnant Vegetation Protection and Clearing Controls

- (a) No clearing of any remnant vegetation shall occur except for:*
 - (i) Any clearing authorised by a clearing permit obtained from the relevant State Government authority and any clearing exempt in accordance with Schedule 6 or Regulation 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 of the Environmental Protection Act 1986.*
 - (ii) That clearing required to establish any low fuel buffer, firebreak and/or to comply with the requirements of the Bush Fires Act 1954 (as amended);*
 - (iii) Trees that are dead, diseased or dangerous and present an imminent danger to*

residents;

(iv) *Clearing within a designated building envelope required to construct an approved building and curtilage;*

(v) *It is to gain vehicular access to an approved dwelling and/or building envelope; and*

(vi) *An area of up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by the Local Government. In these areas the City of Albany LPS 1 Page 44*

land shall be slashed with a view to preventing soil erosion.

(b) *Clearing of remnant vegetation for any purpose other than the above exceptions, shall require the planning approval of the Local Government and as a condition of granting approval, the Local Government may require the planting and maintenance, for a period of at least three years, of endemic native trees of species and in locations approved by the Local Government.*

Response:

Please refer to **Section 6.3.6**, the clearing required to construct the proposal is considered to be exempt from the requirement to obtain a vegetation clearing permit.

5.5.13.2.6 Tree Planting

In order to enhance the rural amenity of the area and minimise the visual impact from the developments in the zone, the Local Government may require as a condition of any planning approval the planting and ongoing maintenance of such trees and/or groups of trees and species as specified by the Local Government.

Response:

The proposed facility has been sited in a location that will be adequately set back from any significant view points in the surrounding landscape. Moreover, the existing natural vegetation is anticipated to provide partial screening to the monopole as well as soften the scale and bulk of the facility on the surrounding rural residential surrounds. Additionally, a slimline structure (i.e. monopole) of minimal height necessary to achieve the required coverage objectives has been chosen as opposed to a large scale lattice tower in order to minimise any likely visual/aesthetic impacts on the rural amenity.

5.5.13.2.7 Dams, Soaks and Bores

No dams, soaks and/or bores shall be constructed on any lots unless the Local Government has granted planning approval. All applications for the construction of a dam, soak or bore shall:

(a) *Be supported by a hydrological report demonstrating that water collection or abstraction planned will not be to the detriment of water collection on adjoining properties; and*

(b) *Ensure that existing stream flows are maintained for downstream users and to support other water dependent environments.*

Note: Within any proclaimed groundwater area under the Rights in Water and Irrigation Act 1914, any bore/soak/well or taking of groundwater, requires the approval of the relevant State Government authority.

Response:

Provisions (a)- (b) are not applicable. No dams, soaks or bores are proposed.

5.5.13.2.8 Keeping of Animals

The following provisions apply to the keeping of animals (excluding domestic animals or pets):

(a) *Planning approval is required for the keeping of hooved and/or large non-domesticated animals or pets, for example but not limited to, horses, cows, sheep and camels.*

(b) Where, in the opinion of the Local Government, the continued presence of any animal(s) on any portion of land is likely to cause or is causing:

- *Damage to natural vegetation;*
- *Water pollution;*
- *Dust pollution;*
- *Soil erosion; or*
- *Any other form of land degradation,*

notice may be served on the owner of the said portion of land requiring the immediate removal of those animal(s) and/or rehabilitation of the land specified in the notice.

(c) Domestic pets which do not pose a threat to native flora and/or fauna may be kept within the zone under the following conditions:

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- *All pets shall be confined within the building envelope or similar at all times unless kept on a leash by a responsible person; and*
- *Cats and rabbits are considered to pose a threat to native flora and/or fauna and shall be confined inside buildings.*

Response:

Provisions (a)- (c) are not applicable. No keeping of animals form part of this application.

5.5.13.2.9 Effluent Disposal

On-site disposal is required to service all dwellings and shall be responsibility of the individual landowner in accordance with clause 5.8.2.

Response:

This provision does not apply. No new habitable dwellings form part of this application.

5.5.13.2.10 Water Supply

Where available, a reticulated water supply from a licensed water service provider shall be provided to each lot.

Response:

This provision does not apply. No new habitable dwellings form part of this application.

5.5.13.2.11 Electricity Supply

To enhance the visual amenity of the zone, the Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of underground power to the lots.

Response:

This provision does not apply. No new lots form part of this application.

5.5.13.2.12 Stormwater Management and Drainage

Any surface water discharge must be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at predevelopment levels. Hence:

- (a) The proposed drainage systems (including irrigation runoff) should be designed to reduce nutrient export whilst still maintaining the natural flow; and*
- (b) All stormwater drainage within the development is to be designed in accordance with the principles of best management practice as outlined in the Department of Water Stormwater Management Manual for Western Australia (2004-07).*

Response:

The hardstand area of the compound is minimal in comparison to the lot size. Accordingly this provision is not considered relevant.

5.5.13.2.13 Road and Battleaxe Access

- (a) The Local Government will require the construction of subdivisional roads and/or upgrading of existing roads to their specifications and satisfaction and may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring these works or a monetary contribution accordingly.*
- (b) The Local Government will require the construction of battleaxe legs to their specifications and satisfaction and may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring these works accordingly.*

Response:

No new lots are proposed to be created and accordingly the impact on the local traffic network is negligible. Therefore this provision is considered irrelevant.

5.5.13.2.14 Notification of Prospective Purchasers and Successors in Titles

- (a) The Local Government shall require the subdivider advise all prospective purchasers of a lot within the Rural Residential zone of:*
 - (i) The general scheme provisions that apply to the Rural Residential zone;*
 - (ii) Any special provision contained within Schedule 14 that applies to the land; and*
 - (iii) Any other planning matter that may affect the use and enjoyment of the land such as buffer areas, surrounding land uses or other planning proposals to be implemented such as the Albany Ring Road.*
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- (b) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires a notification to be placed on the Certificate of Title for all lots to advise prospective purchasers accordingly.*

Response:

No new lots are proposed to be created. Therefore this provision is considered irrelevant.

5.5.13.3 Rezoning of Land

- Prior to considering any additional land to be rezoned to Rural Residential, the Local Government will require the proponent submit a detailed proposal that addresses the following matters:*
- (a) Compliance with the outcomes and recommendations of the Albany Local Planning Strategy;*
 - (b) Fire hazard assessment and Fire management Plan;*
 - (c) Land capability and suitability assessment,*
 - (d) Protection and enhancement of the natural environment;*
 - (e) Protection and enhancement of visual amenity;*
 - (f) Provision of infrastructure and services;*
 - (g) Impacts on adjacent land uses;*
 - (h) Any potential for site contamination;*
 - (i) Effluent disposal;*
 - (j) Location of building envelopes; and*
 - (k) Preparation of a Guide Plan for the subdivision showing proposed roads and connectivity between proposed/future and existing developments, lots, recreation areas and location of building envelopes.*

Response:

This application does not include any application for rezoning and therefore this provision is not applicable.

6.3.9 Schedule 4- Rural Residential Zone (cl5.5.13)

1. Subdivision shall generally be in accordance with the Subdivision Guide Plans as endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission –

(a) Subdivision Guide Plan RR29;

(b) The plan for Lots 45, 111 & 118 Manni Road, Lots 115-117 Monroe Court and Lot 33 Roberts Road, reference number ATK ALB-2-03b, dated 26/05/2010; and

(c) The plan for Lots 5 and 80 Racecourse Road and Lots 81, 82 and 9000 Roberts Road, reference 14214-01H dated 10/01/12.

Response:

This application does not include any application for creation of new lots and therefore Provisions 1 (a)- (c) are not applicable.

2. In respect of land within –

(a) The Subdivision Guide Plan referred to in 1(a) (above), the minimum lot size shall be not less than 1.5 hectares (lots wholly outside the WHPZ) and two hectares (lots wholly within the WHPZ) with an average lot size of two hectares; and

(b) The Subdivision Guide Plan referred to in 1 (b) (above), the minimum lot size shall be not less than three hectares with an average lot size of four hectares.

Response:

This application does not include any application for creation of new lots and therefore Provisions 2 (a)- (b) are not applicable.

3. The following land uses are 'P' permitted uses:

- Single House

4. The following land uses are 'D' discretionary uses:

- Ancillary Accommodation;
- Home Occupation;
- Industry – Cottage;
- Public Utility; and
- Rural Pursuit (which shall be limited to existing cleared and pastured land only).

Response:

Please refer to **Section 6.3.2 – Zoning** which identifies the application of the proposed use in the zoning table.

5. All buildings, structures and water storage systems and low fuel zones shall be located outside of any development/dwelling exclusion areas and/or vegetation protection areas as shown on the subdivision Guide Plan and shall achieve the following minimum setbacks:

(a) 40 metres from any front boundary; and

(b) 15 metres from all other lot boundaries.

Response:

There is no subdivision guide plan for this site and accordingly this provision is not applicable.

6. In addition to Clause 5.5.13.2.8 (i), the keeping of horses, sheep, goats, poultry and other grazing animals shall be subject to the prior approval of the Local Government and these animals shall be restricted to fenced areas of the lot to the satisfaction of the Local Government. No animal houses (for example pens, stables, cowshed, pig sty, fowl house and poultry sheds) shall be located within the 300m Public Water Bore (Well Head Protection Zone) Buffer. The Owner/Tenant shall be responsible for the maintenance of stock proof fencing to protect native vegetation and revegetation areas. The keeping of livestock/animals is restricted as recommended under the relevant legislation, policies and guidelines of the relevant government authority. Animal numbers shall not exceed the stocking rates recommended by the relevant State Government authority. The keeping of animals shall not result in the removal or damage of significant vegetation and trees, water pollution or result in soil degradation and dust pollution.

Response:

This no provision not applicable. No keeping of animals is proposed.

7. Buildings, tanks and structures shall not be constructed within any 'Development Exclusion Area' designated on the Subdivision Guide Plan.

Response:

There is no subdivision guide plan for this site and accordingly this provision is not applicable.

8. In regard to lots located wholly or partially within either the 100 metre or 300 metre Public Water Bore (Well Head Protection Zone) Buffer(s) as illustrated on the Subdivision Guide Plan referred to in 1(a), buildings, tanks and structures shall be located—

- Wholly outside of the 100 metre Buffer; and
- So as to maximise separation to Public Water Bore(s) on those lots wholly within the 300 metre Buffer; and
- Wholly outside of the 300 metre Buffer, on those lots that straddle the 300 metre Buffer (with the exception of proposed Lot 11).

Response:

There is no subdivision guide plan for this site and accordingly this provision is not applicable.

9. Where lot boundaries traverse existing vegetation and/or ridgelines, as shown on the Subdivision Guide Plan referred to in 1.1(a), they shall be demarcated by the use of bollards, or other means/method considered suitable by the Local Government, so as to minimise the removal of vegetation.

Response:

There is no subdivision guide plan for this site and accordingly this provision is not applicable.

10. In addition to Clause 5.8.2, in regard to land identified within the Subdivision Guide Plan referred to in 1(a) –

- Effluent disposal systems are not permitted within the 100 metre Public Water Bore Buffer, as illustrated on the Subdivision Guide Plan;
- Conventional effluent disposal systems are not permitted within the 300 metre Public Water Bore (Well Head Protection Zone) Buffer, as illustrated on the Subdivision Guide Plan; and
- In regard to lots located wholly or partially within either the 100 metre or 300 metre Public Water Bore (Well Head Protection Zone) Buffer(s) as illustrated on the Subdivision Guide Plan, alternative effluent disposal systems shall be located:
 - Wholly outside of the 100 metre Buffer;

- So as to maximise separation to Public Water Bore(s) on those lots wholly within the 300 metre Buffer; and
- Wholly outside of the 300 metre Buffer, on those lots that straddle the 300 metre Buffer (with the exception of proposed Lot 11).

11. Any habitable structures on Lot 8 Racecourse Road on Subdivision Guide Plan shall be designed and constructed in accordance with AS 3959 – Construction of Buildings in Bushfire Prone Areas to withstand BAL-19 and provided with a building protection/hazard separation zone of not less than 31 metres, in accordance with Planning for Bush Fire Protection Guidelines Edition 2 or any document superseding it.

Response:

This provision is not applicable. The site is located at 241 Robinson Road (there is no subdivision guide plan) and no habitable dwellings form part of the application.

12. In regard to land identified within the 200 metre Sand Extraction Area Buffer shown on the Subdivision Guide Plan referred to in 1(a), subdivision/residential development shall not be permitted unless –

- (a) The sand extraction use is discontinued to the Local Government's satisfaction; or
- (b) Appropriate means of mitigating the impacts of dust and noise associated with sand extraction activities are implemented to the Local Government's satisfaction. Means of mitigating the impacts of dust and noise impacts may include but not be limited to –

- earth bunding;
- tree/shrub planting;
- solid wall construction

and all means of mitigation are to be subject to environmental engineering certification to the Local Government's satisfaction.

Response:

There is no subdivision guide plan for this site and accordingly this provision is not applicable.

13. The subdivider shall rehabilitate the former sand extraction area in the north-western corner of Lot 7 on Subdivision Guide Plan reference 14-214-01H with planting of trees and shrubs at a density and distribution to the satisfaction of the Local Government's, prior to the transfer of a lot(s) to a new owner.

Response:

This application does not include any application for subdivision, and the site is not located on a subdivision guide plan and therefore these provisions are not applicable.

7 OTHER ENVIRONMENTAL CONSTRAINTS AND OPPORTUNITIES

7.1 Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers:

- World Heritage Properties
- National Environment register
- Vegetation
- Aboriginal Heritage
- Native Title

7.2 Electrical Interference and Grounding of the Facility

The NBN fixed wireless network is licensed by the Australian Communications and Media Authority (ACMA) for the exclusive use of the OFDMA2300 frequency band. As NBN Co is the exclusive licensee of this sub-band, emissions from NBN Co equipment within the frequency band should not cause interference.

Filters will also help to ensure that each facility meets the ACMA specifications for emission of spurious signals outside the NBN Co frequency allocations. NBN Co intends to promptly investigate any interference issues that are reported.

The facility is also designed to be grounded to the relevant Australian Standards – that is, the facility will be ‘earthed’.

7.3 Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will be designed to comply with the Building Code of Australia and local Council standards. In addition, NBN Co’s contractors will be informed that they must comply with the ‘NBN Construction Specification’ that requires contractors to undertake the necessary erosion and sediment control measures in order to protect the surrounding environment. On completion of the installation, NBN Co intends to restore and reinstate the site to an appropriate standard. No waste which requires collection or disposal should be generated by the operation of the facility.

7.4 Flora and Fauna Study

In order to determine any possible natural Flora and Fauna significance associated with the site, an EPBC Act Protected Matters search was conducted. This report assesses a large area surrounding the site and the report identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. It is considered that the proposed facility is negligible in size and will not significantly impact on the habitat of the fauna identified as possibly being in the area. A more extensive and localized analysis of the flora was undertaken using the

native vegetation map viewer and the site is not considered an environmentally sensitive area. Please refer to **Section 6.7.3** for further detail.

7.5 Endangered Species

In order to determine any possible natural Flora and Fauna significance associated with the site, an EPBC Act Protected Matters search was conducted. This report assesses a large area surrounding the site and the report identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. It is considered that the proposed facility is negligible in size and will not significantly impact on the habitat of the fauna identified as possibly being in the area.

7.6 Social and Economic Impacts

Access to fast internet is an essential service in modern society. Initially, small to medium business customers accounted for a significant part of the demand for broadband technology, but internet services have now been embraced by the general public. Usage of internet services continues to widen as new technologies become progressively more affordable and accessible for the wider community.

The proposed development should provide significantly enhanced fixed wireless internet coverage to the locality of Robinson. This is expected to be of particular benefit for residential dwellings in the locality.

The new NBN is designed to provide the community with access to fast and reliable internet services. A reliable internet service is important to help promote the economic growth of communities, and the facility is anticipated to have significant social and economic benefits for the local community.

7.7 Public Safety

7.7.1 Radiofrequency Emissions

In relation to public safety and specifically Electromagnetic Emissions (EME) and public health, NBN Co operates within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Health and Ageing portfolio and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising).

All NBN Co installations are designed and certified by qualified professionals in accordance with all relevant Australian Standards. This helps to ensure that the NBN Co facility does not result in any increase in the level of risk to the public.

This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. The EME Report associated with this site is attached in Appendix 4. The report shows that the maximum predicted EME will equate to 0.022% of the maximum exposure limit. This is substantially less than 1% of the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).

Moreover, all NBN Co equipment has the following features, all of which help to minimise the

amounts of energy used and emitted:

- Dynamic/Adaptive Power Control is a network feature that automatically adjusts the power and hence minimises EME from the facility.
- Varying the facility's transmit power to the minimal required level, minimising EME from the network, and
- Discontinuous transmission, a feature that reduces EME emissions by automatically switching the transmitter off when no data is being sent.

7.7.2 Access

The proposed facility will have restrictions aimed at preventing public access, including a secured compound fence with a locked gate and warning signs placed around the facility.

7.8 The Public Interest and the Benefits of Telecommunications

The proposed NBN Co facility is expected to have significant benefit for residents in the Robinson area. NBN Co believes that the public interest would be served by approval of the proposal, given benefits for enhanced internet coverage in the area. The facility is expected to have benefits for local residents and businesses within the district.

7.8.1 Other Benefits of Reliable Broadband Services

There are numerous other benefits of telecommunications connectivity, as follows:⁵

- There are many potential educational benefits justifying the implementation of the NBN. Curriculum and data sharing, increased availability and accessibility of research materials, and virtual classroom environments are good examples. Such elements are particularly beneficial within a tertiary education context.
- Businesses can, through internet usage, increase efficiency through time, resource and monetary savings. Improved internet services effectively remove physical distance and travel time as a barrier to business.
- Improvements to internet services may also be of benefit for local employees, by enabling telecommuting and home business. The telecommuting trend is heavily reliant on access to fast internet services, and is anticipated to continually increase in popularity.

The public benefits of access to fast internet have been widely acknowledged for many years. Reliable internet access is now more than ever an integral component of daily life, so much so that its absence is considered a social disadvantage.

7.9 Aviation Safety

The Civil Aviation Safety Authority (CASA) has been contacted and at this stage has no specific requirements for the proposal. The structure will be Registered as a Tall Structure with the RAAF in accordance with CAAP 92-1 at the time of Building Licence. Albany airport has been contacted

⁵ End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like the end user's equipment quality, software, broadband plans and how the end user's service providers designs its network.

regarding the proposal and once received, any requirements from Albany airport will be forwarded to council.

8 CONCLUSION

NBN Co considers that the proposed facility, comprising a 40 metre high monopole with attached antennas and equipment shelter has been sited in the most appropriate location whilst ensuring adequate coverage is achieved.

The facility has been strategically sited and designed to minimise visibility within the surrounding environment as much as practicable. In this regard NBN Co considers that the proposal satisfies the requirements of the Code, whilst also addressing coverage deficiencies within the local area.

NBN Co considers that the proposal is also consistent with the stated objectives of the City of Albany Planning Scheme. It is considered that the proposal will provide an important community benefit to Robinson by providing coordinated and open access shared communication infrastructure, and therefore greatly improved fixed wireless internet coverage within the local area.

WESTERN



AUSTRALIA

| | |
|---------------------------------------|--|
| REGISTER NUMBER 105/DP40893 | |
| Duplicate Edition 1 | DATE Duplicate ISSUED 2/3/2005 |

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

VOLUME **2587** FOLIO **55**

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 105 ON DEPOSITED PLAN 40893

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

ALGEAN PTY LTD OF POST OFFICE BOX 1363, ALBANY

(AF J173709) REGISTERED 4 FEBRUARY 2005

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

1. G412215 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 5.3.1997.

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: DP40893 [SHEET 1].
PREVIOUS TITLE: 1415-92.
PROPERTY STREET ADDRESS: 241 ROBINSON RD, ROBINSON.
LOCAL GOVERNMENT AREA: CITY OF ALBANY.

9 APPENDICES

Appendix 1 – Copy of Title

Appendix 2 – Site Photographs



View from Robinson Road towards proposed site



Photomontage: View from Robinson Road towards proposed site of proposed NBN Fixed Wireless Facility

90

1. SITE ADDRESS
241 ROBINSON ROAD
ROBINSON
WA 6330

- 2. GENERAL**
THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, AUSTRALIAN STANDARDS AND SPECIFICATIONS.

3. SITE ACCESS
FROM ALBANY HEAD SOUTH ONTO YORK STREET AND GO UP TO PRINCESS-ROYAL DRIVE. TURN RIGHT ONTO PRINCES ROYAL DRIVE AND GO APPROXIMATELY 2.4km. TURN LEFT ONTO FRENCHMAN BAY ROAD AND GO APPROXIMATELY 1.1km. TURN RIGHT ONTO ROBINSON ROAD AND GO APPROXIMATELY 800m. TAKE THE 2nd RIGHT TO STAY ON ROBINSON ROAD AND GO 1.7km. FOLLOW THE GRAVEL ACCESS TRACK ON LEFT AND GO 70m. TAKE LEFT TURN AND GO 100m ON THE GRAVEL TRACK. TURN LEFT AND CONTINUE ON GRAVEL TRACK FURTHER 40m. TURN RIGHT TO CONTINUE ON SANDY FIRE BREAK APPROX. 35m. PROPOSED NBN SITE IS ON RIGHT. NBN ACCESS ON SANDY FIRE BREAK (APPROXIMATELY 35m) REQUIRES UPGRADE, FEW SHRUBS REMOVAL AND PRUNING OF TREE BRANCHES. 4WD IS REQUIRED TO ACCESS NBN SITE.

4. EQUIPMENT
PROPOSED NBN OUTDOOR CABINETS TO BE INSTALLED WITHIN NBN
COMPOUND.

- ALL ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS.

- ## 5. STRUCTURE

6. ANTENNA ACCESS
ANTENNA ACCESS VIA LADDER AND FALL ARREST OR EWP (BY QUALIFIED RIGGER PERSONNEL ONLY).

7. EXISTING SERVICES
THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.

- 8. EXISTING SITE HAZARDS**
THE FOLLOWING HAZARDS ARE PRESENT ON SITE:

- SLIP, TRIP AND FALLS
- SUN EXPOSURE
- WEATHER / LIGHTNING
- EXISTING OVERHEAD POWER LINE
- FALLING TREE BRANCHES
- SPIDER/SNAKE
- DRIVING ON SANDY FIREBREAK

9. ELECTRICAL SUPPLY
TO BE CONFIRMED.

REFER TO ANTENNA TABLE ON DRG. 6ALN-51-01-ALBA-A1.

11. SITE SPECIFIC INFORMATION

- NBN CONTRACTOR SHALL SUPPLY AND INSTALL A NEW COMMON METER PANEL/ MAIN SWITCHBOARD.
- PRIOR TO THE COMMENCEMENT OF WORKS, THE NBN CONTRACTOR SHALL CONFIRM ACCESS IS SUITABLE FOR CONSTRUCTION WORKS, INCLUDING IN WET CONDITIONS.
- HIGH VOLTAGE NETWORK AUGMENTATION REQUIRED.
- RETAINING WALL REQUIRED.
- 35m ACCESS UPGRADE IS REQUIRED.
- VEGETATION REMOVAL REQUIRED. NUMBER OF TREES TO BE CONFIRMED.
- CIVIL CONTRACTOR TO ARRANGE ISOLATION, IF REQUIRED FROM EXISTING OVERHEAD POWER LINE FOR CRANE SETUP AND OTHER ACTIVITIES.

12. SITE SIGNAGE REQUIREMENTS

- GENERIC SITE SIGNAGE. REFER TO SECTION 15.4. OF NBN RAN MANUAL.
- FME SIGNAGE. REFER TO DRG. NBN-STD-0025.

REGION = TBC,

| | | | | | | | | | | | |
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| | | | | | | | | | | | X (m) |
| | | | | | | | | | | | L _d (m) |
| | | | | | | | | | | | H (m) |
| N | N | NE | E | SE | S | WS | A | MN | | | |

Client:

Client _____ of _____

Project

NATIONAL BROADBAND
NETWORK
SITE No: 6ALN-51-01-ALBA
ALBANY
241 ROBINSON ROAD
ROBINSON
WA 6330

PRELIMINARY

| | |
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| Rev. Date | Revision Details |
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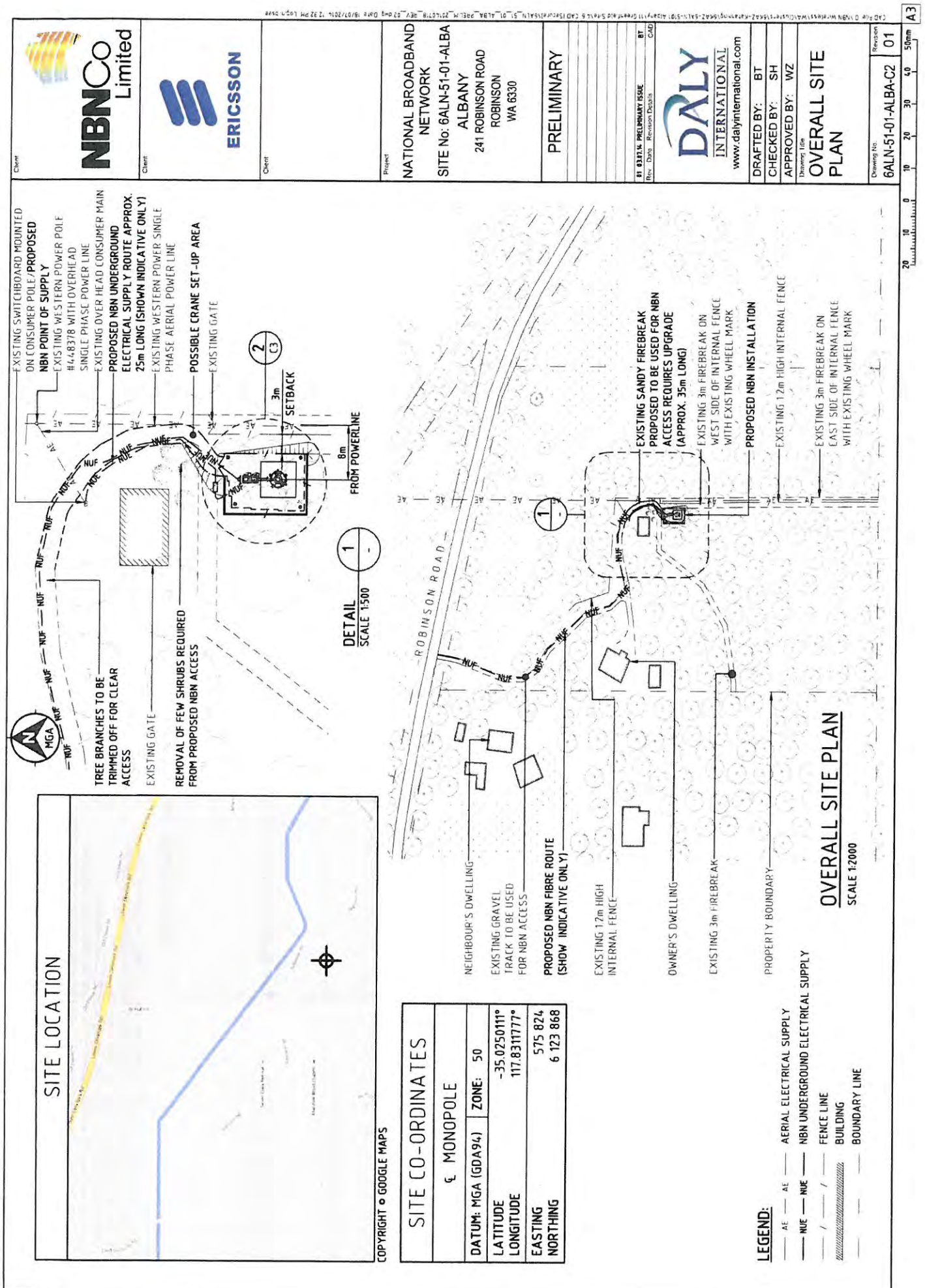
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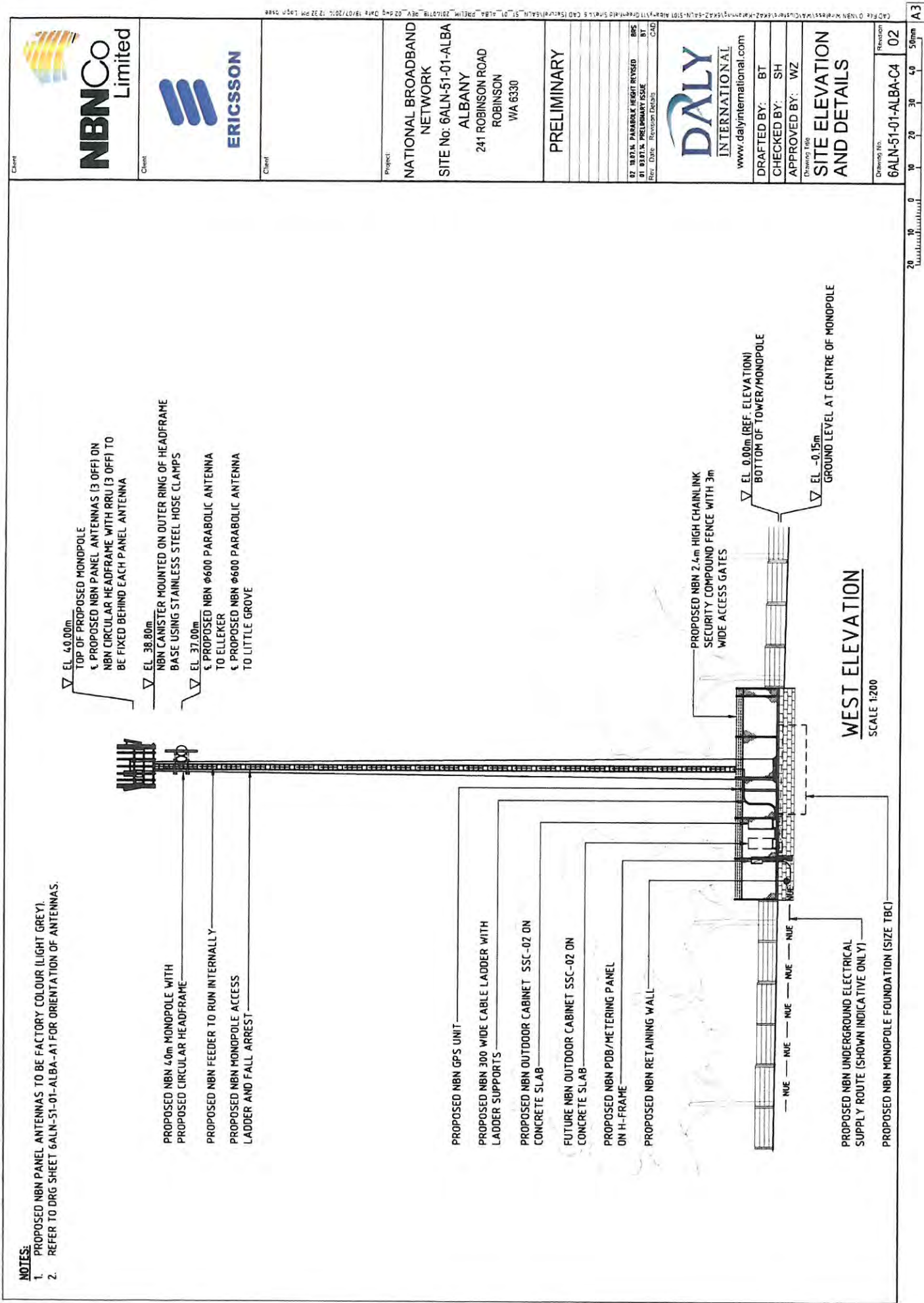
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**SITE SPECIFIC
 NOTES**

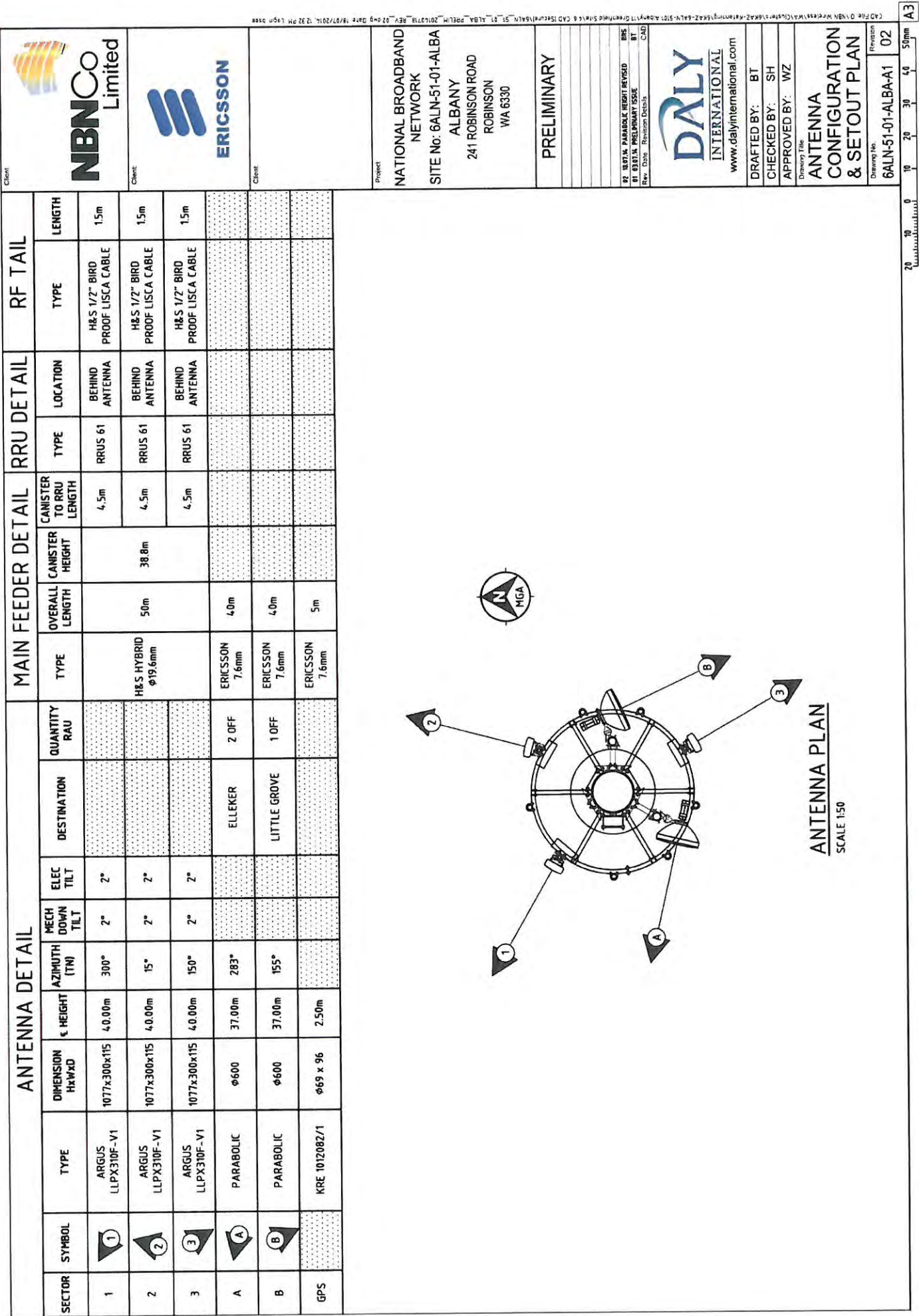
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Appendix 3 – Proposed Plans

Appendix 4 – ARPANSA EME Report



Environmental EME Report

Albany 241 Robinson Road, ROBINSON WA 6330

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 28/8/2014

RFNSA Site No. 6330018

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Albany 241 Robinson Road ROBINSON WA 6330. These levels have been calculated by Ericsson using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.022% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the proposed systems at this site is 0.9 V/m; equivalent to 2.17 mW/m² or 0.022% of the public exposure limit.

Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

| Carrier | Radio Systems |
|---------|--------------------|
| NBN Co | LTE2300 (proposed) |

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

| Distance from the antennas at Albany 241 Robinson Road in 360° circular bands | Maximum Cumulative EME Level – All carriers at this site | | | | | |
|---|--|---------------------------------|---------------------------|--|---------------------------------|---------------------------|
| | Existing Equipment | | | Proposed Equipment | | |
| | Electric Field V/m | Power Density mW/m ² | % ARPANSA exposure limits | Electric Field V/m | Power Density mW/m ² | % ARPANSA exposure limits |
| 0m to 50m | | | | 0.35 | 0.32 | 0.0032% |
| 50m to 100m | | | | 0.4 | 0.43 | 0.0043% |
| 100m to 200m | | | | 0.42 | 0.48 | 0.0048% |
| 200m to 300m | | | | 0.88 | 2.064 | 0.021% |
| 300m to 400m | | | | 0.9 | 2.17 | 0.022% |
| 400m to 500m | | | | 0.86 | 1.94 | 0.019% |
| Maximum EME level | | | | 0.9 | 2.17 | 0.022 |
| | | | | 320.13 m from the antennas at Albany 241 Robinson Road | | |

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

| Additional Locations | Height / Scan relative to location ground level | Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment | | |
|-------------------------|---|--|---------------------------------|------------------------------|
| | | Electric Field V/m | Power Density mW/m ² | % of ARPANSA exposure limits |
| No locations identified | | | | |

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (μW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 μW/cm² = 1000 mW/m².

| Radio Systems | Frequency Band | Assessment Frequency | ARPANSA Exposure Limit (100% of Standard) |
|--------------------------|-----------------|----------------------|---|
| LTE 700 | 758 – 803 MHz | 750 MHz | 37.6 V/m = 3.75 W/m ² = 375 μW/cm ² = 3750 mW/m ² |
| WCDMA850 | 870 – 890 MHz | 900 MHz | 41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ² |
| GSM900, LTE900, WCDMA900 | 935 – 960 MHz | 900 MHz | 41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ² |
| GSM1800, LTE1800 | 1805 – 1880 MHz | 1800 MHz | 58.1 V/m = 9.00 W/m ² = 900 μW/cm ² = 9000 mW/m ² |
| LTE2100, WCDMA2100 | 2110 – 2170 MHz | 2100 MHz | 61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ² |
| LTE2300 | 2302 – 2400 MHz | 2300 MHz | 61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ² |
| LTE2600 | 2620 – 2690 MHz | 2600 MHz | 61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ² |
| LTE3500 | 3425 – 3575 MHz | 3500 MHz | 61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ² |

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.
[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.



Appendix 5 -Response State Planning Policy 5.2

This policy provides a framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of Western Australia. Planning Policy 5.2 states that 'telecommunications infrastructure should be located, sited and designed in accordance with the following Guiding Principles'.

- *There should be a co-ordinated approach to the planning and development of telecommunications infrastructure, although changes in the location and demand for services require a flexible approach.*

NBN Co undertakes a carefully co-ordinated approach to the development of their network. Each site links into the wider National Broadband Network. The proposed site at Robinson will be linked to a proposed Telecommunications Facility at Little Grove. Therefore, locating at this site is imperative in order to provide fixed wireless broadband coverage to areas of Albany.

- *Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as networks and energy supply.*

The complete National Broadband Network is strategically planned and individual sites are co-ordinated into the wider network much like other essential infrastructure. Whilst it is necessary for individual sites to achieve their coverage objectives it is essential that each site can be linked back into the network.

- *Telecommunications facilities should be located and designed to meet the communication needs of the community.*

The proposed facility seeks to provide fixed wireless broadband coverage to the Robinson area.

- *Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.*

The proposal is appropriately located in a Rural Residential area well away from sensitive land uses. In order for the facility to provide fixed wireless broadband to an area west of the Albany townsite, a height of 40 m is required. NBN Co have sought to minimise the visual bulk of the facility through the use of a monopole structure. The proposed monopole is a structure that has a small profile and is considered the least visually intrusive design option for a new base station and minimises the visual impact of a telecommunications structure in this area.

- *Telecommunications facilities should be designed and sited to minimise impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.*

A desktop study of this site indicated that the area is not subject to any natural conservation or places of heritage significance.

- *Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation.*

Prior to the commencement of work NBN Co contractors will undertake such measures as deemed necessary by Council to effectively protect water catchments within the immediate area.

- *Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential area.*

The proposed monopole is the least visually intrusive design option for a new base station in this location and minimises the visual impact of a telecommunications structure in the area. The monopole will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the site's rural setting.

- *Telecommunications cables should be placed underground, unless it is impractical to do so and there would be no significant effect on visual amenity or, in the case of regional areas, it can be demonstrated that there are long-term benefits to the community that outweigh the visual impact.*

The proposed site will be linked to the wider network via an NBN underground optical fibre cable and also to a proposed Telecommunications Facility at Little Grove via a parabolic microwave dish thereby negating the requirement for overhead cabling.

- *Telecommunications cables that are installed overhead with other infrastructure such as electricity cables should be removed and placed underground when it can be demonstrated and agreed by the carrier that it is technically feasible and practical to do so.*

This principle does not apply to the subject of this application.

- *Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.*

The proposed site is located within a Rural Residential which is considered a rural setting as per the recommendations of this principle.

- *The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area.*

There are no structures or buildings of sufficient height within the surrounding area that could facilitate NBN infrastructure. Therefore, the proposed site is considered to be the optimum planning solution in terms of impact upon amenity.

- *Co-location of telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.*

Co-location of facilities has been investigated. There are no structures within the surrounding area that could facilitate NBN infrastructure. Where co-location is not viable, there is a need to provide a purpose built structure.

- *Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.*

The proposed facility will be sited amongst existing mature vegetation which will aid in screening the facility and will reduce the visual impact of the facility.

- *Design and operation of a telecommunications facility should accord with the licensing requirements of the Australian Communications Authority, with physical isolation and control of public access to emission hazard zones and use of minimum power levels consistent with quality services.*

Telecommunications facilities include radio transmitters that radiate electromagnetic energy (EME) into the surrounding area. The levels of these electromagnetic fields must comply with safety limits imposed by the Australian Communications and Media Authority (ACMA, previously ACA). All NBN Co installations are designed to operate within these limits (**Appendix 4 – ARPANSA EME report**).

- *Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.*

During construction, NBN Co contractors will endeavour to minimise the impact of their works on the amenity of nearby residents and on the surrounding environment. Following construction, maintenance (excluding emergency repair work) activities should not interfere with the amenity of users. All Health and Safety standards will be adhered to.



Area Plan

1:8000



| |
|---|
| PD073: DEVELOPMENT APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE –LOT 105, 241 ROBINSON RD, ROBINSON |
|---|

| | |
|--|--|
| Land Description | : Lot 105, 241 Robinson Road, Robinson WA 6330 |
| Proponent | : Daly International |
| Owner | : Algean PTY LTD |
| Business Entity Name | : NIL |
| Attachments | : Area Plan Schedule of Submissions |
| Supplementary Information & Councillor Workstation: | : Letters of submission from the public |
| Report Prepared by | : Senior Planning Officer (A Bott) |
| Responsible Officer | : Director Development Services (D Putland) |

| | |
|---|--|
| Responsible Officer's Signature: |  |
|---|--|

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This is a statutory planning matter that is assessed against the Local Planning Scheme No.1 (LPS1) and any relevant planning policies. As such there are no strategic implications. Notwithstanding this, the most relevant strategic document is the Albany Local Planning Strategy (ALPS).
3. The item relates to the following Strategic Objective of the Albany Local Planning Strategy (ALPS):

6.4.4 Telecommunications: *"To encourage the extension and maintenance of high quality telecommunications for the whole Albany district"*

In Brief:

- Council is asked to consider a proposal for Telecommunications Infrastructure at Lot 105, 241 Robinson Road, Robinson WA 6330.
- The proposal has been advertised to the public, with 7 letters of representation received. All of the submissions objected to the proposal. A petition containing 89 signatures against the proposal was also received. The objections are discussed later in the report
- Staff recommend that Council approve the proposal subject to conditions.

RECOMMENDATION**PD072: RESOLUTION****VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR SUTTON****SECONDED: COUNCILLOR GREGSON****THAT:**

- a. Council resolves to **ISSUE** a Notice of Planning Scheme Consent **REFUSAL** for Telecommunication Infrastructure at 241 Robinson Road, Robinson.
- b. **THAT** Council support the provision of NBN in the area but not in the current proposed location.

CARRIED 11-0**Councillor's Reason:**

The proposal to site the tower at 241 Robinson Road will have an adverse visual impact on the character and amenity of the local environment.

PD073: COMMITTEE RECOMMENDATION**MOVED COUNCILLOR WILLIAMS****SECONDED COUNCILLOR SUTTON**

THAT Council resolves to **ISSUE** a Notice of Planning Scheme Refusal for Telecommunication Infrastructure at 241 Robinson Road, Robinson; subject to the following conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.
- (2) A construction management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (3) Stormwater from the lot shall be managed to the satisfaction of the City of Albany.
- (4) Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
- (5) Prior to commencement of development a schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval by the City of Albany.

CARRIED 6-2**Record of Vote**

Against the Motion: Councillors Gregson and Goode

PD073: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a Notice of Planning Scheme Refusal for Telecommunication Infrastructure at 241 Robinson Road, Robinson; subject to the following conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.
- (2) A construction management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (3) Stormwater from the lot shall be managed to the satisfaction of the City of Albany.
- (4) Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
- (5) Prior to commencement of development a schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval by the City of Albany.

PD073: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Telecommunication Infrastructure at 241 Robinson Road, Robinson; subject to the following conditions:

- (1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.
- (2) A construction management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- (3) Stormwater from the lot shall be managed to the satisfaction of the City of Albany.
- (4) Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
- (5) Prior to commencement of development a schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval by the City of Albany.

BACKGROUND

4. The City has received an application for Planning Scheme Consent for Telecommunication Infrastructure at Lot 105, 241 Robinson Rd, Robinson WA 6330.
5. The subject site is located approximately 4.7km West of the Albany CBD
6. The subject site is 6.16Ha in area and is zoned Rural Residential No.29 under (LPS1). The site is currently developed with a single dwelling and associated outbuilding.
7. The top of the proposed monopole tower telecommunications will be 40m above natural ground level.

8. The proposed Telecommunication Infrastructure is a component of the National Broadband Network's (NBN) wireless network.
9. Telecommunication Infrastructure is a use listed within LPS1, but is not specifically identified as a permissible use for this zone through Schedule 14 of LPS1. Although not listed for the zone, it is also not prohibited. As such, Telecommunication Infrastructure is considered as an 'A' use, meaning the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.
10. During the advertising period a total of 7 submissions were received. All objected or raised concerns regarding the proposal. A petition against the proposal was also lodged. The petition contains 89 signatures.
11. The proposal has been assessed against LPS1 and *State Planning Policy 5.2 – Telecommunications Infrastructure*.
12. When determining telecommunications infrastructure, it is necessary to assess the impact on amenity against the overall public benefit of the infrastructure.
13. It is acknowledged that the proposal will detract from view scapes from a number of properties within the area.
14. Taking into consideration the nature of public submissions against the significant public benefit of the proposal, it is recommended that the application be approved.

DISCUSSION

15. The proposal consists of one 40m high monopole. The monopole services two parabolic antennas (located at 37m) and three panel antennas. In addition to the monopole, it is proposed to install two outdoor equipment cabinets within a fenced area of 96m².
16. The proposed infrastructure and compound are proposed to be located centrally on lot 105, setback 125m from Robinson Rd, 96m from the western boundary and 88m to the western boundary.
17. The proposal was initially scheduled to be advertised for a 21 day period with an advertisement appearing in the public notices section of a local paper on 16 October, 2014. Concerns were raised regarding the timeframe to make a submission. The closing date for submissions was consequently extended until 6 December, 2014. The issues raised are covered and addressed in the following section of the report.
18. A number of submissions make reference to the community consultation undertaken by the applicant prior to lodging a Planning Scheme Consent with the City of Albany.
19. The matters raised in the submissions will be discussed in further detail below. In brief, amenity was the main concern raised consistently throughout the submissions, particularly the perceived impact on views of significance and the natural amenity of the area.
20. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within wider the locality.
21. The assessment of landscape this report has been undertaken in reference with the Western Australian Planning Commission's *Visual Landscape Planning in Western Australia – a manual for assessment, siting and design*.

22. The existing amenity for Robinson Rd can be classified as typical Rural Residential area defined by sections open paddock and a thick vegetation belt on the south side of Robinson Rd. The overall locality to the south of the subject site is primarily defined by relatively cleared smaller sized Rural Residential properties. The locality to the north is defined by larger cleared rural small holding lots. Overall it can be considered an area of Rural amenity.
23. The notion of relocating the proposed infrastructure to an alternative location within the area was a consistent comment throughout the consultation process. As a response to these comments, the City of Albany contacted the applicant and enquired if there was scope to review other locations. The applicant advised that a number of sites were reviewed as part of the pre application process. However, they wish to proceed with the site selected.
24. The potential for detrimental health effects from the proposed tower was also regularly raised. It is necessary to note that the City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) enforce the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz*. The EME report submitted by the applicant states that the maximum calculated EME level from the site will be 0.028% of the maximum public exposure level.
25. Decreased property values were raised during the consultation process. Property values are not within the matters to be considered under LPS1 and therefore are not a valid planning consideration.

GOVERNMENT & PUBLIC CONSULTATION

26. The proposal was advertised to residents within a 1km radius of the site from 16 October, 2014 to 6 December 2014. A notice was also placed in the local newspaper in accordance with clause 9.4 of LPS1.
27. A total of 7 public submissions were received following the initial advertising period. 7 objected to the application. A petition objecting to the proposal was also submitted. The petition contains 89 signatures. below is a summary of those submissions:
 - The proposal will detrimentally affect the amenity of the area;
 - Proposal conflicts with historical status;
 - Detrimental to tourism values;
 - The proposal will detrimentally affect views of significance within the area;
 - Property values will be negatively affected;
 - Detrimental health affects;
 - Insufficient public consultation was undertaken by the NBN Co;
28. The content of the submissions is summarised in more detail in the attached schedule of submissions, with officers providing responses to the matters raised.

STATUTORY IMPLICATIONS

29. The subject land is zoned Rural Residential under the City of Albany Local Planning Scheme No. 1 (LPS1).
30. Telecommunications Infrastructure is classified as an 'A' use under City of Albany Local Planning Scheme No. 1.
31. The proposal has been assessed against the objectives of the Rural Residential area under Clause 4.2.17 of LPS1.
32. The proposal has been assessed against the following relevant matters to be considered under clause 10.2 of LPS1:
 - (b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
 - (c) Any approved statement of planning policy of the Western Australian Planning Commission;*
 - (i) The compatibility of a use or development with its setting;*
 - (n) The preservation of the amenity of the locality;*
 - (o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
 - (x) The potential loss of any community service or benefit resulting from the planning approval;*
33. Voting requirements for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

34. The proposal has been assessed against the Western Australian Planning Commission's *State Planning Policy 5.2 - Telecommunications Infrastructure* (SPP 5.2). SPP 5.2 provides guiding principles for the assessment of telecommunication infrastructure.
35. The SPP 5.2 provides guiding principles for the location, siting and design of telecommunications infrastructure.

Comment in reference to the guiding principles for the location, siting and design of telecommunications infrastructure are as follows;

There should be a co-ordinated approach to the planning and development of telecommunications infrastructure, although changes in the location and demand for services require a flexible approach.

The option of reassessing other suitable sites was raised during the consultation process. The applicant was made aware of this notion after the consultation period had ended. The applicant advised the City that the subject site was the location which was determined to be best suited and this would not be reviewed.

Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as transport networks and energy supply.

The proposal forms a component of the National Broadband Network. Telecommunications infrastructure is identified within the Albany Local Planning Strategy.

Telecommunications facilities should be located and designed to meet the communication needs of the community.

The application proposes to provide wireless internet coverage Robinson area. Over recent years there have been a number of new rural residential subdivisions within the area which have increased demand for broadband services. The applicant has stated that they have selected the site based on technical parameters and the necessary land access agreement being in obtained.

Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.

Given the height of the proposed tower, the tower will be able to be seen from nearby properties and Robinson Rd. The applicant has provided a photo merge which shows that the large setback from the Robinson Rd screens the lower half of the tower. As discussed earlier, the existing level of amenity is defined by the rural nature of the area.

Telecommunications facilities should be designed and sited to minimise adverse impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.

The application proposes to remove a vegetation to establish a cleared area for the telecommunication infrastructure. It is proposed to utilise an existing firebreak. The site does not contain any registered places of heritage significance.

Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation.

The proposal is located within a water protection area within LPS1. Given the nature of the proposal it will not detrimentally affect groundwater. The proposed removal of vegetation would be required to be appropriately managed to avoid erosion.

Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.

The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive. It is also proposed to leave the infrastructure unpainted in a grey colour. Notwithstanding these measures, there will be an impact on the amenity of the area, primarily on views from surrounding properties and from Robinson Rd.

Telecommunications cables should be placed underground, unless it is impractical to do so and there would be no significant effect on visual amenity or, in the case of regional areas, it can be demonstrated that there are long-term benefits to the community that outweigh the visual impact.

The subject area has not been identified as being feasible for cable connection as part of the NBN rollout.

Telecommunications cables that are installed overhead with other infrastructure such as electricity cables should be removed and placed underground when it can be demonstrated and agreed by the carrier that it is technically feasible and practical to do so.

This guiding principle is not applicable in this situation.

Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.

The general area is zoned Rural Residential and Rural Small Holding. There are no business, industrial or rural zoned land within the operating area of the telecommunications infrastructure.

The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area.

In this situation there are no existing buildings or telecommunication infrastructure to utilise. As mentioned previously, while measures have been taken to reduce visual impact, there will still be a level of impact on the existing amenity of the area.

Co-location of telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.

There are no existing facilities which would allow co location to occur while still meeting the operational requirements for the infrastructure.

Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.

The applicant has proposed leaving the monopole unpainted in an effort to reduce visual impact. The proposed tower is well setback from Robinson Rd and other boundaries. The setback serves to screen the lower section of the tower from adjoining properties and Robinson Rd

Design and operation of a telecommunications facility should accord with the licensing requirements of the Australian Communications Authority, with physical isolation and control of public access to emission hazard zones and use of minimum power levels consistent with quality services.

As stated earlier, the City is not the responsibly authority in applying the abovementioned requirements. If approved these details are subject to separate licensing requirements.

Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.

Any development would be subject to a construction management plan which would be required to address and mitigate potential amenity impacts i.e. (dust, noise, traffic).

36. The City of Albany Rural Planning Strategy provides policy in respect to visual resource protection. It is necessary to note that the Rural Planning strategy is dated 1996. Many of the provisions are now addressed in greater detail in SPP 5.2. Notwithstanding this, the following provisions are applicable;

Siting

- *Do not detract from significant views;*
- *Are not located on ridge tops;*
- *Are preferably not located on slopes greater than 1 in 10;*
- *Are sympathetic to existing landscape elements.*

37. In response to the above, the proposal will impact the views from private properties in the surrounding area. As mentioned previously it is necessary to consider the overall public benefit of the proposal against the any amenity impact. The proposal is not located on a ridge top and the slope on the site is not greater than 1 in 10. The applicant has proposed to leave the monopole unpainted in order to reduce the visual impact of the proposal.

Clearing of native Vegetation

- *Clearing of native vegetation for buildings, infrastructure and essential firebreaks shall be confined to the absolute minimum necessary for open space and garden areas, infrastructure installation and fire protection.*

38. The proposal does propose minimum clearing to facilitate the infrastructure. Unlike a dwelling which is subject to bushfire clearing requirements, the proposal does not require fuel load reduction round the facility.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-------------------|--------------------|----------------------|---|
| Community. Approving the proposed use could allow additional infrastructure to be attached to the tower without requiring City of Albany approval. | <i>Likely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Consult with telecommunications providers when queried on the site and advise of community concerns regarding additional infrastructure.</i> |
| Community. If not approved the NBN may not build a tower in the area. | <i>Likely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Lobby the NBN to seek an alternative site in the area.</i> |

FINANCIAL IMPLICATIONS

40. There are no financial implications related to the item.

LEGAL IMPLICATIONS

41. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

42. The property is approximately 80% vegetated. The vegetation forms a 200m wide belt from racecourse rd to Robinson rd.
43. The site is classified as a protected drinking water area.
44. There are no additional environmental controls on the property other than those contained within LPS1. It is the applicants responsibility to ensure all obligations under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* are fulfilled.

ALTERNATE OPTIONS

45. Council has the following alternate option in relation to this item:

THAT Council resolves to ISSUE a Notice of REFUSAL of Planning Scheme Consent for Telecommunication Infrastructure at 241 Robinson Road, Robinson.

SUMMARY CONCLUSION

46. The proposal has been assessed against LPS1 and the State policy relating to telecommunications infrastructure.
47. In determining the application it is necessary to consider the impact on amenity against the long term benefit of a secured high speed broadband service.
48. It is recommended the application be approved subject to conditions.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | <ol style="list-style-type: none"> 1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2010 3. WA Planning Commission (WAPC) State Planning Policy 5.2 4. Visual Landscape Planning in Western Australia – a manual for assessment, siting and design |
| File Number (Name of Ward) | : | A42985 (Vancouver Ward) |
| Previous Reference | : | |

Local Planning Scheme No. 1
 Application: P2130446
 Proposal: Telecommunciation Infrastrucutre
 Schedule of Submissions for 241 Robinson Road, Robinson WA 6330

| No. | Submission | Officer Comment |
|-----|---|---|
| 1. | <ol style="list-style-type: none"> 1. The proposal will negatively impact on the existing level of amenity of the area and will be highly visible. 2. Concerns regarding vegetation removal. 3. The proposal has the potential to cause negative health effects. 4. The proposal risks negatively impacting on property values. | <ol style="list-style-type: none"> 1. Concerns noted. The impact on amenity is specifically assessed within the statutory framework. Amenity and views are identified as a factor to be assessed within WA Planning Commission (WAPC) State Planning Policy 5.2. The WAPC landscape planning manual is used in reference to determining landscape values. 2. There are no additional vegetation controls on the site other than those contained within LPS1. The applicant has obligations under to the Department of Environmental Regulation for a clearing permit if required. The vegetation proposed to be removed is minimal and considered appropriate. 3. The City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) enforce the Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz. The EME report submitted by the applicant states that the maximum calculated EME level from |

| No. | Submission | Officer Comment |
|-----|---|--|
| | | <p>the site will be 0.028% of the maximum public exposure level.</p> <p>4. Concerns noted. Property values are not an applicable planning consideration in the assessment of the application.</p> |
| 2. | <ol style="list-style-type: none"> 1. Oppose the application 2. Did not receive an invitation to attend the NBN Co public forum, the NBN consultation has not contact us. 3. The proposal will negatively impact visual amenity. 4. Negative impact on property values. 5. Health risks associated with living near a telecommunication tower | <ol style="list-style-type: none"> 1. Opposition noted. 2. Noted. The community consultation undertaken by the applicant has no statutory standing in the scope of this report. 3. The amenity and landscape issues of the proposal are discussed within the report and are assessed against State Planning Policy 5.2. 4. Concerns noted. Property values are not an applicable planning consideration in the assessment of the application. 5. The City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) enforce the Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz. The EME report submitted by the applicant states that the maximum calculated EME level from the site will be 0.028% of the maximum public |

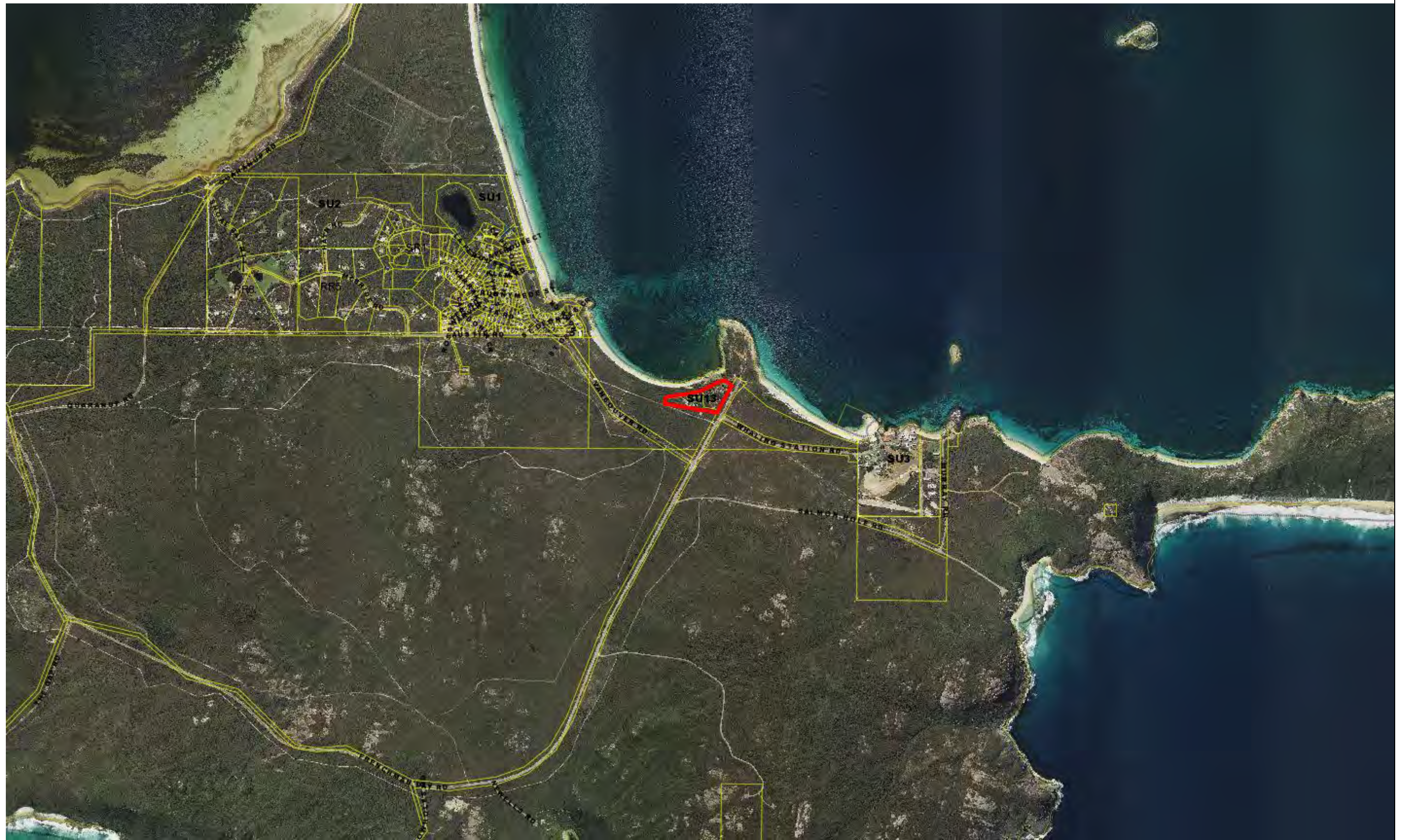
| No. | Submission | Officer Comment |
|-----|--|--|
| | | exposure level. |
| 3. | <ol style="list-style-type: none"> 1. Did not receive an invitation to attended the NBN Co public forum, the NBN consultation has not contact us. 2. The proposed tower does not fit with the special rural zoning and will negatively impact visual amenity. 3. Property devaluation 4. Potential of negative health impacts. | <ol style="list-style-type: none"> 1. Noted. The community consultation undertaken by the applicant has no statutory standing in the scope of this report. 2. Telecommunication infrastructure is an "A" use under LPS1. The impact of the proposed tower on the landscape of the area is a matter of assessment under WA Planning Commission (WAPC) State Planning Policy 5.2. The WAPC landscape planning manual is used in reference to determining landscape values. 3. Concerns noted. Property values are not an applicable planning consideration in the assessment of the application. 4. The City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) enforce the Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz. The EME report submitted by the applicant states that the maximum calculated EME level from the site will be 0.028% of the maximum public exposure level. |

| No. | Submission | Officer Comment |
|-----|---|--|
| | | |
| 5. | <ol style="list-style-type: none"> 1. Oppose the application 2. Refer to State Planning policy 5.2 3. The Karri is unique to the area and do not need to be disturbed by bulldozers and vehicles. 4. Robinson rd was once referred to as the old bean track and is one of the first market garden areas. 5. The City is required to have due regard to State Planning Policy. | <ol style="list-style-type: none"> 1. Concerns noted 2. The proposal is subject to an assessment against the City of Albany statutory framework. This includes assessment against WA Planning Commission (WAPC) State Planning Policy 5.2. 3. It is proposed to minimise all clearing. A condition requirement the submission of a construction management plan has been applied. The applicant has obligations under to the Department of Environmental Regulation for a clearing permit if required. The vegetation proposed to be removed is minimal and considered appropriate. 4. Noted. The City of Albany Local Planning Scheme requires reference to State and Local heritage listings. There are no listings for the site. 5. Noted, the City of Albany adheres to these requirements. In the instance State Planning Policy 5.2 is the applicable policy. |
| 6. | <ol style="list-style-type: none"> 1. Express strong disapproval for the proposed site. 2. Construction would destroy the historical significance of the area. | <ol style="list-style-type: none"> 1. Opposition noted. 2. Noted. The City of Albany Local Planning Scheme requires reference to State and Local heritage |

| No. | Submission | Officer Comment |
|-----|---|---|
| | 3. Will detrimentally affect the amenity of the area. | <p>listings. There are no listings for the site.</p> <p>3. The amenity and landscape issues of the proposal are discussed within the report and are assessed against State Planning Policy 5.2. The WAPC landscape planning manual is used in reference to determining landscape values.</p> |
| 7. | 1. Support the proposal | Support noted. |
| 8. | <p>1. Did not receive correspondence from the City of Albany on the matter.</p> <p>2. Request for further consultation.</p> | <p>1. Noted. Letters were sent out within a 1km radius from the site. The respondent's property is just outside of this radius. The 1km radius was used to compensate for the larger lot size in the area.</p> <p>2. City of Albany consultation has been undertaken in accordance with LPS1. The area and time of consultation was extended beyond the regular statutory limits in this instance. The community consultation undertaken by the applicant has no statutory standing in the scope of this report.</p> <p>3. of the proposal are discussed within the report and are assessed against State Planning Policy 5.2.</p> <p>4. The proposal does not interfere with groundwater any more than a dwelling. Telecommunications infrastructure is listed as a compatible use under the land use controls.</p> <p>4. Concerns noted. Property values are not an</p> |

| No. | Submission | Officer Comment |
|-----------------------------|---|--|
| | | <p>applicable planning consideration in the assessment of the application.</p> <p>5. Noted. The community consultation undertaken by the applicant has no statutory standing in the scope of this report.</p> <p>6. Water quality is addressed within LPS1 through water protection areas. The Telecommunications infrastructure is listed as a compatible use under the land use controls. Any other groundwater concerns will need to be direct to Department of Water.</p> <p>7. The misuse of the internet is not a planning consideration and as is not within the scope of assessment.</p> |
| 9. (Petition 89 signatures) | <ol style="list-style-type: none"> 1. Oppose the application 2. The area is historical important previously Robinson Rd was referred to as the 'old bean track' 3. The area has a high level of visual amenity. The proposal will negatively impact the current level of visual amenity. The proposal will be clearly visible from Mt Melville and Robinson Rd. 4. The lowered visual amenity would impact on the perception of the Robinson rd area would impact on the tourism values of the area. 5. Potential access issues for adjoining properties during | <ol style="list-style-type: none"> 1. Opposition noted 2. Noted. The City of Albany Local Planning Scheme requires reference to State and Local heritage listings. There are no listings for the site. 3. The proposal is subject to an assessment against the City of Albany statutory framework. This includes assessment against WA Planning Commission (WAPC) State Planning Policy 5.2. The WAPC landscape planning manual is used in reference to determining landscape values. 4. Concerns relating to tourism values are noted. |

| No. | Submission | Officer Comment |
|-----|---|--|
| | <p>construction.</p> <p>6. The proposal is located in close proximity to residences. The health effects of the proposal cannot be guaranteed. The proposal risks negatively affecting property values within the area.</p> <p>7. The proposal is not consistent with State Planning Policy 5.2.</p> <p>8. There are more suitable locations for the proposal in less significant locations.</p> | <p>5. If supported, a condition requiring a construction management plan has been recommended.</p> <p>6. Concerns regarding property values noted. Property values are not an applicable planning consideration in the assessment of the application.</p> <p>7. Noted. The proposal has been assessed by the City of Albany against State Planning Policy 5.2.</p> <p>8. In response to concerns raised the City of Albany contacted NBN regarding the potential to revisit sites or review alternate locations. NBN advised that this site met technical parameters and that access had been secured. On this basis they advised that they would be proceeding with the subject site.</p> |





Site Plan

1:2000





**FRENCHMAN
BAY RETREAT**
Development Guide Plan
Lot 1 & 2 on Diagram 77269
Frenchman Bay Road
FRENCHMAN BAY








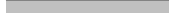


Harley Dykstra[®]

PLANNING & SURVEY SOLUTIONS

| DRAWN BdR 17/08/2015 | | | CHECKED HD 17/08/2015 | | | DRAWING No 20164-03H.dgn | | |
|-------------------------|-----------------------|------------|-----------------------------|--|--|-----------------------------|--|--|
| REV | DESCRIPTION | DATE | SCALE AT A3 1:1000 | | | | | |
| F | Parking Modifications | 10/10/2014 | 0 10 20 30 40 | | | | | |
| G | Council Modifications | 19/02/2015 | ALL DISTANCES ARE IN METRES | | | | | |
| H | Council Modifications | 17/08/2015 | | | | | | |

126

LEGEND

- LEGEND**
-  30m Wide Fire Setback
 -  Single Story Development Setback
 -  Foreshore Boundary
 -  Physical Processes Setback Line
 -  65m Vancouver Spring Setback
 -  Holiday Accommodation Units (Two Storey)
 -  Potential additional Holiday Accommodation Units (See Plan Note 1)
 -  2m Wide Dual-Use Path
 -  Unencumbered Development Area
 -  Reception / Caretaker / Kiosk / Restaurant / Alfresco

ALBANY OFFICE:
116 Serpentine Road, ALBANY WA 6330
T: 08 9841 7333 F: 08 9841 3643
E: albany@harleydykstra.com.au
W: www.harleydykstra.com.au
Offices also at Bunbury, Busselton, Kelmscott and Perth

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NOTE:
This plan has been prepared for planning purposes. Areas, Contours and Dimensions shown are subject to survey



Local Planning Scheme No. 1
Application: Local Development Plan (LDP1)
Schedule of Submissions for Lot 1 and 2 Frenchman Bay Road, Frenchman Bay

| No. | Submission | Officer Comment |
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| 1. | <p data-bbox="353 469 1173 533"><u>Production Bore Construction and Pumping Performance Details</u></p> <p data-bbox="353 564 1173 724">An on-site production bore was drilled in about 1988 to supply the caravan park, because the water supply from Vancouver Dam had become contaminated and was not always a reliable source of water supply, given lot boundary changes. There are no construction details for the production bore</p> <p data-bbox="353 820 1173 948">For a secure groundwater supply for the proposed development, it is obviously undesirable to rely on a supply from a production bore for which there are no construction or yield details.</p> <p data-bbox="353 1043 1173 1203">Designing a water supply system for a multi-million dollar development, based on unknown production bore and aquifer details, is not sound engineering/scientific practise and will not guarantee a secure and long-term groundwater supply to the development</p> <p data-bbox="353 1299 846 1331"><u>Aquifer Characteristics and Geometry</u></p> <p data-bbox="353 1362 1173 1394">Findings from the geotechnical report suggest that a perched</p> | <p data-bbox="1205 588 2085 684">A number of the points covered in the submission deal with technical matters relating to on-site water abstraction and on-site effluent disposal.</p> <p data-bbox="1205 716 2085 876">The Local Development Plan itself does not have the power to vary Scheme provisions. In relation to water supply, the Scheme requires that all development on the land shall be connected to reticulated water. The Water Corporation has confirmed this requirement.</p> <p data-bbox="1205 908 2085 1003">Legal advice has confirmed that the proponent could seek a variation to this provision as part of a future development application.</p> <p data-bbox="1205 1099 2085 1299">If the proponent were to apply for on-site water abstraction to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> |

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| | <p>aquifer system (PAS) may underlie the site.</p> <p>Little is known about the deeper aquifer intersected by the production bore, but based on currently available data there is no doubt that it will need careful management.</p> <p>Because of the physical setting of the site near the ocean, the potential for seawater intrusion is real.</p> <p><u>Groundwater Quality</u></p> <p>Recent chemical analysis of Vancouver Spring water has shown that while the groundwater in the PAS is fresh and has low mineralisation; it is non-potable due to elevated concentrations of coliform bacteria. High concentrations of coliforms also appear to be also present in groundwater from the deeper aquifer, which supplies the nearby Frenchman Bay ablution block. On the above discussion, the groundwater under the site is probably not potable and will need treatment before it can be ingested by humans.</p> <p><u>Sewage Effluent Disposal</u></p> <p>The DGP states that an on-site tertiary sewage treatment system is allowable for the development because the proposed number of 'residential equivalent units' is less than 25 (Country Sewerage Policy). It also states that such systems can require on-site irrigation disposal of excess effluent (grey water</p> | <p><u>Groundwater Quality</u></p> <p>Comments in relation to the recent analysis of Vancouver Spring are noted. Regarding water supply, the Scheme requires that all development on the land shall be connected to reticulated water. If the proponent were to apply for on-site water abstraction to serve the development, they would have to demonstrate that the water is potable or can be suitably treated. The provision of an on-site water supply would constitute a variation to the Scheme and the City and State Government agencies would be under no obligation to support such a variation.</p> <p><u>Sewage Effluent Disposal</u></p> <p>The Department of Health has advised that the number of overall units (including caretakers and commercial unit) be reduced to 25.</p> <p>Concerns regarding potential environmental impacts from on site</p> |

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| | <p>containing nutrients) – presumably through irrigation and sub-surface drain fields</p> <p>The disposal of sewage effluent on and under the site has the potential to cause significant environmental impacts.</p> <p>The City should also be aware that if the proposed dwellings have 3 bedrooms each, there could be nearly 200 people staying on the site at peak holiday times, plus the patrons and staff of the proposed restaurant. Both the water supply system and the sewage treatment system will have to be designed to cater for this 'load'.</p> <p>With the current level of scientific understanding of the subsurface site characteristics, we feel that the environmental impacts of both groundwater pumping and sewage effluent disposal need to be properly quantified before the DGP progresses any further.</p> <p>The proponent (and perhaps the City?) will probably argue that all of the scientific shortcomings described in this submission can be addressed during the later stages of the approval process. The City should insist that additional scientific studies (mainly groundwater-related) are completed before this DGP can be properly assessed.</p> | <p>effluent disposal are noted.</p> <p>If a development application was to propose on-site effluent disposal, it would be necessary to demonstrate that no environmental or hydrological impacts would occur on the site or on the surrounding area. Such a proposal would be subject to Department of Health approval.</p> <p>Details of loading form a component of an effluent disposal management plan. It is a requirement for the proponent to provide an effluent disposal management plan in support of a development application, detailing the effluent load for all units (including restaurant).</p> <p>As mentioned above, effluent disposal is a matter that would be dealt with at the development stage.</p> <p>The City of Albany acknowledges that both the site and surrounding area are environmentally sensitive. Effluent disposal is subject to planning control under Schedule 4 – Special Use Zone No. SU13, provision 7 of <i>Local Planning Scheme No.1</i>. Many of the issues raised within this submission are matters that the proponent will be required to address in an effluent disposal management plan.</p> |

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| 2. | <p>This submission focuses on the proposed use of permanent residential (and unrestricted stay) units on a property designated solely for tourism purposes.</p> <p>We consider that the proposed permanent residential (and unrestricted stay) units on the subject property should not be allowed because on this Local Strategic Site and Special Use Zone (SU13), such land uses are not allowed in <i>Local Planning Scheme No. 1</i> (LPS1).</p> <p>The land comprising Lots 1 and 2 Frenchman Bay Road is categorised as Special Use Zone 13 (SU 13) in Schedule 4 of LPS1. The purposes set out against the land are listed as “caravan park, caretakers dwelling, holiday accommodation and shop”. The list does not include permanent residential or unrestricted stay units.</p> <p>The Frenchman Bay Association (FBA) was actively involved in the consultation process associated with the production of the new town planning framework, LPS 1, which was promulgated on 28 April 2014. We paid particular attention to the conditions for Special Use Zone 13 (pages 1271-2) and we assumed that any future development proposal would need to comply fully with these conditions or alternatively, the Council would need to approve any amendment to LPS1, prior to their considering a non-conforming development proposal.</p> | <p>Noted.</p> <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether ‘unrestricted stay’ units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed ‘unrestricted stay’ accommodation to ‘Holiday Accommodation’ or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard ‘Holiday Accommodation’ units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add ‘unrestricted stay accommodation’ as a permissible land use within ‘Special Site’ zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before ‘unrestricted stay’</p> |

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| | <p>Our members were surprised to discover in the LDP1 report that the proposed development contained several fundamental variations to the conditions specified in SU 13 and that the arguments to support such variations were quite inadequate.</p> <p>In the first FBA submission to City officers, we outlined in detail the deficiencies in the LDP1 relating to the water supply and the effluent disposal arrangements that are loosely described and not based on scientific fact.</p> <p>At an FBA Special General Meeting held last week, an overwhelming majority of those present formally resolved to oppose the proposal in the advertised LDP1 for permanent residential/unrestricted stay units on Lots 1 & 2 Frenchman Bay Road, on the grounds that they:</p> <ul style="list-style-type: none"> • Are not permitted under LPS1; • Are inconsistent with the <i>Albany Local Planning Strategy</i>; and • Are not permitted under the <i>Significant Tourist Sites</i> policy. | <p>units could be approved on the site.</p> <p>Legal advice has confirmed that the Local Development Plan itself cannot vary Scheme provisions pertaining to water supply and effluent disposal. However, the proponent can seek a variation to Scheme provisions as part of a future development application. On this basis, the adoption of the draft Local Development Plan does not alter the requirements pertaining to water supply and effluent disposal as set out in <i>Local Planning Scheme No. 1</i>. In the interests of clarification, only the Local Development Plan is approved by Council, not the accompanying planning report.</p> <p>Previous submission noted and discussed above.</p> <p>FBA Special General Meeting outcome noted. In response to legal advice and community feedback, the applicant has removed the proposed unrestricted stay units from the proposal.</p> <p>The decision was made to advertise the Local Development Plan to the public including the proposed 'unrestricted stay' units in the interests of transparency, as these form part of the landowners' ultimate aspiration for the site.</p> |

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| | <p>It seems to us that neither City officers, nor the Council, have been provided with sufficient information to resolve whether to approve LDP1 – with or without conditions. We feel that it would be a serious error to give the go ahead or approve the LDP1 on such inadequate information, because it does not form an adequate guide for future tourism development on this site.</p> | <p>All future development on the site is required to be in accordance with an adopted Local Development Plan. The proposed Local Development Plan is compliant with the physical setback parameters prescribed in Schedule 4 – Special Use Zone No. SU13, provisions 3, 4 and 13 of <i>Local Planning Scheme No. 1</i>. The provisions contained within Schedule 4 – Special Use Zone No. SU13 provide additional control over the development of the site. A number of these provisions will require the preparation of plans for assessment by the City of Albany and relevant State Government agencies at the development stage.</p> |
| 3. | <p>There are four concrete applications/proposals in the LDP that call for comment. They are:</p> <ol style="list-style-type: none"> 1) The application for on-site water supply. 2) The application for on-site sewage and wastewater treatment. 3) The proposal for 10 permanent residential units/unrestricted | <p>Points of submission noted.</p> |

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| | <p>stay units.</p> <p>4) The proposal for staged construction in the ratio of 1 permanent residential/unrestricted stay unit for every 2 completed holiday units.</p> <p><u>The application for on-site water supply.</u></p> <p>Under Condition 8 of SU 13 of <i>Local Planning Scheme No. 1</i> (the LPS) the use of a reticulated water supply is expressed to be mandatory. This appears, however, to be misleading, for I am advised that Condition 8 is no more than a scheme standard and that as such the Council has a discretion, under Clause 5.2 of the LPS, to approve the proponents application. While this may be true, Council's discretion is not absolute. In exercising it the Council must comply with Clause 5.2.2, which requires prior public consultation, and Clause 5.2.3, which requires a rational consideration of relevant matters listed in Clause 10.2.</p> <p>My response to the proponent's application, therefore, is that the City's planning department should not present it to Council for approval until:</p> <p>i) all the information impliedly required by Clauses 5.2.3 and 10.2 of the TPS has been sought from and provided by the proponents and referred to the relevant government agency;</p> <p>ii) the relevant government agency has made and</p> | <p>Legal advice has confirmed that the Local Development Plan itself cannot vary Scheme provisions pertaining to water supply. However, the proponent can seek a variation to Scheme provisions as part of a future development application. On this basis, the adoption of the draft Local Development Plan does not alter the requirements pertaining to water supply as set out in <i>Local Planning Scheme No.1</i>. In the interests of clarification, only the Local Development Plan is approved by Council, not the accompanying planning report.</p> <p>Noting the above, the proponent would have the ability to apply for an on-site water supply at the development stage. The submission is correct in outlining the City of Albany's obligations with regard to the application of discretion over such Scheme provisions during the development application process.</p> <p>In summation, the approval of a Local Development Plan does not vary the provisions of Schedule 4 – Special Use Zone No. SU13.</p> |

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| | <p>communicated its findings to the City of Albany; and</p> <p>iii) the City's planning department has made those findings and the reasons for them available to Councillors for their consideration. The failure to proceed in this way would, in my view, be contrary to the principles of orderly and proper planning.</p> <p><u>The application for on-site sewage/wastewater treatment.</u></p> <p>Under Condition 7 of SU 13 of the LPS the use of a reticulated sewerage/wastewater disposal system is also expressed to be mandatory. Unlike Condition 8, Condition 7 expressly confers on Council a discretion to approve the on-site treatment of sewage/wastewater. Again, this is not an absolute discretion. Its exercise is circumscribed by Clauses 5.2.3 and 10.2 of the LPS as well as by Condition 7 itself which provides that Council may only exercise its discretion to approve an application for on-site sewage/wastewater disposal if the on-site treatment system is appropriate to the scale of the proposed development and is acceptable to the relevant government agency.</p> <p>One need look no further than the requirements of Condition 7 itself to know that a rational decision to support or oppose the proponents application, whether by a member of the public, or by a government agency, or by Council, is not possible on the information supplied in the LDP. The LDP provides no details on the treatment system to be installed. Nor does it provide</p> | <p>The Local Development Plan itself does not approve a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provision 7 of <i>Local Planning Scheme No. 1</i> provides the proponent with the ability to apply for the installation of a private on-site effluent disposal system.</p> <p>An effluent disposal management plan would be required to demonstrate that no environmental or hydrological impacts would occur on the site or on the surrounding area. Any such proposal would be subject to Department of Health approval.</p> <p>Department of Health comments regarding the number of units permitted under the draft <i>Country Sewerage Policy</i> have been applied and the Plan amended accordingly.</p> <p>As mentioned above, effluent disposal would be considered at the development stage, in accordance with Schedule 4 – Special Use Zone No. SU13, provision 7 of <i>Local Planning Scheme No. 1</i>. A detailed effluent disposal management plan would be required to respond to the density of development contained within a future development application.</p> |

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| | <p>relevant information on the scale of the proposed development, for scale of the proposed development refers not to the number of units proposed to be constructed on the site, but the number of people who will be generating sewage and wastewater on the site on any day on which the completed development is operating at maximum capacity. To arrive at this figure the proponents need to disclose the number of beds per unit, the number of employees who will be working on the site, and the number of patrons capable of being served in the proposed kiosk/cafe. This they have not done.</p> <p>The City's planning department should not present it to Council for approval until:</p> <ul style="list-style-type: none"> i) all the information required by Condition 7 and Clauses 5.23 and 10.2 has been sought from and provided by the proponents and referred to the relevant government agency; ii) the relevant government agency has made and communicated its findings to the City of Albany; and iii) the City's planning department has made those findings and the reasons for them available to Councillors for their consideration. The failure to proceed in this way would, in my view, be contrary to the principles of orderly and proper planning. | <p>As outlined above, Schedule 4 – Special Use Zone No. SU13, provision 7 would have to be addressed as part of a future development application. At the time of assessment, an effluent management plan would be required to satisfy the requirements of the Department of Health and the City of Albany. Sub-clause 5.2.3 of <i>Local Planning Scheme No. 1</i> is not applicable in this instance, as Schedule 4 – Special Use Zone No. SU13, provision 7 provides the City with the ability to approve an alternative treatment system. Details of the method of effluent disposal and an associated effluent disposal management plan would be required to accompany any future development application. The Department of Health's comments regarding effluent disposal, which were received during the public advertising and referral process, have been provided to Council and are discussed in the report item.</p> |

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| | <p><u>The proposal for 10 permanent residential units/unrestricted stay units.</u></p> <p>I have described this proposal in the alternative because of the ambiguity in the document that has been advertised. Although the City has called the document a Local Development Plan (the LDP) the proponents have called it an Application for Development Guide Plan. Respondents to the advertisement do not know whether they are to respond to the whole document or just to the Development Guide Plan (the DGP) appended to the document. The ambiguity needs to be resolved because throughout the text of the document the proponents propose 10 permanent residential units but in the appended DGP they propose 10 unrestricted stay units.</p> <p>Notwithstanding the comments above, I submit that, whether the proposal is one for permanent residential units or one for unrestricted stay units, it is not permitted under the Local Planning Scheme (the LPS). It is submitted that Clause 4.7.2 is mandatory and that a purpose under this clause may not be treated as if it were a scheme standard capable of variation by Council at its discretion under Clause 5.2 of the LPS. The Council, therefore, has no jurisdiction to approve the proposal, but must reject it on the ground that the use of the land for permanent residential/unrestricted stay purposes is not permitted by the LPS.</p> | <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>The decision was made to advertise the Local Development Plan to the public including the proposed 'unrestricted stay' units in the interests of transparency, as these form part of the landowners' ultimate aspiration for the site.</p> |

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| | <p><u>The proposal for staged construction in the ratio of 1 residential unit for every 2 completed holiday units.</u></p> <p>Since, under the LPS, Council does not have a discretion to approve the proposal for 10 residential/unrestricted stay units on the Frenchman Bay site, it clearly does not have a discretion to approve this staged construction proposal.</p> | <p>The removal of the 'unrestricted stay' units from the Local Development Plan following the receipt of legal advice is outlined above.</p> |
| 4. | <p>Without adequate hydrogeological studies, there is also no guarantee that the aquifer can supply the required groundwater to the development. No characteristics of the aquifer are known, and it may not be capable of supplying the necessary water demand. The aquifer occurs below sea level and is therefore susceptible to contamination from sea water during pumping, which could gradually cause salinisation of the water supply.</p> <p>If the bore and aquifer both fail to provide adequate water to the development, what's plan B?</p> <p>This question was partially answered at the Information Session I attended. The Planning Consultant advised me that the Proponents were looking at a different water supply system.</p> | <p>Legal advice has confirmed that the Local Development Plan itself cannot vary Scheme provisions pertaining to water supply. However, the proponent can seek a variation to Scheme provisions as part of a future development application. On this basis, the adoption of the draft Local Development Plan does not alter the requirements pertaining to water supply as set out in <i>Local Planning Scheme No.1</i>. In the interests of clarification, only the Local Development Plan is approved by Council, not the accompanying planning report.</p> <p>If the proponent were to apply for on-site water abstraction to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> |

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| | <p>The revised water supply system being considered comprises:</p> <ul style="list-style-type: none"> • A non-standard connection to the mains water pipeline at Goode Beach; • Rainwater harvesting and storage; and • Using the existing bore only as a backup water supply. <p>This type of combined water supply system design has a much better chance of success than relying on a single bore with unknown characteristics.</p> <p>In my opinion, the LDGP should not be allowed to proceed any further without 'front end' hydro geological studies that need to be completed in order to quantify the sustainable groundwater supply from both the bore and the aquifer.</p> <p><u>Effluent Disposal</u></p> <p>The proposed development has been sized in such a way that with an assumed occupancy rate, on-site sewage treatment is allowed under the <i>Country Sewerage Policy</i>. There is no doubt that connecting to the mains sewerage system at Little Grove is the safest way to handle and treat the sewage from the development, but I do realise that the cost of doing this is</p> | <p>Comments regarding the proponents' revised water supply system are noted.</p> <p>As stated previously, if the proponent were to apply for on-site water abstraction to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> <p>Comment noted.</p> <p>The Local Development Plan itself does not approve a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provision 7 of <i>Local Planning Scheme No. 1</i> provides the proponent with the ability to apply for the installation of a private on-site effluent disposal system.</p> <p>An effluent disposal management plan would be required to</p> |

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| | <p>prohibitive and that it would seriously impact on the viability of any development on this site.</p> <p>At the Information Session, the Planning Consultant described to me the sophisticated systems that are available to treat sewage. While I have no doubt that there are such systems available, it is the disposal of the excess grey water effluent from these systems that is of more concern to me. In addition, in the report there is no mention of:</p> <ul style="list-style-type: none"> • The size of such a system and the assumed treatment requirements, especially during peak holiday periods; and • The amount of grey water effluent that needs sub-surface disposal. <p><u>Financial Arguments and Planning</u></p> <p>Throughout the LDGP report there are various reasons given why the project would not be financially viable if any aspects of the proposed design are varied.</p> <p><u>LPS1 and Prime Tourism Sites</u></p> <p>I cannot understand why the City appears ready and willing to discount or disregard pre-existing policy statements, such as the Strategic Tourism Policy, that recommend against combined residential/tourist accommodation developments on</p> | <p>demonstrate that no environmental or hydrological impacts would occur on the site or on the surrounding area. Any such proposal would be subject to Department of Health approval.</p> <p>Comment noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local</p> |

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| | <p>tourism sites. I feel that the proposed permanent residential (and unrestricted stay) units on the subject property should not be allowed because on this Local Strategic Site and Special Use Zone (SU13), such land uses are not allowed in <i>Local Planning Scheme No. 1</i> (LPS1).</p> <p><u>Permanent Residential and/or Unrestricted Stay Units</u></p> <p>Why is permanent residential being proposed (and even being considered by the City) when it is not allowed on this Special Use Zone (SU 13), as outlined in LPS1? This may be the first attempt to try and get the City to apply to change LPS1 – the thin end of the wedge and the possible end of prime tourism spots around Albany. The current situation is obvious from the following conditions taken from LPS1. From these you can conclude that it is illegal to construct permanent residential/unlimited stay units on the site.</p> <p>I was therefore surprised to discover in the LDGP report that the proposed development contained several fundamental variations to the conditions specified in SU 13 and that the arguments to support such variations were generally inadequate. These issues seemed to make no difference to the Planning and Development Committee, who recommended to Council that the LDGP should be approved for advertising and Council subsequently agreed. These decisions were completely against the permitted development conditions outlined in LPS1 and this implies that neither the City nor the Council want to work within the LPS1 conditions outlined for</p> | <p>Development Plan.</p> <p>The decision was made to advertise the Local Development Plan to the public including the proposed ‘unrestricted stay’ units in the interests of transparency, as these form part of the landowners’ ultimate aspiration for the site.</p> <p>The item was only put forward for advertising. As mentioned above, the proponent has the ability to apply to vary provisions contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> as a component of a future development application. The indicated variations were advertised in order to receive community feedback on the various aspects of proposal.</p> |

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| | <p>this site. So why did we bother to gazette LPS1? If this is the case, I feel that we have little chance of maximising the tourism potential of our area.</p> <p><u>Opposition to Permanent Residential and/or Unrestricted Stay Units on Prime Tourism Sites</u></p> <p>I continue to believe that this site is worthy of a high-class tourism development and should not just morph into another suburb by including permanent residential (or unrestricted stay) units.</p> <p>Owners of the short-stay units are only allowed to occupy the units for 3 months a year, but no one polices this restriction. Every time I ask a City official about this, the answer is that there are by-laws that cover this matter. But I have been unable to get a 'straight answer' on this issue and have not yet found out who is supposed to police this under these conditions, it is quite feasible that the proposed Frenchman Bay development will gradually morph into a suburb-like environment with very few vacancies available to tourists, because all unit owners will want to live in this beautiful spot permanently. I know I would.</p> | <p>Opposition and concerns in relation to unrestricted stay noted.</p> <p>It is acknowledged that it can be difficult to police the conditions restricting occupancy on older tourist accommodation developments. However, current management conditions are applied to development approvals and require a third party to be appointed as property manager on all developments. The managers are then legally obligated to apply the conditions of the development approval, including those that restrict the length of stay permitted. Under such schemes, even the owners of a unit are required to book their own personal use of the premises through the managing body.</p> |

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| 5. | <p>I am against the 'unrestricted' stay component of holiday accommodation – in my opinion this will only lead to permanent occupation – adding clauses to the strata-title to prevent this is just a folly – and leads to the question who will police and enforce the clauses. In this case I do not believe anyone will accept this responsibility and as such you are providing permanent villas for occupation and for this reason I object to this component.</p> <p>Should the argument regarding financial viability be the only reason for providing 'unrestricted' stay accommodation, it further enhances the reason not to proceed with the development as it is obvious that the developer is reliant on – selling these villas to people who want exclusive access and ownership i.e. a holiday home, probably at a reduced cost to doing so in a current residential area such as Goode Beach, yet live in a prime location in Albany. It would also lead one to question the developers' commitment in maintaining the reduced number of short stay accommodation.</p> <p>In addition to the above the area is deemed a Tourist Accommodation Site – yet the provision of allowing unrestricted access is to ensure accommodation for those seeking to stay for longer periods, including over winter, and that the development is occupied year round. These people 'seeking to stay for longer periods, including over winter' are not tourists by the City's own statement, after Easter and winter are off peak tourist times. Also what void in the market does it fill if winter is off peak, there would be ample tourist</p> | <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> |

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| | accommodation in the City precinct. | |
| 6. | <p>It seems to me that the developer has paid little or no attention to Water supply. They contend that as there is a bore adjacent to the site this indicates that water will be available, despite the bore being of unknown depth, drawing water from an aquifer of unknown size and producing water that is currently unfit for drinking.</p> <p>At the very least council should require some sort of study to determine the nature of the aquifer, including any environmental effects of drawing water from it.</p> <p><u>Permanent Occupation.</u></p> <p>This is a matter of great concern to me. It is recognised by most authorities that this is a special site. In their wisdom they have determined that it is to be used solely for tourist accommodation, a use a majority of people would fully agree. That the developers say it is uneconomic without permanent occupation may well be correct, but for Council this is irrelevant. The financial capacity of the developers, or the commercial viability of the proposal, is solely the concern of the developer, not Council. Commercial factors are not relevant to the planning process and shouldn't be taken into consideration. The planning process so far has determined that the best use for the site is solely tourist accommodation with no permanent occupation, and without valid relevant reasons should not be changed. If you take the long term view eventually a proposal will come up that is commercially viable. It may not be in my lifetime but eventually it will happen. So I think Council would be doing a great disservice to future</p> | <p>If the proponent were to apply for on-site water abstraction to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a</p> |

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| | generations if they allow a developers' short term commercial gain, to take precedence over good planning. | Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site. |
| 7. | Such a development will change the wonderful peace and serenity of Frenchman Bay, of which many people enjoy as it is in its natural state. To develop in this way will be the ruination of the area as we all know it. The impact of this development will be immense in a negative way on the natural beauty of the environment we have on our doorstep. How can the building of this not have a negative impact? It will be a catastrophe on the peace and tranquillity of Frenchman Bay, why change what is good, why does everything have to be developed? I cannot think of a worse scenario for Frenchman Bay than to develop in this way. We live in a beautiful place, let it stay this way. | Objection to the proposal noted. The zoning of the site and the associated development controls create a development right over the lots. However, the development controls and Local Planning Policies in place are designed to control the form of development that takes place. |
| 8. | As a rate payer in Goode Beach I disagree to the permanent residential aspects of the proposal. What are the noise cut off times for such a facility and if the facility will be given dispensation to operate on Sundays and public holidays? | Objection noted. 'Unrestricted stay' has been removed from the proposal. Noise emanating from premises is controlled by the <i>Environment Health (Noise) Regulations</i> . However, this matter would also be considered as a component of any future development application. Operating on Sundays and public holidays would be subject to future development approval. |

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| 9. | <p>I offer qualified support to the provision of a local shop</p> <p>Concerns arise from the following;</p> <p>Water supply – There is no convincing data available that sufficient water for such an intensive development could come from the aquifer. Will use of the aquifer cause depletion of the supply to the Vancouver spring.</p> <p>There is no consideration of the heritage of the site.</p> <p>Overall preference would be for a shop and better opportunities for visitors.</p> | <p>Support for a shop is noted.</p> <p>If the proponent were to apply for on-site water abstraction to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> <p>Heritage concerns are noted.</p> |
| 10. | <p>I cannot support the proposal allowing permanent Residential/Unrestricted stay units. The rules set by Council clearly state the area are zoned for holiday accommodation.</p> <p>As a resident of Goode Beach I am required to abide by various rules which apply to the area.</p> | <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western</p> |

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| | | <p>Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> |
| 11. | <p>I oppose the plan to include 10 permanent residential/unrestricted stay units on the grounds that they are not permitted under <i>Local Planning Scheme No. 1</i>.</p> <p>My understanding is that the land comprising lots 1 & 2 Frenchman Bay Road is categorised as Special Use Zone 13 in Schedule 4 of the abovementioned scheme.</p> <p>The list of permitted land uses in Schedule 4 does not include permanent residential or unrestricted stay units and furthermore they do not fall within the definition of "Holiday Accommodation" as defined in Schedule 1.2 of that scheme.</p> <p>A considerable amount of time and money was spent in developing the Local Planning Scheme for specific purpose of protecting Special Use Zones and restricting the types of permitted developments, so that they may be enjoyed by future generations of locals and tourists alike. The argument that the units are required in order to make the development viable must therefore be invalid and should not be considered by Council.</p> <p>I trust council will act in accordance with <i>Local Planning Scheme No. 1</i> and reject this proposal.</p> | <p>Opposition noted.</p> <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> |

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| 12. | <p>In particular I would emphasise my opposition to the inclusion of residential/long term stay units such inclusion being inconsistent with the local planning scheme and hence should automatically be disallowed. In my view planning applications that are inconsistent with current schemes should not be allowed simply because of increased financial returns to the developer. For the City to approve an application that was inconsistent with its own scheme would not only make a mockery of the rationale for existing schemes, but would open the door for other development applications that are contrary to other schemes.</p> <p>I would also note what I consider a fundamental flaw in logic on p 45 and elaborated on p 49 with respect to calculating effluent loading. Whilst occupancy rates will vary throughout the year, the calculation of system capacity/load must be based on the maximum occupancy even if that occurs for only a limited time. Such a fundamental flaw suggests that other components of the report could be similarly flawed.</p> | <p>Opposition noted.</p> <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>Regarding occupancy rates, the Department of Health has provided advice that the total number of units, including caretakers and commercial units, would have to be reduced to 25 to comply with the provisions of the draft <i>Country Sewerage Policy</i>.</p> |

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| 13. | <p>I am in favour of a sensitive and stylish development that fits in with the local environment and enhances the site. I note that the current proposal is smaller in scale than previous.</p> <p>I do not support the inclusion of permanent residential units on the site. The site represents an opportunity to develop a high quality tourism operation.</p> | <p>Comments noted.</p> <p>Opposition to 'unrestricted stay' units is noted. The proponent has now amended the Local Development Plan to remove the 'unrestricted stay' units.</p> |
| 14. | <p>I am in strong opposition to the LDP1 as proposed on the following grounds:</p> <ol style="list-style-type: none"> 1. I do not believe that a change of zoning to permit permanent residences ("unrestricted stay") units should be permitted. 2. I believe there is insufficient detailed planning regarding provision of water, power and waste/sewerage management. 3. I am concerned about impact on the surrounding National Park and beaches. <p>Whilst I am not fundamentally opposed to the development of environmentally sensitive, well managed, quality tourist accommodation (of which there is a shortage in Albany), I am strongly opposed to the current submission. It reeks of a commercial/money making venture and not a true commitment to appropriate development of this unique property in accordance with the needs of the City of Albany, taking into</p> | <p>Opposition noted.</p> <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western</p> |

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| | consideration the opinions of local residents. | <p>Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>If the proponent were to apply for on-site water abstraction and effluent disposal to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> |
| 15. | <p>Opposition to the proposals solely on the basis that the inclusion of unrestricted stay is against Councils own policies in the area.</p> <p>Should Council's legal advice be that unrestricted stay is permitted, then I would have no objection to the development proceeding to the next stage of the approval process.</p> | <p>Opposition and the grounds of opposition are noted.</p> <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a</p> |

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| | | <p>Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> |
| 16. | <p>Major concerns with the waste water and sewerage disposal of this development. Ideally we would like the system to be connected to the infill sewerage system. Other than that the highest quality and functioning system should be installed.</p> <p>The use of a bore as a water source. How can it be relied upon when the water available is unknown?</p> <p>Where is the location of the water treatment plant and storage tank going to be?</p> | <p>Concerns noted.</p> <p>The Local Development Plan itself does not approve a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provision 7 of <i>Local Planning Scheme No. 1</i> provides the proponent with the ability to apply for the installation of a private on-site effluent disposal system.</p> <p>An effluent disposal management plan would be required to demonstrate that no environmental or hydrological impacts would occur on the site or on the surrounding area. Any such proposal would be subject to Department of Health approval.</p> <p>Schedule 4 – Special Use Zone No. SU13, provision 8 of <i>Local Planning Scheme No. 1</i> requires all development on the land to be connected to reticulated water. The proponent does have the ability to apply for a variation to this provision at the development stage. However, if the proponent were to apply for on-site water abstraction to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> |

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| | | Tank locations would be provided as a component of any future development application. |
| 17. | <p>The draft plan is not in accordance with the Scheme, which requires development to compromise of tourist accommodation only.</p> <p>I am in favour of a development on the site provided;</p> <ul style="list-style-type: none"> • Design gives consideration to environmental aspects and does justice to the pristine site. • The development has maximum aesthetic appeal. • Development complies with the Scheme. • The supply of potable water and on effluent disposal is fully reviewed by the department of Health. • The City can fully satisfy itself that the proponents are financially capable of developing the site. • The development is of an up market category which would attract the appropriate type of tourist and not end up as a "White elephant". <p>It would be terrific to have a restaurant and shop.</p> | <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>If the proponent were to apply for on-site water abstraction and effluent disposal to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on</p> |

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| | | <p>groundwater, aquifers and the surrounding environment.</p> <p>Concerns regarding design are noted. The <i>Frenchman Bay Tourist Development Site</i> policy would guide the design and built form of any future development on the site.</p> |
| 18. | <p>Barely 12 months has passed since the City launched the Local Planning Scheme to guide development into the future. The draft Local Planning Scheme went through several iterations and there was considerable public consultation. I took part in this process. The City has now advertised the Local Development Plan (LDP) for Lots 1 and 2 Frenchman Bay Road, even though the LDP openly acknowledges that the row of ten permanent residential units that form a component of the LDP contravenes conditions applying specifically to SU13 in Albany's new town planning scheme. SU13 is one of the most controversial sites in Albany. Over the past decade or so, on two earlier occasions, it was explicitly determined that only holiday accommodation would be permitted on the site.</p> | <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>The decision was made to advertise the Local Development Plan to the public including the proposed 'unrestricted stay' units in the interests of transparency, as these form part of the landowners'</p> |

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| | <p>The LDP is seeking to relax conditions that apply to SU13 that are specified in the ALP Scheme. Hence the LDP should be evaluated according to the extent that it has made a very strong case to amend the Local Planning Scheme in regard to each variation. In my view (see below) it has not done so. Only after the LDP has made the case can the actual plan for the site be assessed. How can anyone fairly assess the whole LDP in the absence of this critically important evidence?</p> <p>The proponents are hoping to provide the maximum number of units that are allowed on the site. Reference to the <i>Country Sewerage Policy</i> indicates that 25 units would be permitted on the site without connection to a reticulated sewer. In order to justify the building of 31 units on the site the LDP puts forward an argument based on the likely average occupancy. However, the effluent disposal system and the water supply must be able to meet the demands of the maximum occupancy. It seems likely that for some months of the year all the units will be fully occupied. Unless this capacity is provided then there is a risk that during the hottest months of the year the site will become smelly and unhygienic; as well. Water restrictions might need to be imposed.</p> | <p>ultimate aspiration for the site.</p> <p>The Local Development Plan itself does not approve on-site water abstraction or a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provisions 7 and 8 of <i>Local Planning Scheme No. 1</i> provide the proponent with the ability to apply for on-site water abstraction and the installation of a private on-site effluent disposal system.</p> <p>The Department of Health has provided advice that the total number of units, including caretakers and commercial units, would have to be reduced to 25 to comply with the provisions of the draft <i>Country Sewerage Policy</i>.</p> <p>If a development application was to include the provision of a private on-site effluent disposal system, an effluent disposal management plan would be required to demonstrate that no environmental or hydrological impacts would occur on the site or on the surrounding area. Any such proposal would be subject to Department of Health approval.</p> |

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| | <p>Two main arguments are advanced in the LDP in favour of a mixed development. The first is that a strata-titled permanent residence is necessary in order to make the whole development economically viable. That may be so but there is no information to demonstrate that this is the case other than the assertion in the LDP that it is necessary. There have been other strata titled holiday accommodation ventures that have not required permanent residential units to make the development viable.</p> <p>Ratio of Permanent residential units to holiday units.</p> <p>Significance of the site – the site is identified as one of five Local Strategic sites under the <i>Significant Tourist Accommodation Sites</i> policy.</p> | <p>Comment Noted. As mentioned previously, the ‘unrestricted stay’ units have been removed from the Local Development Plan.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add ‘unrestricted stay accommodation’ as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before ‘unrestricted stay’ units could be approved on the site.</p> <p>Again, the ‘unrestricted stay’ units have been removed from the Plan.</p> <p>The significance of the site within the local planning framework is acknowledged.</p> |
| 19. | <p>The proposed Local Development Plan is disappointing. It aims to provide very little accommodation for very few tourists. Only one kind of accommodation is proposed, in contrast to the diversity formerly provided.</p> <p>Much better use could be made of the site by diversifying the nature and quantity of accommodation. This should cater for a range of budgets and thereby enable a much larger number of</p> | <p>Comment Noted.</p> <p>Comment Noted.</p> |

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| | <p>tourists to benefit from the location. More tourists would provide more benefits for the economy and vibrancy of the Albany region.</p> | |
| 20. | <p>The proposed inclusion of permanent residential accommodation on the site is completely unnecessary in the regional context and diminishes the tourist value of the location.</p> <p>The only proposed real tourist accommodation is also to be sold off privately and individually, and the buyers would be allowed to live there for up to 3 months a year. They could hardly be considered casual tourists. Would they be obliged to rent out these temporary homes to tourists during the rest of the year? If not then this could hardly be called tourist accommodation. But if they were obliged to rent their holiday homes to casual tourists during the rest of the year, would this be a sound economic proposition? Probably not, as it would be most likely that the owners would want to be in residence during peak holiday times, and for much of the rest of the year there would be few tourists. Meanwhile, the owners would have to pay strata fees for the upkeep of the whole site, including a proposed restaurant/bar and kiosk that may or may not be occupied, and the permanent residents who occupy 1/3 of the site.</p> | <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> <p>Local Planning Scheme No. 1 allows for 'Holiday Accommodation' to be occupied by the same person or persons for a maximum of three months within any 12 month period. On tourist strata applications, it is currently a requirement for a managing agent to be appointed. In such instances, even the owners of a unit are required to book their own personal use of the premises through the managing body.</p> |

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| | <p>The proponents statement on page 8 that development of the site would not be viable without a third of the accommodation being permanent residential is unreasonable. The statement suggests that the developers are more interested in obtaining an immediate profit and then abandoning the project than in maximising the tourist potential of the site over a long period of time. With less greed, the site could again be viable as a caravan park and camp site, perhaps with the addition of chalets.</p> <p>The Development Guide Plan indicates that connecting the site to mains water is expensive and so proposes to obtain water from groundwater below the site and to dispose of effluent into this same porous ground. These two issues are clearly critical for the physical viability of the proposed development. Yet knowledge of how much groundwater might be available and the quality of this groundwater is unknown. Modern technology could treat the effluent to such a degree that it could be returned to the groundwater and the water supply, but the groundwater supply is beyond human control. Until the groundwater situation has been fully investigated, it is clearly a</p> | <p>Comment noted. As mentioned previously, the 'unrestricted stay' units have been removed from the Plan.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>The Local Development Plan itself does not approve on-site water abstraction or a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provisions 7 and 8 of <i>Local Planning Scheme No. 1</i> provide the proponent with the ability to apply for on-site water abstraction and the installation of a private on-site effluent disposal system.</p> <p>If the applicant were to apply for on-site water extraction and private on-site effluent disposal, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not</p> |

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| | waste of time to discuss proposals for buildings to accommodate a finite number of people when the amount of groundwater available is almost completely unknown. The presence of Vancouver Spring and information from several bore holes indicates that there is groundwater below the site, but the quantity and seasonal variations are completely unknown. | cause any detrimental impacts on groundwater, aquifers and the surrounding environment. |
| 21. | <p>Concerned that the tranquil beauty of this area, which is surrounded by the Torndirrup National Park, will be placed under threat by LDP1.</p> <p>Although the proponents for the development have submitted plans for an on-site water supply and sewage treatment plant, in my view they have provided insufficient detail to give confidence that their proposals will work successfully without placing the local environment at risk.</p> <p>I also fail to understand how the LDP1 which proposes ten "Unrestricted Stay Units" does not violate the Special Use Zone 13 (SUZ13) status of Lots 1 and 2. Surely it is obvious that Unrestricted Stay Units equate to Residential Units for</p> | <p>Concerns noted.</p> <p>The Local Development Plan itself does not approve on-site water abstraction or a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provisions 7 and 8 of <i>Local Planning Scheme No. 1</i> provide the proponent with the ability to apply for on-site water abstraction and the installation of a private on-site effluent disposal system.</p> <p>If the applicant were to apply for on-site water extraction and private on-site effluent disposal, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> |

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| | which the land is not zoned. | |
| 22. | <p>Various aspects and consequences of the proposed draft development plan no. 1 (LDP1) such as sewerage & effluent treatment, on-site water supply, fire protection measures & noise and light pollution, management and control are not adequately covered in the proposal. These aspects need to be detailed before the public can make informed assessments of the proposal. I understand other responders to the proposal have already highlighted some of these problems.</p> <p>The proposed 'unrestricted stay units' (which can only be alternative terminology for permanent occupancy) are not in fact allowed under the current land use zoning of the Local Planning Scheme. In any case, tourism would not benefit from having permanent residents: what is required is a limited number of well designed, eco-style units set in a natural, unobtrusive setting, taking advantage of the superb site in an aesthetic manner and in harmony with the existing Goode Beach suburb and scenery.</p> | <p>The Local Development Plan itself does not approve on-site water abstraction or a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provisions 7 and 8 of <i>Local Planning Scheme No. 1</i> provide the proponent with the ability to apply for on-site water abstraction and the installation of a private on-site effluent disposal system.</p> <p>If the applicant were to apply for on-site water extraction and private on-site effluent disposal, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan. Comments regarding preferred eco development are noted.</p> |
| 23. | <p>The density of the development is not appropriate for the area and would have great impact on the aesthetics of this beautiful and rare area on the South coast reducing the attraction to local and international tourists.</p> <p>Frenchman Bay is of great historic and cultural value and should be preserved rather than subject to a large-scale</p> | Concerns regarding density are noted. |

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| | <p>development.</p> <p>There will be an unacceptable impact on the fragile dune area environment with clearing of vegetation adjacent to Vancouver and small spring areas and impact on local wildlife adjacent to the National Park.</p> <p>A sewage treatment plant and grey water/gardens in the area above a popular swimming bay puts the enclosed bay at risk of nitrogen and phosphorous leakage that could lead to eutrophication and algal bloom that would wreck the amenity for everyone.</p> <p>The enclosed bay between the granite headlands could fill up with a toxic red tide phytoplankton bloom in summer with fish kills and loss of sea grass.</p> <p>There are small aggregates of red phytoplankton bloom between the whaling station and Bald head in Summer and it does not need any encouragement to move into Frenchman Bay.</p> <p>The area is not designated for permanent residential or unrestricted stay units.</p> | <p>The subject site has a designation under Local Planning Scheme No. 1 that allows for development, subject to conditions. Any clearing of vegetation is controlled by the Department of Environmental Regulation.</p> <p>If the applicant were to apply for on-site water extraction and private on-site effluent disposal, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> |
| 24. | The proposal to allow permanent residents (unrestricted stay units) at this site is contrary to the City's own planning guidelines for significant tourist sites. This area needs to be | In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local |

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| | <p>protected so that both local and visiting tourists can enjoy the natural area, and its historic sites unimpeded by inappropriate development.</p> <p>The size of the current proposal is likely to cause significant damage to the marine and coastal environment through water pollution (seepage of treated sewage into the aquifer) and through excess run-off from the development (no biological, marine biological or fluid engineering data has been provided with this proposal). Where will the run-off go? How deep is the below surface aquifer? Which marine species need to be protected?</p> <p>Until significant marine surveys (of water quality, and marine species) have been conducted to establish a baseline from which any future damage can be recorded and mitigated, no proposal should be permitted to proceed.</p> <p>No detailed flora or fauna surveys have been included in this proposal. Are there pitcher plants, noisy scrub birds, or other rare species present in the largely undisturbed portion of the escarpment immediately south of the beachfront? If so, will they be protected or moved to another location?</p> <p>Little reference has been made to the historic significance of this site to early European exploration and even earlier Menang occupation of this site. This proposal shows little</p> | <p>Development Plan.</p> <p>If the applicant were to apply for on-site water extraction and private on-site effluent disposal, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> <p>As outlined above, an applicant would be required to demonstrate that there we would be no impacts on groundwater, aquifers and the surrounding environment.</p> <p>Any clearing of vegetation is controlled by the Department of Environment Regulation. Department of Environment Regulation may require flora and fauna surveys to be undertaken, prior to any clearing being permitted.</p> <p>While the history of the site is acknowledged, the site does not have any formal Heritage designation. Any development would be</p> |

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| | <p>understanding of the need to protect the extreme heritage values associated with this site. Any re-development of Lots 1 & 2 Frenchman Bay should be serious in its determination to protect these values.</p> <p>No provision has been made to provide camping spaces (tent sites) or camper van sites (for Britz vans, etc.) to alleviate the problem of illegal camping which currently regularly occurs here. Clearly there is a need for low cost short-term visitors' amenities, so that tourists can use the site in a socially responsible and environmentally sensitive manner. Rather than the 50 proposed dwellings, 10 holiday units together with 15 camping sites would be much more likely to limit further environmental disturbance or historic degradation of this area. It would also be more suitable for the seasonal nature of tourism on the south coast</p> <p>The pristine natural attributes, the historical heritage area and marine environment of this area deserve the highest possible protection. Lessons should be learnt from unsuccessful disturbance of coastal environments at Emu Point and the marina at Whaleworld. A conservative approach which guarantees protection of the natural attributes of the area is necessary.</p> | <p>required to be sympathetic to the surrounding environment.</p> <p>Concerns regarding the lack of diversity within the proposal are noted. The statutory controls for the site do not stipulate the type of holiday accommodation required.</p> <p>Any future development application for the site would have to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental environmental impacts. Clause 10.2 of <i>Local Planning Scheme No. 1</i> allows the City of Albany to request such information to accompany a development application.</p> |
| 25. | We were advised that no permanent residential development at all, other than a possible caretaker accommodation would be supported or permitted. The site was zoned specifically for | The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land |

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| | <p>Tourism. Now it appears that Council are to consider the new owners current proposal which is to be afforded approximately one third Residential Status. The developer has even proposed strata title for these residential sites. This is completely against all relevant planning schemes, strategy, policy and plans in relation to development of the site. It would also yield the developer an enormous profit.</p> <p>Further, it has now been brought to public notice that this plan was prepared by the developer not Albany City Council.</p> <p>The developer's proposal also states that the project is to be considered as a 'Retreat'. This appears utter nonsense. There are no "Retreat" services offered. A kiosk, playground, gazebo and a boat parking area are site amenities. We also note that there appears no visitor parking for the units. Only the kiosk area.</p> | <p>uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>The plan was prepared by the proponent.</p> <p>Comments noted. Parking requirements are set by <i>Local Planning Scheme No. 1</i> and would be assessed as a component of a future development application.</p> |

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| | <p>This pristine and very beautiful property affords a wonderful opportunity to provide a high quality class retreat. Something that Albany can be really proud of, one that would attract the most discerning of tourists and visitors. Not another chalet unit style get up or holiday park with one third Permanent Residential Status.</p> <p>Why should the goal posts be changed so dramatically just to support one developer? The Local Planning Scheme the Albany and the Tourists Accommodation Planning Strategy, the <i>Significant Tourist Sites</i> policy and the <i>Frenchman Bay Tourist Development Site</i> policy will all count for nothing if this plan is to succeed as proposed particularly in relation permanent residential aspect.</p> | <p>The statutory controls for the site do not stipulate the type of holiday accommodation required.</p> <p>The decision was made to advertise the Local Development Plan to the public including the proposed 'unrestricted stay' units in the interests of transparency, as these form part of the landowners' ultimate aspiration for the site.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> |
| 26. | I do not support this draft Local Development plan as I have serious concerns for the following reasons: | Opposition noted. |

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| | <p>It has proposed permanent residential housing.</p> <p>It appears to be based on weak technical assumptions and seemingly unrealistic population criteria for water supply and effluent discharge.</p> <p>The site has been designated a Local Strategic Site and a Significant Tourist Site. This is rightly so as it is part of, and has, a world class coastal outlook and popular beach adjacent to a National Park, and as such should be for the benefit of all who wish to visit and be a source of pride for the Albany community. This is recognised by existing City of Albany management documents. Allowing 10 of 30 properties, which would take up approximately half of the area, for private ownership for a potential privileged few is wrong in principal and inconsistent with the City of Albany's own local planning strategy, scheme and policies.</p> <p>Permanent residential housing is not a tourist component of the development.</p> <p>The proposal appears to be presenting a permanent residential land development in the guise of a tourist facility development. The fact that permanent residency has been included in a tourist development elsewhere in the south west, does not mean that it is appropriate for this site.</p> <p>The Frenchman Bay and Goode Beach communities do not need more permanent residential houses (10) in the market.</p> | <p>Concerns regarding 'unrestricted stay' units within Goode Beach are noted. In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> <p>The City of Albany sought legal counsel and advice from the Department of Planning on whether 'unrestricted stay' units could be approved on the site. The advice received stated that only land uses contained within Schedule 4 – Special Use Zone No. SU13 of <i>Local Planning Scheme No. 1</i> can be approved on the site. Consequently, the proponent was invited to change the proposed 'unrestricted stay' accommodation to 'Holiday Accommodation' or alternatively, remove the units from the plan. The proponent elected to transfer the units to standard 'Holiday Accommodation' units.</p> <p>The decision was made to advertise the Local Development Plan to the public including the proposed 'unrestricted stay' units in the interests of transparency, as these form part of the landowners' ultimate aspiration for the site.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a</p> |

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| | <p>I have a concern that peak water demand has not been fully considered. The number of units to be serviced appears to be based on 70% occupancy over a year. This criterion may be acceptable for calculations for financial returns but does not seem acceptable for detailed design. We know that there will be times when there will near 100% occupancy in the summer or in times of special events and it would seem that it is this full occupancy that should be considered for design of the supply system including the source aquifer.</p> <p>There appears to be a weak technical assumption that there is sufficient yield and overall capacity from an aquifer that has been used before against different design criteria. In addition it is my understanding that there would be significant investigative work to be undertaken to verify that the aquifer is capable of supplying either the 70% occupancy or the peak occupancy water supply criteria.</p> <p>The concern regarding the occupancy criteria for design for water supply applies for effluent discharge i.e. it would seem that 100% occupancy should be used as the design criteria. In addition it would seem that it is essential that additional investigative hydrogeological and hydrological work should be undertaken to define the attributes of the aquifer, surface and subsurface drainage, and establish that they are capable dealing with 100% occupancy effluent discharge without</p> | <p>subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>Concerns regarding on-site water abstraction and effluent disposal are noted. The Local Development Plan itself does not approve on-site water abstraction or a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provisions 7 and 8 of <i>Local Planning Scheme No. 1</i> provide the proponent with the ability to apply for the installation of a private on-site effluent disposal system.</p> <p>If the proponent were to apply for on-site water abstraction and private on-site effluent disposal to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> |

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| | <p data-bbox="353 300 954 331">pollution or cross contamination of the aquifer.</p> <p data-bbox="353 419 1178 619">Retention of vegetation. Notwithstanding the formal environmental process that would be expected to be undertaken, I have a concern that the site will be cleared without consideration of retaining trees. The developer will want to maximise views for the benefit on and around the property boundary.</p> <p data-bbox="353 707 1178 946">Visual Impact. It should be considered that this development will be seen from all points of the compass: from the ocean; from Frenchman Bay Road, descending into the area; from the west, near Vancouver Point overlooking Whaler's Beach, (a world class vista); and from the East by everybody leaving Discovery Bay. The overall visual impact should be a serious consideration.</p> <p data-bbox="353 1034 1178 1137">Restaurant. It is not clear whether there is a kiosk, café and restaurant included in the proposed development or one or two of these.</p> <p data-bbox="353 1225 1178 1289">It has not been clear what the status is of the document that has been advertised and how it fits in the approval process.</p> | <p data-bbox="1205 419 2085 651">Any clearing of vegetation is controlled by the Department of Environment Regulation. Department of Environment Regulation may require flora and fauna surveys to be undertaken, prior to any clearing being permitted. The City of Albany would also want to maximise the amount of vegetation retained on the site, while ensuring that any development is adequately protected from bushfire.</p> <p data-bbox="1205 738 2085 874">The <i>Frenchman Bay Tourist Development Site</i> policy sets requirements for the built form of any development on the site and this would be assessed as a component of any future development application.</p> <p data-bbox="1205 1026 2085 1090">All of the land uses described can be accommodated within the 'Restaurant' land use, as defined in <i>Local Planning Scheme No. 1</i>.</p> <p data-bbox="1205 1241 2085 1342">The application is for a Local Development Plan. The plan has been prepared by the proponent. As with all applications, the plan is advertised under the City of Albany letterhead. Public</p> |

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| | <p>All these management documents appear to defend the principal that there should be no permanent housing on tourist sites, and that there should be short term accommodation. I cannot agree with the Council Officer's advice to the City of Albany in his report that 'the proposal is consistent with the strategic direction set in the ALPS'. This appears to be incorrect and misleading advice.</p> <p>There has been a lot of work done in the past to establish sensible and considered strategies, schemes and policies and these should not be dismissed or varied without the same level of consideration.</p> <p>I am concerned about the comment made in the Council Officer's report regarding exercising the quasi-judicial function of the Council.</p> | <p>advertising is not undertaken by the proponent.</p> <p>The <i>Albany Local Planning Strategy</i> is a strategic document that informs <i>Local Planning Scheme No. 1</i> and Local Planning Policies. The Officer's recommendation to Council to advertise the proposal was made on the basis of a tourism outcome. The recommendation was simply that the proposal was sufficient for public advertising.</p> <p>The decision was made to advertise the Local Development Plan to the public including the proposed 'unrestricted stay' units in the interests of transparency, as these form part of the landowners' ultimate aspiration for the site.</p> <p>Council is a quasi- judicial decision making body. This statement is in all Planning and Development Council items.</p> |
| 27. | <p>I do not support the proposal to relax the requirements for connection to reticulated water and sewer:</p> <p>It is inappropriate to rely on an old disused caravan park bore for a sustainable secure potable water supply</p> <p>Water usage within the proposed development is likely to be far higher than for the old caravan park. The proponent has quantified water disposal at 13,000 litres per day (ref 5.4.3). However, again no hydrology data has been presented to help</p> | <p>Objection in relation to Scheme requirements regarding water and sewer connections is noted.</p> <p>Concerns regarding on-site water abstraction and private on-site effluent disposal are noted.</p> <p>The Local Development Plan itself does not approve on-site water abstraction or a private on-site effluent disposal system. Schedule 4 – Special Use Zone No. SU13, provision 7 of <i>Local Planning Scheme No. 1</i> provides the proponent with the ability to apply for</p> |

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| | <p>understand the quantity or quality of water in the aquifer, the replenishment rate, or the flow behaviour of effluent on this site. So for 5.4.1 and 5.4.2, there is no data provided.</p> <p>Reticulated water supply is readily available at nearby Goode Beach and presumably also at the adjacent Whale World/Discovery Bay site.</p> <p>There is a risk of salt-water incursion and/or contamination from on-site effluent disposal that at any time could put at risk the availability of adequate potable water supply.</p> <p>The unknown and unqualified behaviour of on-site effluent disposal places at risk the long-term health of the near shore marine environment of unique sea-grass meadows and the amenity of the public park and picnic area of the Frenchman Bay precinct.</p> <p>I do not support the proposal to increase the number of unsewered units from 25 to 30. There is no evidence to support a relaxation of the <i>Country Sewerage Policy</i>. Concerned of pollution of the near-shore marine environment.</p> <p>Horizontal dispersion of effluent on-site may result in discharge of effluent from the north-facing escarpment, affecting the amenity of the public recreational picnic area and potentially damaging the marine environment.</p> <p>No hydrology data has been presented to help understand the movement or flow behaviour of effluent. I am concerned at the</p> | <p>on-site water abstraction and the installation of a private on-site effluent disposal system.</p> <p>If the proponent were to apply for on-site water abstraction to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> <p>The Department of Health has provided advice that the total number of units, including caretakers and commercial units, would have to be reduced to 25 to comply with the provisions of the draft <i>Country Sewerage Policy</i>.</p> <p>Concerns regarding potential environmental impacts from private on-site effluent disposal are noted.</p> <p>If the proponent were to apply for private on-site effluent disposal to serve the development, this would have to be supported by an</p> |

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| | <p>risk of localised eutrophication.</p> <p>The local soil types have a poor nitrate and phosphate retention capacity.</p> <p>The proponents have identified a need to dispose of 13,000 Litres of effluent per day, and suggested the use of ATU systems with a designated dispersal zone of 3,750m² located on the northern aspect of the accommodation units. This location is the most sensitive area for the risk of horizontal effluent dispersal from the north-facing escarpment or into the nearshore marine environment.</p> <p>I am concerned that the existing proposal will not be completed if allowed to be a staged construction. The development should be undertaken as a single stage construction project to allay the conflicting impacts of simultaneous ongoing construction activities and tourism enterprises.</p> <p>I am concerned that the proponents' proposal is simply an attempt to 'value-add' with no genuine intention to actually develop. This property has been subject to a series of speculative ownership plays. There is no information within any of the documentation as to the past performance or previous tourism accommodation development experience of the proponents. I request that Council incorporate a 'sunset clause' requiring development to be substantially underway or completed within a certain time frame.</p> | <p>effluent disposal management plan to demonstrate that no environmental or hydrological impacts would occur on the site or on the surrounding area. Any such proposal would be subject to Department of Health approval.</p> <p>The City of Albany does not have the ability to enforce that a development be completed as a single construction project. However, the City of Albany could potentially apply a planning condition on any future Planning Scheme Consent, requiring the provision of a staging plan.</p> <p>All Planning Scheme Consents must be commenced within two years of the date of issue. If the development has not substantially commenced by the expiration of this time period, the approval would lapse and a new approval would have to be obtained before development could commence.</p> |

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| | I wish to register my disappointment with the standard and content of the Agenda Briefing Notes. | Comment noted. |
| 28. | <p>As residents of Goode Beach we are absolutely opposed to this development proposal and would be outraged if this should go through the planning process and be built.</p> <p>This proposal is not appropriate for the location, it is too big, there should be no permanent residential dwellings, it will spoil what is a beautiful natural landscape, and has absolutely NO benefits for the local community or for Albany. The only people to benefit will be the developers themselves, which of course is usually the case! And once this site is ruined by them it will be ruined forever.</p> | <p>Opposition noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> <p>The <i>Frenchman Bay Tourist Development Site</i> policy sets requirements for the built form of any development on the site and this would be assessed as a component of any future development application.</p> |
| 29. | <p>This development should go ahead as soon as possible providing legalities are met.</p> <p>It is imperative that the development is made in such a way that it is respectful to the visual aspect of the environment.</p> <p>It would be great for social facilities such as a restaurant or coffee shop to be in the area.</p> | <p>Support Noted.</p> <p>The <i>Frenchman Bay Tourist Development Site</i> policy sets requirements for the built form of any development on the site and this would be assessed as a component of any future development application.</p> |
| 30. | Under current conditions no development has been successful. Better to loosen those restrictions and achieve some | <p>Support Noted.</p> <p>The <i>Frenchman Bay Tourist Development Site</i> policy sets</p> |

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| | <p>development rather than none at all.</p> <p>Development will employ local people in both the development and operational phases.</p> <p>Goode Beach will benefit from more local facilities.</p> <p>As long as development does not impose too much upon visual amenity from Vancouver Road it should go ahead.</p> <p>Scaremongering and NIMBY-ism have no place in the decision-making process.</p> | <p>requirements for the built form of any development on the site and this would be assessed as a component of any future development application.</p> |
| 31. | <p>I have no objection to the proposed Frenchman Bay.</p> <p>I believe the development would be beneficial to the residents of the Goode Beach Community with the inclusion of a Kiosk and restaurant.</p> <p>I believe that the propose development would not be significantly different in terms of environmental impact to the previous development on the site.</p> | <p>Support Noted.</p> <p>Any future development application would have to be accompanied by appropriate studies to demonstrate that no environmental or hydrological impacts would occur on the site and surrounding area as a result of the development.</p> |
| 32. | <p>It will give the area a shot in the arm for further development</p> <p>It will add weight to the internet users requests to be upgrade</p> | <p>Support Noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local</p> |

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| | <p>the service.</p> <p>The inclusion of a kiosk and restaurant will enhance the quality of life at Goode Beach</p> <p>Units would provide an alternative housing market in the area.</p> <p>There is no deep sewerage at a number of blocks at Goode beach or Discovery bay.</p> <p>We support the application.</p> | Development Plan. |
| 33. | We see no problem development preceding with 10 private residences and the remaining 20 used for Tourism. | <p>Support Noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> |
| 34. | This sort of development would be welcome, but without the proposed unrestricted stay units. | <p>Support Noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> |
| 35. | <p>I would like to support the proposed development.</p> <p>It may also reduce the amount of unauthorised camping that occurring in the nearby car park.</p> | Support Noted. |
| 36. | <p>We favour the development, which we consider could become a prime tourist destination.</p> <p>The city policy does preclude residential development.</p> | <p>Support Noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> |

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| | Council should amend the policy or deny the current proposal. | It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site. |
| 37. | No objection – good plan. | Support Noted. |
| 38. | No objection. | Support Noted. |
| 39. | No objection. A portion of the site should be dedicated to caravans. | Support Noted. The statutory controls for the site do not stipulate the type of holiday accommodation required. |
| 40. | I think this will be a great development for Albany. It will be great to see this area put to use. | Support Noted. |

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| 41. | <p>I support the development.</p> <p>The Frenchman bay and peninsula should be shared.</p> <p>The shop was previously well utilised.</p> | Support Noted. |
| 42. | <p>Increase tourism development in Albany.</p> <p>Job creation will occur.</p> <p>Permanent units will provide the opportunity for downsizing.</p> <p>A shop and cafe will be of benefit for the area.</p> <p>Better to have something built than the current eyesore</p> <p>People have the right to build on their land within Council rules without Locals saying no.</p> | <p>Support Noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>The public advertising process is a component of the assessment procedure.</p> |
| 43. | <p>We support the draft plan in the context that it will have no negative impact upon our lifestyle at Goode Beach. If anything it will enhance the area in terms of real estate values, the provision of better amenities and the possibility long needed public services for the area together with maybe providing</p> | <p>Support Noted.</p> <p>Any future development application would have to be accompanied by appropriate studies to demonstrate that no environmental or hydrological impacts would occur on the site and surrounding area</p> |

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| | <p>resources to preserve the parkland reserve at Frenchman By which was once the site of the former Norwegian Whaling Station.</p> <p>We with confidence rely upon the relevant authorities to work through the issues of effluent and water supply for which there are ways to overcome. I do not have a problem with part of the development being utilised for longer term accommodation.</p> | <p>as a result of the development.</p> |
| 44. | <p>We support both options offered for short and long term accommodation.</p> <p>Long term accommodation will also provide a draw for visitors.</p> <p>We believe the business of Discovery Bay will benefit from the nearby development.</p> <p>We trust that the relevant agencies will work with the developer in an attempt to resolve planning issues surrounding this project.</p> | <p>Support Noted.</p> <p>Any future development application would have to be accompanied by appropriate studies to demonstrate that no environmental or hydrological impacts would occur on the site and surrounding area as a result of the development.</p> |
| 45. | <p>We notice the development proposes both Restricted and Unrestricted stay units. We recognise that for developments to be financially viable nowadays it is necessary to include Unrestricted residences such that a more permanent occupancy is possible.</p> <p>Since the old caravan park has been removed the nearest</p> | <p>Support Noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> <p>It should be noted that the proponent has the ability to apply for a</p> |

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| | <p>kiosk where a paper or other small sales facilities is at Little Grove a good drive away. Having a kiosk will be great and hopefully will also provide a selection of coffee, etc. to this otherwise lonely beach walking location</p> <p>Seeing the development comprises low density single units this has enabled a great deal of open space around the development in keeping with the ambiance and amenity of the area.</p> <p>The development kept the nearest unit is at least 140m from the Vancouver Spring, which should maintain no possibility of influence over the spring.</p> | <p>Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>The public advertising process is a component of the assessment procedure.</p> <p>Any future development application would have to be accompanied by appropriate studies to demonstrate that no environmental or hydrological impacts would occur on the site and surrounding area as a result of the development.</p> |
| 46. | <p>I wish to comment initially on the effect of water disposal on the site from the intended Resort development toilets and bathwater. In 1962 we needed a source of water for household purposes and established a bore on what is now Lot 216 La Perouse Road. This supplied water to ourselves and some of the early Goode Beach residents up to 1975 when the Water Corporation provided a reticulated supply. In 2003 a bore was sunk on Lot 65 (7 Klem Road) to service 4 neighbouring lots in the Klem Road/Fynd Street area. This bore was sunk to a depth of 25 metres from a ground level of 14 metres (AHD).</p> <p>Located above this bore and draining into the water basin were 38 septic tanks with a further five tanks located within the basin. The water from the bore was analysed in a</p> | <p>Comments regarding test results are noted.</p> <p>If the proponent were to apply for on-site water abstraction to serve the development, this would have to be supported by appropriate studies and on-site testing to demonstrate to both the City and relevant State Government agencies that it would not cause any detrimental impacts on groundwater, aquifers and the surrounding environment.</p> |

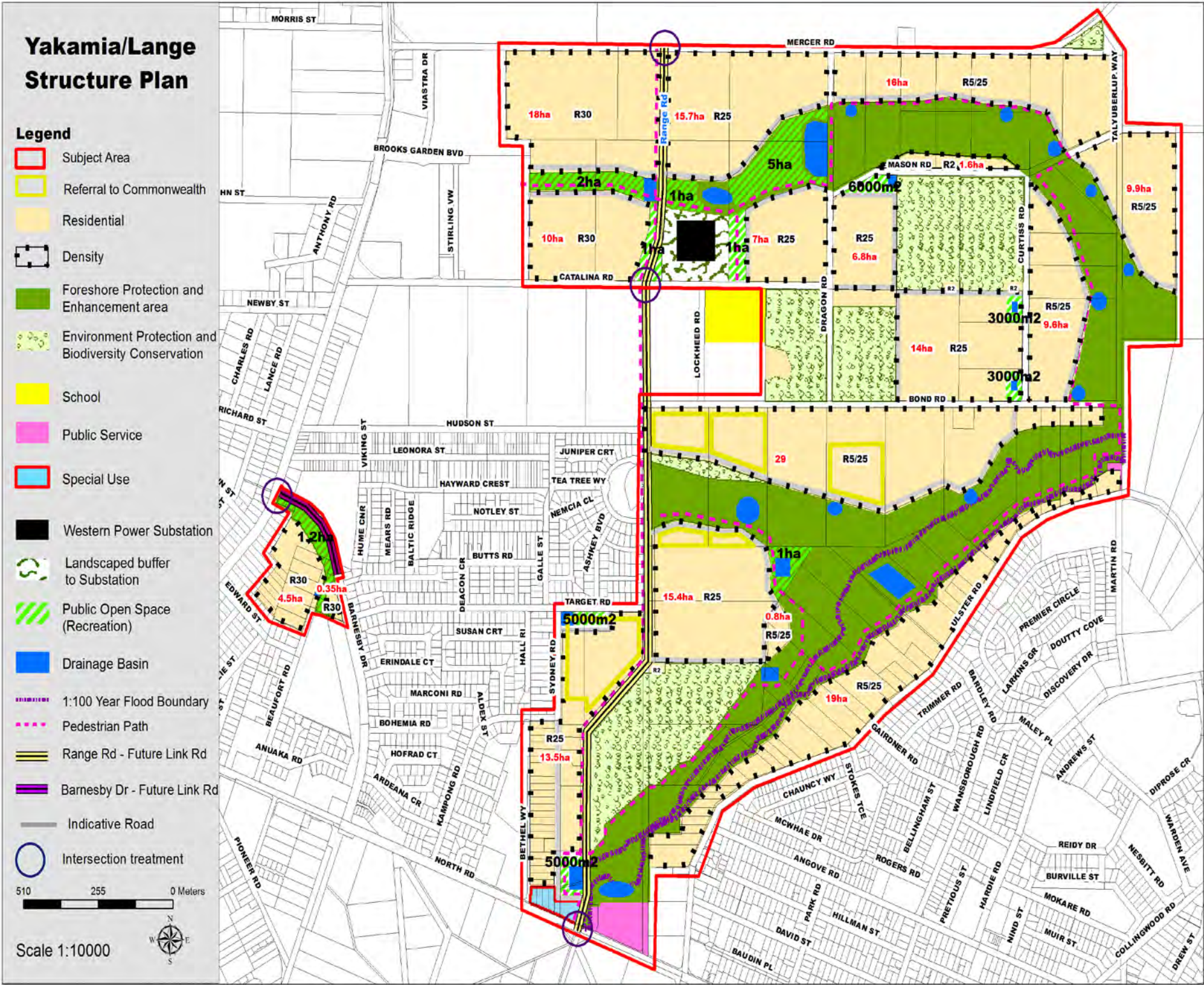
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| | <p>microbiological test in May.</p> <p>I note that the number of resort units proposed is 30, which is somewhat less than the sample of 43 quoted above. It could be reasonably suggested that the impact on the local resort water table would provide a similar or lesser level of analysed content to that above. The MPL assessment of the suitability of the tested Goode Beach bore on lot 65 for household use was that it was "quite adequate".</p> <p>As regards the proposal to develop both restricted and unrestricted stay units in the proposed resort, I can quote my experience with a similar layout of a unit I owned for some 10 years in Cairns in Queensland. That development contained some 89 short-term lettable units managed by a body corporate under a Community Titles Scheme. Also within the freehold land title were some 48 units in a separate Community Titles Scheme with a permanent residential section known as Marlin Cove Mahogany Village (Residential Estate). Both groups were within the same parcel of land, had common road access, common bore water supply and reticulation and were built to the same architectural designs; viz groups of four to eight two storey units. Both contributed to the same maintenance requirements as regards common property and as far as I was aware in my ten years there the system worked well. I cannot see that some very similar arrangement could not be satisfactory for the Frenchman Bay site, allowing for the differences in the Planning and Land ownership structures between Queensland and Western Australia.</p> <p>In the 50 years we lived at Goode Beach we had the benefit of</p> | <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> <p>It should be noted that the proponent has the ability to apply for a Local Planning Scheme amendment to add 'unrestricted stay accommodation' as a permissible land use under Schedule 4 – Special Use Zone No. SU13. Any such amendment would be subject to initiation by Council, a public advertising and referral process, adoption by Council and final approval by the Western Australian Planning Commission and Minister for Planning. If a Local Planning Scheme amendment was to be successful, a subsequent review of, or variation to the <i>Significant Tourist Sites</i> policy would also have to be sought by the proponent before 'unrestricted stay' units could be approved on the site.</p> <p>The public advertising process is a component of the assessment procedure.</p> |

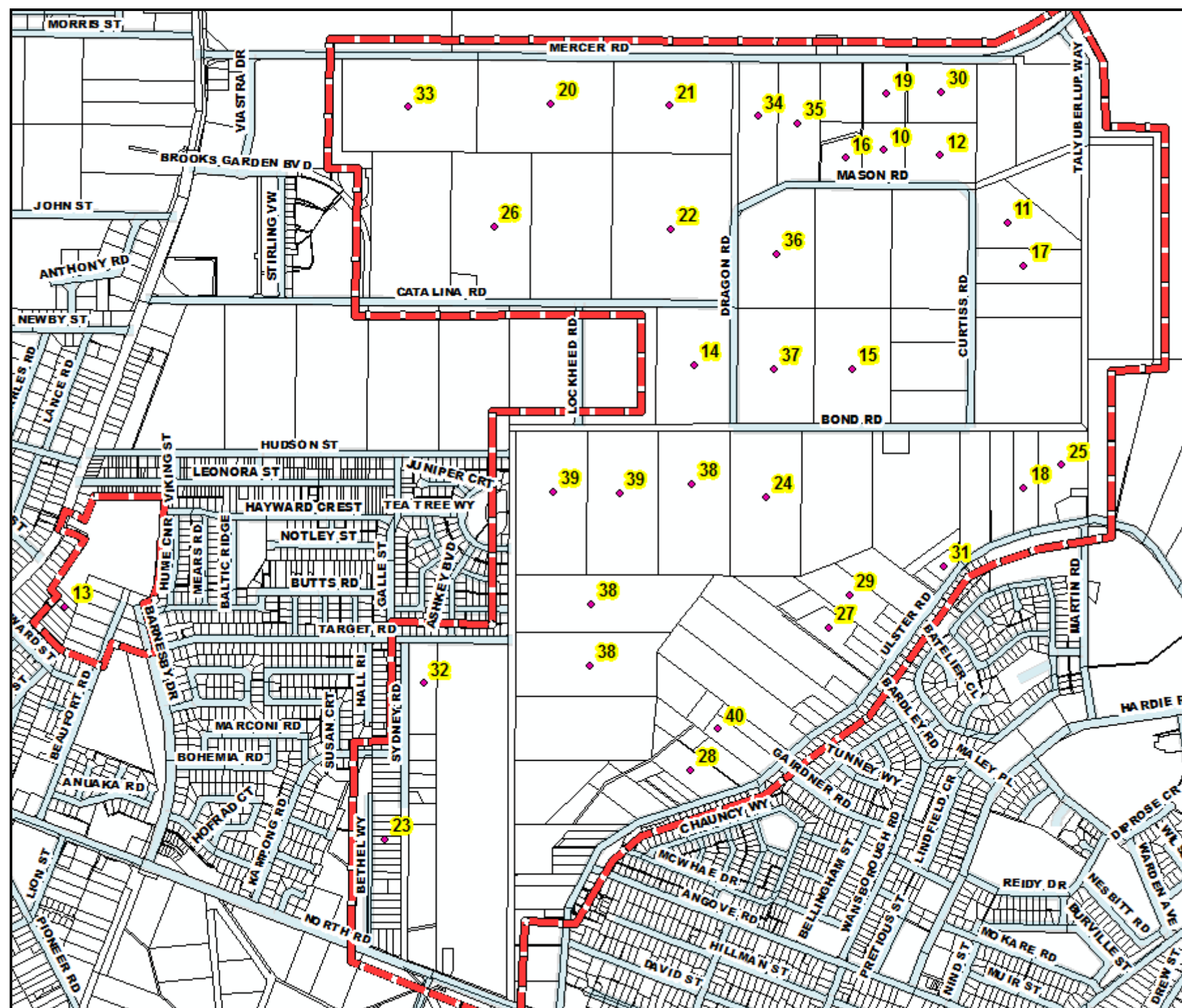
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| | <p>the availability of a dining room at the then Caravan Park and the proposed resort will be a welcome replacement of this. Sunday lunches at the caravan park were a great favourite with many Goode Beach residents. The addition of the proposed kiosk will help to replace the small shop at the caravan park. This of course will also be an added attraction to those many weekend and weekday tourists and Albany locals who make use of the beach, boat ramp, toilet block and parking areas. In short I consider that this development, of what is one of the most outstanding sites in WA, can only be of benefit to the City of Albany. The city is crying out for four star tourist development and it is time that Albany is in a position to provide a reasonable tourist comparison with other coastal areas in both Western Australia and the Eastern States.</p> | <p>Support of the proposed restaurant and kiosk is noted.</p> |
| <p>47. (Pro forma x 28)</p> | <p>I have reviewed the plan that is intended to guide the future redevelopment of the Old Frenchman Bay Caravan Park Site and I support the general layout, intensity and built form that is shown on the plan, as I believe it to be of a scale and design that is responsive and sensitive to the physical and environmental attributes of the site. I am supportive of both the short stay holiday accommodation component and the unrestricted stay component, and understand that the project must be financially feasible if it is to make a real contribution to tourism in the locality and the region, so that this tourist site can be reactivated with a high standard of accommodation and other facilities that will also provide a wider support for residents and the local tourism industry.</p> | <p>Support Noted.</p> <p>In response to legal advice and community feedback, the proponent has removed the 'unrestricted stay' units from the Local Development Plan.</p> <p>The <i>Frenchman Bay Tourist Development Site</i> policy sets requirements for the built form of any development on the site and this would be assessed as a component of any future development application.</p> |

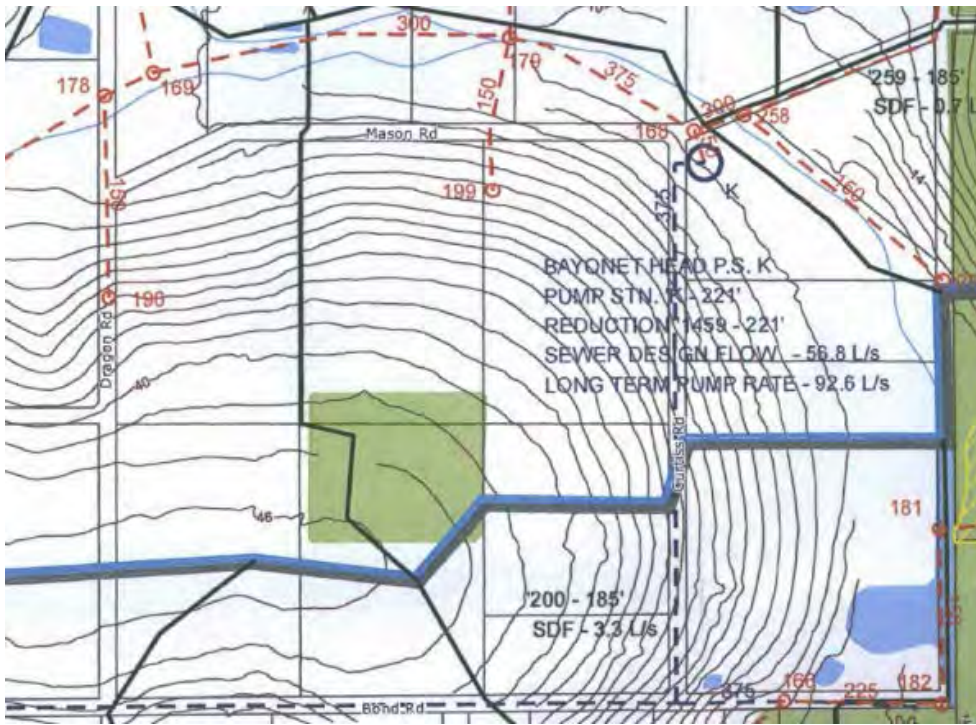
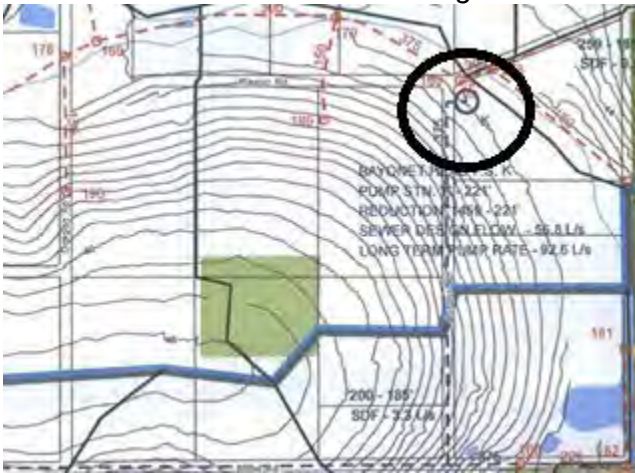
SCHEDULE OF COMMENTS

Yakamia/Lange Structure Plan

Advertised Plan





| No | Submission | Comment - Landholder | Recommendation - COA |
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| 1 | Main Roads Western Australia | Barnesby Drive to Chester Pass Road Intersection 1. The proposed connectivity via Barnesby Drive to Chester Pass Road would increase conflict points on Chester Pass Road and would have a substantial impact on properties adjacent to this intersection. Main Roads considers the connection of Barnesby Drive to Hudson Street and the connection Hudson Street to Catalina Road as a solution in providing connectivity. This would negate the need for the Barnesby Drive/Chester Pass Road intersection. | Barnesby Drive to Chester Pass Road 1. The City requested MRWA to consider a left in and out connection between Chester Pass Road and Barnesby Drive. Main Roads agreed that this may work subject to a dedicated left turn pocket into the proposed Barnesby Drive intersection and an acceleration lane from the intersection onto Chester Pass Road, heading toward the roundabout. Recommend that the structure plan is changed such that connection to Barnesby Drive is restricted to left out and left in only. |
| | | Contributions 1. Amend point 'g)', page 57 of the draft structure plan. | Contributions 1. Delete point 'g)', page 57 of the draft structure plan, which reads: <i>The Barnesby/Chester Pass Road intersection (approximate value - \$1.5million) is to be funded by Main Roads WA and the City of Albany.</i> |
| 2 | Telstra | Telstra Infrastructure 1. Landowners/developers will need to submit applications for network extensions prior to construction. Applications will need to be made to the National Broadband Network for development or subdivision of more than 100 lots. | Telstra Infrastructure 1. Include the following commentary within structure plan: <i>Prior to future subdivision and/or development proposing more than 100 lots, applications will need to be made to the National Broadband Network.</i> |
| 3 | Water Corporation | Staging of Development 1. The area will need to be developed in a logical and orderly manner from west to east. Leapfrogging the urban front will likely incur costs for the developers in the construction of temporary wastewater infrastructure and the extension of water reticulation mains. | Staging and Development 1. Include the following commentary within the structure plan: <i>The area will need to be developed in a logical and orderly manner from west to east. Leapfrogging the urban front will incur costs for the developers in the construction of temporary wastewater infrastructure and the extension of water reticulation mains.</i> |
| | | Pump Station 1. Servicing relies on the construction of a major waste pumping station shown in following plan. Provision will need to be made for a suitable odour buffer around the pumping station.  | Pump Station 1. Annotate on the structure plan map, the approximate location of a Waste Water Pumping Station and advise the following within the structure planning text: <i>The structure plan indicates the location of a future Waste Water Pumping Station (WWPS) and associated mains infrastructure. The location is approximate and has been based on land form and the need to maximise the catchment coverage of the pump station. The exact location of future WWPS will be determined at the subdivision stage in liaison with the Water Corporation. The required size of the WWPS site and the configuration of any odour buffer around the WWPS will also be detailed at the subdivision stage.</i>  <i>The ultimate pump rate of a WWPS has been planned to be in the order of 92 litres/second. The WWPS will therefore be built as a 'Type 90' WWPS, which requires an odour buffer of 30m radius measured from the centre of the WWPS wet well. A 'Type 90' WWPS site typically requires an area of 2,000-3,000m² (sometimes</i> |


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| | | | <p><i>smaller). The size and configuration (usually rectangular) of the WWPS site will be based on the amount of underground emergency storage vessels required for that location. The site for the future WWPS will need to be created at the subdivision stage and transferred to the Water Corporation.</i></p> |
| | | Ulster Road 1. The existing gravity sewer along Ulster Road is unlikely to be able to serve the proposed R5/R25 area along the northern side of Ulster Road. | Ulster Road 1. Change elements within the structure plan such that the areas adjacent to Ulster Road can only be developed to a minimum lot size of 3000m ² (deep sewer not required), being consistent with current scheme requirements. |
| | | Cost Sharing 1. Landowners/developers bounded by Chester Pass Road, Edward Street and Beaufort Road will need to coordinate and share the cost of sewerage extensions to service higher density development. A detailed plan should include a servicing report examining sewerage options and layouts. | Cost Sharing 1. Include the following commentary within structure plan: <i>Landowners/developers bounded by Chester Pass Road, Edward Street and Beaufort Road will need to coordinate and share the cost of sewerage extensions to service higher density development. A detailed plan should include a servicing report examining sewerage options and layouts.</i> |
| | | Reticulated Water 1. While the Water Corporation has made allowances for water servicing to the Yakamia area, the Corporation has not prepared a detailed water distribution and reticulation layout. Water reticulation mains of 200mm diameter and a water main along Catalina Rd of 250mm will be required. | Reticulated Water 1. Include the following commentary within structure plan: <i>While the Water Corporation has made allowances for water servicing to the Yakamia area, the Corporation has not prepared a detailed water distribution and reticulation layout. Water reticulation mains of 200mm diameter and a water main along Catalina Rd of 250mm will be required.</i> |
| 4 | Department of Education | Primary School 1. The expected yield of development (2,700 dwellings) will generate a need for an additional primary school. The primary school site identified within the Catalina Structure Plan along with the existing Yakamia Primary School will provide educational facilities for the anticipated student yield. | Primary School 1. No additional comments or requirements required. |
| 5 | Department of Parks and Wildlife | Fauna 1. The structure plan states that the subject area contains habitat for the EPBC listed Black Cockatoo, namely Carnaby's Black Cockatoo (<i>Calyptorhynchus latirostris</i>) and Western Ringtail Possum (<i>Pseudocheirus occidentalis</i>). The structure plan needs to include the following: <ul style="list-style-type: none"> • EPBC listed Baudin's Black Cockatoo (<i>Calyptorhynchus baudinii</i>) and the Forest Red-tail Black Cockatoo (<i>Calyptorhynchus banksii naso</i>), which are known to occur; and • Southern Brown Bandicoot or Quenda (<i>Isodon obesu/us</i>), which is listed as priority 5 'conservation dependent'. | Fauna 1. Identify within the structure plan, the following species as being known to occur in the structure plan area: <ul style="list-style-type: none"> • EPBC listed Baudin's Black Cockatoo (<i>Calyptorhynchus baudinii</i>) and the Forest Red-tail Black Cockatoo (<i>Calyptorhynchus banksii naso</i>); and • Southern Brown Bandicoot or Quenda (<i>Isodon obesu/us</i>), which is listed as priority 5 'conservation dependent'. |
| | | Priority Species 1. The plan correctly states that the subject area contains no listed threatened flora. However priority flora <i>Boronia crassipes</i> (P3), <i>Laxmania jamesii</i> (P3) and <i>Leucopogon altemifo/ius</i> (P4) are recorded from the area and should be mentioned. | Priority Species 1. Make mention within structure plan of the following priority species as being evident within the area: <i>Priority flora: Boronia crassipes (P3), Laxmania jamesii (P3) and Leucopogon altemifo/ius (P4).</i> |
| | | Albany Regional Vegetation Survey 1. Section 2.2 on page 23 lists the "Previous Reports and Studies" that have played a part in guiding the development of the Yakamia/Lange Structure Plan. The List should include the <i>Albany Regional Vegetation Survey 2010</i> . | Albany Regional Vegetation Survey 1. Make reference to the following report within section 2.2: <i>Albany Regional Vegetation Survey 2010</i> . |
| | | Typha 1. Page 28 should provide notes for clarification regarding ARVS unit 68 Typha orientalis sedgeland in that it is only mapped where it occurs as a mosaic with remnant vegetation (see page 185 ARVS 2010), as Typha is an introduced weed. | Typha 1. Include the following within the structure plan: <i>Typha is only mapped where it occurs as a mosaic with remnant vegetation (see page 185 ARVS 2010), as Typha is an introduced weed.</i> |
| 6 | Department of Planning | Structure of Document 1. A date on the front page is recommended to assist with version control. | Structure of Document 1. Include a date on the front page of the document to assist with version control. |

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| | | <ol style="list-style-type: none"> 2. The implementation section should be included in the statutory section. 3. Some figures contradict each other, for example, the 100 year ARI is inconsistent between Plan 6 (Existing flood extent and Key Reporting Locations) and Plan 9 (Opportunities and Constraints Plan). 4. Plans throughout document should have an associated legend and be referenced in the text of document. 5. It is recommend the Opportunities and Constraints plan be provided up front in the document and discussed as this plan has informed the content and development of the Structure plan. 6. The structure plan should include references to the scheme where relevant. 7. The water management strategy section should be in the background/explanatory section, rather than implementation section. 8. Page numbering and clause numbering could be improved. 9. The statutory section should outline all provisions and standards which have statutory effect and should not include any explanations, description or supporting information – this needs to be in the background section. 10. The endorsement page refers to Scheme 1A and Scheme 3 and should refer to Local Planning Scheme No 1. 11. Please refer to the Planning website, http://www.plannin.wa.gov.au/publications/823.asp with regard to Structure Plan digital data and mapping standards for the structure plan map. | <ol style="list-style-type: none"> 2. Move implementation section of structure plan document to statutory section. 3. Delete Plan 6. 4. Noted. Some plans are sourced without a legend and therefore not practical to apply a legend. 5. Include commentary relating to Opportunities and Constraints plan up front in the document as components of this plan have been used to inform the content and development of the structure plan. 6. Make reference within the structure plan to the scheme where relevant. 7. Move the water management strategy section to the background/explanatory section, rather than implementation section. Included as an appendix. 8. Make corrections for page and clause numbering. 9. Move any explanations, description or supporting information from the statutory section of the document to an appendix. 10. Change the endorsement page so that it refers to Local Planning Scheme No 1 and not Scheme 1A and Scheme 3. 11. Refer to http://www.planning.wa.gov.au/dop_pub_pdf/Structure_Plan_Digital_Data.pdf Changes made to structure plan map to match planning commission requirements. |
| | | <p>Operation/Implementation</p> <ol style="list-style-type: none"> 1. It should be clarified at the front of the structure plan report that this is a statutory structure plan for land zoned Future Urban as it is a requirement of the scheme and is prepared under the scheme (reference scheme clauses). Once endorsed by the WAPC it will have statutory effect. 2. At 1.8 Implementation, it states there are a number of steps to be taken prior to implementation. This is incorrect. Once the structure plan is endorsed in accordance with sub-clause 5.9.1.5.10 the structure plan comes into effect. If further investigation is required, the following statement is suggested; for example, An application for subdivision to create more than three lots shall be accompanied by the following water management plan, bush fire hazard assessment , etc 3. It is unnecessary to rezone the Future Urban land to Residential. Sub-clause 5.9.1.8.5 of <i>Local Planning Scheme No. 1</i> states for land within the Future Urban zone, unless otherwise specified by the structure plan, the reserves, zones and uses shall have the same force and effect as if enacted as part of the scheme. If the land was rezoned to residential the structure plan would have no effect or head of power. 4. As the structure plan technically only applies to the Future Urban zoned land, it needs to be specific in stating how it applies over the Rural and Yakamia Creek zoned land. 5. The density code over the Yakamia Creek zone area should be removed as the minimum lot size for this land of 3000m² is specified in LPS 1 and the structure plan cannot vary that. | <p>Operation/Implementation</p> <ol style="list-style-type: none"> 1. Clarify at the front of the structure plan report that this is a statutory structure plan for land zoned Future Urban as it is a requirement of the scheme and is prepared under the scheme (reference scheme clauses). Once endorsed by the WAPC it will have statutory effect. 2. Review section 1.8 of the structure plan. 3. Include sub-clause 5.9.1.8.5 of <i>Local Planning Scheme No. 1</i> within the structure plan. 4. Specify how the structure plan applies to the General Agriculture and Yakamia Creek zoned land. Land zoned General Agriculture will need to be rezoned to Future Urban prior to supporting subdivision. The Yakamia Creek zone is not expected to change due to servicing constraints and for consistency with scheme requirements (min lot size of 3000m²). 5. Change the density code within the structure plan for the Yakamia Creek zone to make consistent with the scheme (min lot size of 3000m²). 6. Finalise road and POS contributions as part of the structure plan. Amend section 1.8 to reflect this requirement. 7. Recommend changing designations to make consistent with model Scheme and Liveable Neighbourhood terminology. 8. Include a land use permissibility information within the structure plan. Make |

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| | | <p>6. At 1.8 Implementation it states contribution planning reviews are required. Road and POS contributions plans should be finalised as part of the structure plan.</p> <p>7. It is recommended the reserves be designated 'Future' Foreshore Protection and Enhancement Area and 'Future' Public Open Space. As the structure plan is a statutory instrument over this land, designating privately owned land as Reserve may bring about claims for compensation.</p> <p>8. The structure plan should contain either a land use table or state land use permissibility.</p> <p>For example; for areas designated residential on the structure plan map, land use permissibility and development requirements are the same as for the Residential zone contained in Local Planning Scheme No 1.</p> <p>9. Include reference or identify on the structure plan map that Rural zoned lots are required to be rezoned prior to subdivision.</p> | <p>consistent with the scheme.</p> <p>9. Make reference in the structure plan text and map for General Agriculture zone properties to be rezoned prior to supporting subdivision.</p> |
| | | <p>Roads</p> <p>1. Previous advice from Main Roads is that they have concerns regarding the intersection of Barnesby Drive and Chester Pass Road. This issue will need to be clarified with Main Roads.</p> <p>2. Plan 19 is outdated.</p> <p>3. The structure plan document could be more succinct as to which roads need constructing, upgrading, widening, and intersection treatments rather than various statements throughout the document. At Transport Recommendations on page 43, only Mercer Road and Catalina Road are identified for upgrading however, on page 58 Sydney Road is also identified for upgrading. We would anticipate that other roads in the Structure plan area such as Bond Road and Dragon Road, for example, would also need upgrading.</p> <p>4. At 9. g) on page 57, it states the Barnesby/Chester Pass Road intersection is to be funded by Main Roads and City of Albany. Why would this not be included in the contribution plan?</p> <p>5. At 9. n) on page 58, it states lots fronting Sydney Street are to provide financial contribution towards upgrading/construction. Would Sydney Street be included in the contribution plan to receive a contribution from other lots in the vicinity?</p> <p>6. A road contribution plan should be finalised as part of the structure plan process including construction of new Range Road, Barnesby Drive, east west link road, upgrades (Sydney Street, Mercer Road, Catalina Road, Bond Road, Dragon Road) and intersections (including Barnesby/Chester Pass Road) and a per lot contribution calculated. The structure plan, as advertised, could be more succinct with regard to what is required and who contributes.</p> <p>7. The numbers on Plan 20 on page 38 are to be added together, for example it is approximately 30 000 vehicles using Range Road, not 15 000 as stated in the text on page 38.</p> <p>8. Plan 35 on page 59 indicates no connection to Barnesby Drive. Beaufort Road needs to connect to Barnesby Drive to provide efficient school access and this should be indicated on the plan.</p> | <p>Roads</p> <p>1. The structure plan is to be changed to reflect Main Roads requirements.</p> <p>2. Delete Plan 19.</p> <p>3. The structure plan is to clarify which roads need constructing, upgrading, widening, and intersection treatments.</p> <p>4. The structure plan is to be changed to reflect Main Roads requirements. Any requirements for funding are to be in accordance with a contribution plan. Modify structure plan to reflect outcomes from liaison with MRWA and contribution plan.</p> <p>5. The structure plan is to clarify lot contributions for Sydney Street. At the time of subdivision or development, lots fronting Sydney Street are to either:</p> <ul style="list-style-type: none"> • <i>Develop half the width of Sydney Street for the section fronting the Lot; or</i> • <i>Provide a financial contribution valued at the cost of developing half the width of Sydney Street for the section fronting the Lot.</i> <p>6. The structure plan is to be modified to concisely define what is required and who contributes (per lot) for road infrastructure (contribution plan). The contribution plan is to include: construction of new Range Road, Barnesby Drive, east west link road, upgrades (Sydney Street, Mercer Road, Catalina Road, Bond Road, Dragon Road) and intersections (including Barnesby/Chester Pass Road).</p> <p>7. Make corrections for vehicle movements (p38). The vehicle numbers given are a tally of vehicles travelling in one direction and not as a total (both ways).</p> <p>8. Modify structure plan to show Beaufort Road connecting to Barnesby Drive.</p> |
| | | <p>Sewer</p> | <p>Sewer</p> |

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| | | <p>1. The Water Corporation has previously advised, in correspondence to the city of Albany dated 30 October 2014, that provision has been made for wastewater planning provided the area is developed in a logical and orderly manner. Given this advice, any new lot created in the Yakamia/Lange structure plan area should be connected to reticulated sewer; with the exception of land currently zoned Yakamia Creek as this land cannot be serviced. The R-Code densities displayed on the structure plan map will need to be updated to reflect this; i.e. the split density codings. A statement should also be included in the statutory section that all new lots must be connected to reticulated sewer. Ambiguous wording throughout the document that references on site effluent disposal and development not requiring connection to deep sewer should also be removed.</p> | <p>1. Make the following changes to the structure plan;</p> <ul style="list-style-type: none"> a) With the exception of land currently zoned Yakamia Creek, any new lot created in the Yakamia/Lange structure plan area shall be connected to reticulated sewer; b) Delete split density coding; c) Apply a minimum density of 3000m² for the Yakamia Creek zone; d) Remove any ambiguous wording throughout the document that reference on site effluent disposal and development not requiring connection to deep sewer. |
| | | <p>POS</p> <p>1. The POS contribution schedule should be reviewed and expanded so it is clear what each lot is contributing; whether contribution is land or cash; if land contribution is more or less than 10%; and which lots are to be reimbursed.</p> <p>2. The school site has been included in Table 3 - potential land use; however it is not in the structure plan area.</p> | <p>POS</p> <p>1. Review and expand the POS schedule so it is clear what each lot is contributing.</p> <p>2. Delete the school site from Table 3.</p> |
| | | <p>Wetlands and Foreshore Protection</p> <p>1. A 50m wetland buffer should be indicated on structure plan map.</p> <p>2. The drainage basins identified within the floodway boundary should be deleted. DOW have previously advised these are not appropriate within the floodway.</p> <p>3. It seems a portion of the Special Use zone lot along North Road is located within floodway. This should be removed and the floodway boundary be reinstated.</p> <p>4. At 8 a) on page 55 it states water management is to occur in accordance with recommendations made in the Yakamia/Lange Water Management Strategy and Arterial Drainage plan. These recommendations should be included in the structure plan under the implementation section as criteria to be addressed at subdivision/development stage. This will ensure the recommendations are endorsed by Council and the WAPC.</p> <p>5. Lots at the eastern end of Bond Road have a portion identified for Residential however are identified on the Opportunities and Constraints Plan as relatively constrained as they are within the boundary of the wetland.</p> | <p>Wetlands and Foreshore Protection</p> <p>1. Recommend including within the structure plan, a 50m buffer to water courses.</p> <p>2. The drainage basins identified within the floodway boundary are to be deleted.</p> <p>3. Remove the special use designation over floodplain and reinstate flood boundary.</p> <p>4. Include recommendations from the Yakamia/Lange Water Management Strategy and Arterial Drainage plan in the structure plan at 8 a) on page 55.</p> <p>5. Noted. Lots at the eastern end of Bond Road have a portion identified for Residential however are identified on the Opportunities and Constraints Plan as relatively constrained as they are within the boundary of the wetland. The Opportunities and Constraints Plan is overly conservative. The boundary to the wetland is based on a generic distance and not necessarily reflective of the site which rises steeply from the wetland and therefore is very unlikely to flood.</p> |
| | | <p>Special Use Area</p> <p>1. It is unclear why a Special Use area is identified. The special uses listed, with the exception of 'Office', can be considered by Council in the Residential zone. It is recommended the area that is not within the floodway is identified as Future Commercial and included in the review of the Activity Centres policy, with a clause in the structure plan prohibiting development of Commercial uses until the activity centres review is undertaken, and that development is to be in accordance with the recommendations of the activity centres review.</p> | <p>Special Use Area</p> <p>1. Remove the special use designation and replace with residential.</p> |
| | | <p>Bushfire</p> <p>1. Plan 17 Fire mapping shows a 100m buffer to all areas of extreme bush fire hazard, and leaves little land unaffected by bush fire constraints. Currently the plan implies that residential development may occur alongside areas of extreme bush fire hazard. All land within 100m of extreme bush fire hazard needs to have a bush fire level assessment undertaken and have a BAL assigned. A note should be included on the structure plan map that subdivision and/or development is subject to a bushfire assessment and not necessarily all land can be developed.</p> | <p>Bushfire</p> <p>1. Recommend highlighting on structure plan, areas subject to fire risk.</p> |
| | | Environmental Protection Lots | Environmental Protection Lots |

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| | | <ol style="list-style-type: none"> 1. The structure plan report should include discussion as to what the 'environmental protection and biodiversity conservation' designation means. 'Private Conservation' may be a more appropriate name. At section 22 on page 61 the provisions indicate that subdivision of these lots can be considered. These provisions should be removed as these lots are not identified for further subdivision. The structure plan, in identifying these lots as 'no further subdivision' and related provisions sufficiently protects the vegetation and there is a need for a conservation covenant. 2. The structure plan states at paragraph b) under land use permissibility on page 46 that areas delineated as 'Environmental Protection and Biodiversity Conservation' will be reserved for 'Parks and Recreation.' This may bring about compensation claims for the private landowners and is unnecessary if modifications suggested in first point above are made. 3. The R2 designations on these lots are unnecessary. 4. As stated previously, a bushfire hazard assessment would need to be undertaken prior to development of a single house on these lots. 5. It should be clarified in the document that clearing for development on these lots requires assessment with regard to the quality of the vegetation even though it may be considered exempt clearing under the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>. 6. What is a protection notice as referenced at section 22.c)? | <ol style="list-style-type: none"> 1. Change the term 'environmental protection and biodiversity conservation' to reflect model planning terminology. 2. The term 'Environmental Protection and Biodiversity Conservation' is to be changed to reflect the model planning terminology. 3. Delete the R2 designations on the 'Environmental Protection and Biodiversity Conservation'. 4. A note is to be included in the structure plan saying that subdivision and/or development is subject to a bushfire assessment. 5. Include the following requirement/advice within the structure plan: <i>If a developer is proposing to take action (e.g. clearing of remnant vegetation) in a designated private conservation area that is likely to have a significant impact on a matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister prior to taking any action.</i> 6. Change wording in structure plan as follows: Replace 'protection notice' with 'conservation notice'. |
| | | <p>Referral to Commonwealth</p> <ol style="list-style-type: none"> 1. Several lots are identified on the structure plan map as 'referral to Commonwealth' however there is no guidance in the structure plan report as to what this means or what is involved. 2. On 1 January 2015 a unilateral agreement between the State and Commonwealth came into effect to allow the state to conduct environmental assessments on behalf of the Commonwealth, removing duplication including the need for a separate Commonwealth assessment. The agreement does not cover approvals and it is the understanding that where approval is required (ie clearing, development) then the Commonwealth is still the decision making authority under the EPBC Act. 3. Designations will need to be reviewed and possibly go to private conservation. | <p>Referral to Commonwealth</p> <ol style="list-style-type: none"> 1. Provide notification on structure plan to advise requirements for referrals to Commonwealth in accordance with Biodiversity Act – as follows: <i>If a developer is proposing to take action (e.g. clearing of remnant vegetation) in a designated private conservation area that is likely to have a significant impact on a matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister prior to taking any action.</i> 2. Noted. 3. Recommend changing designation of environmentally sensitive areas to 'Conservation' with a requirement for a conservation notice to be placed on the title. |
| | | <p>Western Power Site</p> <ol style="list-style-type: none"> 1. The buffer and screening to the substation should be contained within Western Power's lot, rather than impact on neighbouring lots. POS should not be ceded from neighbouring land to provide a buffer. 2. It is suggested that investigation and discussions occur with Western Power to relocate the substation site, as this would appear to be an incompatible use in a new urban area. | <p>Western Power Site</p> <ol style="list-style-type: none"> 1. Modify the structure plan to show a buffer to the substation within Western Power's lot, rather than on neighbouring lots. Delete/relocate the POS areas shown around the substation. 2. Western Power is maintaining the need to develop its site at Lot 36 Catalina Road for substation purposes within a 10-25 year period. The City undertook discussions with Western Power and the following comments were made: <ul style="list-style-type: none"> • The Structure Plan should highlight the zone substation and buffer separation, with provision in the Structure Plan text for establishing the required buffer separation. • There is sufficient capacity within the Catalina Road site to accommodate the substation and a considerable buffer within the property boundaries. A zone substation needs 1.4 hectare with a buffer of 20 metres around the perimeter of the substation. The Catalina Road site is approximately 91,500 sq metres. • With respect to concerns raised about the location of a substation near a school, there are examples of new schools located near substations e.g. Star of the Sea Primary School is located next to Rockingham Substation. In some examples schools |

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| | | | <p><i>near substations have designed the school so that ovals and other recreational areas are nearest the substation with classrooms and utility areas furthest away. The majority of the concern is based around Electromagnetic Fields and the following websites contain the latest and best information on Electromagnetic Fields:</i></p> <p><i>ARPANSA website – www.arpansa.gov.au/radiationprotection</i> <i>World Health Organization – www.who.int/en</i></p> <p><i>The following is an example of a substation with a size, fencing and landscaping expected to be developed at Lot 36 Catalina Rd (source – Western Power):</i></p>  |
| | | <p>ARVS</p> <p>1. The <i>Albany Regional Vegetation Survey</i> has been a significant study over the subject land and further discussion should be included in the background section of the document. ARVS should be mentioned under major planning influences at 1.4.</p> | <p>ARVS</p> <p>1. Include the following information within the structure plan document:</p> <p><i>The Albany Regional Vegetation Survey (ARVS) report has been endorsed as a key information source. The ARVS report was produced to increase the understanding of regional flora and vegetation in the Albany region.</i></p> <p><i>The major findings of the survey include:</i></p> <ul style="list-style-type: none"> • 35% (44,093 ha) of the original extent of vegetation remains within the survey area. • 19% of this remnant vegetation occurs within formal conservation reserves (IUCN I-IV) and 39% in other Crown reserves. • Identification of 67 native vegetation units, of which 19 units do not appear to have been described previously. • Many units only occur as small patches, with 49 units each having an area of less than 1% (<440ha) of the remnant vegetation within the ARVS area. • Over 50% of units occur at their range limit in the area, reflecting the location of the ARVS area at the junction of three bio-geographic regions. • Over 25% of units are likely to be restricted to the survey area with four units likely to have <30% pre-clearing extent remaining. • Over 800 species were recorded during the survey including six Declared Rare Flora, 43 Priority listed species and 19 species occurring beyond their previously known distribution. • <i>Phytophthora</i> dieback, hydrological change, weed invasion, fire, land clearing and grazing were identified as the major threats. |
| | | <p>City of Albany Local Planning Scheme 1</p> <p>1. Particular clauses of the scheme should be referenced where applicable; for example ,</p> <ul style="list-style-type: none"> • clause 4.2.3 requirement to prepare structure plan for future urban zoned land; • clause 5.3.6.1 setbacks from water courses; • clause 5.3.7.1 land subject to flooding; and | <p>City of Albany Local Planning Scheme 1</p> <p>1. Make reference in the structure plan to clauses in the City's LPS1 including the following:</p> <ul style="list-style-type: none"> • Clause 4.2.3 requirement to prepare structure plan for future urban zoned land; • Clause 5.3.6.1 setbacks from water courses; • Clause 5.3.7.1 land subject to flooding; and |

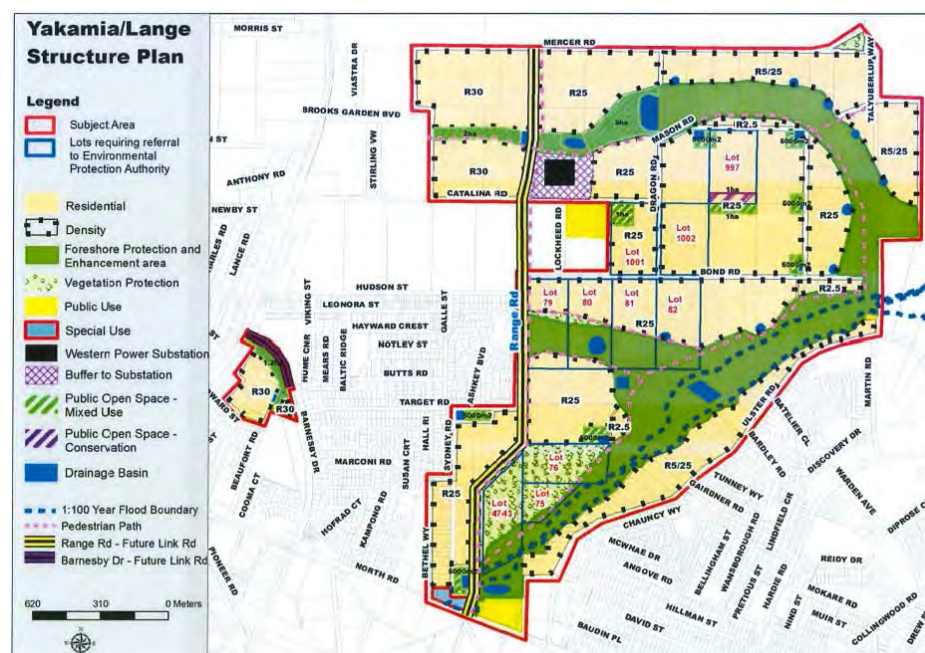
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| | | <ul style="list-style-type: none">• clause 5.9 structure plan preparation and adoption. | <ul style="list-style-type: none">• Clause 5.9 structure plan preparation and adoption. | | | | |
| | | Local Development Plans 1. At clause 3 on page 46, the structure plan refers to local development plans being prepared prior to any subdivision or development. WAPC Policy DC2.2 Residential Development refers to local development plans only being required when creating lots less than 260m ² . Is this the intent or background to clause 3? Subdivision of land coded R30 doesn't necessarily mean the lots proposed will be 260m ² . | Local Development Plans 1. Change clause 3 on page 46, such that local development plans are prepared prior to any subdivision or development of lots less than 260m ² . | | | | |
| | | Contaminated Sites 1. Lot 4743 (No 102) and Lot 100 (No 120) are classified as contaminated site - remediated for restricted use however there is no mention of this in the structure plan. | Contaminated Sites 1. An Environmental Opportunities and Constraints Plan developed for the City by environmental consultants, Aurora Environmental concluded that: <i>Lots 100 and 4743 have been remediated and are suitable for their current land uses.</i> <i>Recommendation:</i> <i>No action required for identified sites unless there is a proposal to change the land use to a more sensitive type (e.g. residential).</i> | | | | |
| 7 | Western Power | Substation 1. Western Power retains the need to develop its site owned at Lot 36 Catalina Road, Albany for substation purposes within a 10-25 year period. 2. Further develop buffering separation and development requirements and provisions for future subdivision and development affected by substation development. All subdivision and development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. 3. Where subdivision/development applications adjoin or affect Western Power interests they should be referred for comment prior to approval by the local authority to ensure no land use conflict. | Substation 1. The City undertook discussions with Western Power. Western Power is maintaining the need to develop its site at Lot 36 Catalina Road for substation purposes within a 10-25 year period. Retain Lot 36 Catalina Road for substation purposes. 2. Illustrate landscaping and roads around substation to enhance buffer. 3. Include following advice within the structure plan: <i>Where subdivision/development applications adjoin or affect Western Power interests they should be referred for comment prior to approval by the local authority to ensure no land use conflict.</i> | | | | |
| | | Land Swap 1. Western Power is willing to consider any land swap opportunities which can be facilitated by the City of Albany that may better balance the needs of the City and Western Power. However, Western Power will retain its current plans to develop on Lot 36 Catalina Road, Albany unless a suitable alternative can be facilitated by the City. | Land Swap 1. The City researched Crown land stocks and determined that there are no available alternatives in the locality. Retain Lot 36 Catalina Road for substation purposes. | | | | |
| | | 132kV Transmission Line 1. 132kV transmission line entries to the currently proposed substation are required from the existing Albany substation at L123 Albany Highway to ensure that future works planned for new and existing road networks in the area facilitate these future line entries. Transmission line entries to the proposed substation development being identified on the draft structure plan in accordance with alignments to be determined in consultation with Western Power. Works associated with new distribution lines and the upgrading of existing lines (including increasing capacity and undergrounding) will be at the developer's cost. Electrical design will be to the satisfaction of Western Power - refer to http://www.westernpower.com.au/idd/Undergrounddistributionschemes.html and http://www.westernpower.com.au/documents/WADistributionConnectionsManual.pdf | 132kV Transmission Line 1. Noted. Include the following at section 20 of the structure plan: <i>Transmission line entries to the proposed substation development will be considered at the time of rezoning and subdivision proposals in consultation with Western Power. Works associated with new distribution lines and the upgrading of existing lines (including increasing capacity and undergrounding) will be at the developer's cost. Electrical design will be to the satisfaction of Western Power.</i> 2. Include the following within the structure plan: <i>Western Power requires the following (Table 1) minimum clearance requirements for transmission lines and overhead distribution lines for infill and new development/subdivision applications:</i> <table border="1"><tr><td colspan="2">Table 1</td></tr><tr><td></td><td>Clearance (horizontal and vertical from centre of line)</td></tr></table> | Table 1 | | | Clearance (horizontal and vertical from centre of line) |
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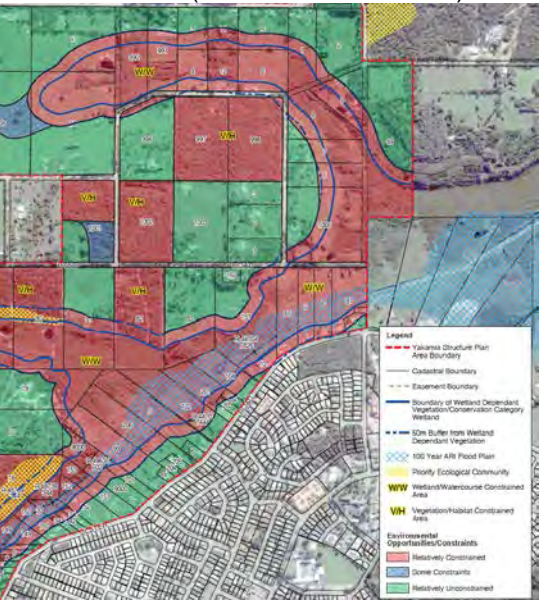
| | | <div>2. Western Power requires that the minimum clearance requirements for transmission lines and overhead distribution lines for structure plans, infill and new development/subdivision applications within the jurisdiction to ensure appropriate protection of the asset. See clearance requirements below in Table 1.</div> <table><tr><th colspan="3">Table 1</th></tr><tr><th></th><th colspan="2">Clearance (horizontal and vertical from centre of line)</th></tr><tr><td>Transmission</td><td>330kV</td><td>35.0m</td></tr><tr><td></td><td>132kV</td><td>10.0m</td></tr><tr><td></td><td>66kV</td><td>8.0m</td></tr><tr><td>Distribution</td><td><33kV</td><td>3.0m</td></tr></table> <div>3. The local distribution power network may require modification, upgrading and the construction of new assets as infill and new subdivision/development proposals progress. Works of this nature are customer funded, as part of the subdivision and development process.</div> | Table 1 | | | | Clearance (horizontal and vertical from centre of line) | | Transmission | 330kV | 35.0m | | 132kV | 10.0m | | 66kV | 8.0m | Distribution | <33kV | 3.0m | <table><tr><td>Transmis sion</td><td>330kV</td><td>35.0m</td></tr><tr><td></td><td>132kV</td><td>10.0m</td></tr><tr><td></td><td>66kV</td><td>8.0m</td></tr><tr><td>Distributi on</td><td><33kV</td><td>3.0m</td></tr></table> <div>3. Include the following within the structure plan: <i>The local distribution power network may require modification, upgrading and the construction of new assets as infill and new subdivision/development proposals progress. Works of this nature are customer funded, as part of the subdivision and development process.</i></div> | Transmis sion | 330kV | 35.0m | | 132kV | 10.0m | | 66kV | 8.0m | Distributi on | <33kV | 3.0m |
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| Table 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Transmission | 330kV | 35.0m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Transmis sion | 330kV | 35.0m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 8 | Department of Water | <div>General<div>1. The DoW is supportive of the measures contained within the draft structure plan that will protect and restore Yakamia Creek. The DoW supports the requirements for additional water management planning - foreshore and stormwater - at subdivision stage. The additional water management planning needs to be consistent with the Yakamia/Lange Structure Plan Water Management Strategy.</div><div>2. Page 32 refers to the stormwater sampling that the DoW conducted in 2011. It is good to include a summary of the results however the reference to site codes (YAK001- YAK1) is a bit meaningless unless a map of the sample sites is included. That level of detail is not required for a high level planning document such as this, so the Dow recommends removal of the reference.</div><div>3. Page 58 (p) notes that as a condition of development Lot 9000 Beaufort Rd is required to relocate and develop the arterial drain to the satisfaction of the City. The DoW has no objection to the requirement for relocation given the highly modified nature of Yakamia Creek at that location. The DoW requests that the word arterial drain be replaced with Yakamia Creek and that DoW should be consulted during this process.</div><div>4. Page 62 Section 23 Monitoring. This section should clarify who is responsible for monitoring. i.e. <i>"At subdivision stage, the developer will need to develop a monitoring program to gather baseline information ..."</i></div><div>5. The DoW queries the designation of the previous 'Yakamia Creek' zone to R5/25, when the structure plan states (pg 44) that <i>"Water Corporation have advised that sewer is not available to the areas located between the areas located between Yakamia Creek and Ulster Rd."</i> Without sewer, the maximum lot yield would be R5, (depending upon the land capability) in line with the Country Sewerage policy.</div></div> <div>Yakamia Creek Floodplain<div>1. The 'Water Recommendations ' (pg 33) suggests that 'special uses' and the new Range Rd will be supported within the floodway at North Rd. The DoW floodplain policy does not support any development in the floodway, due to the potential to increase the flood level upstream. In this instance, it would exacerbate the flooding over North Rd and potentially cause floodwaters to spill out to the eastern side of the creek. The main structure plan map is being disingenuous by omitting the floodplain boundary over the special uses lot. The floodway extends over the entire southern half of Lot 421. It would also appear that the construction of Range Road may also conflict with the 30m</div></div> | <div>General<div>1. Noted. The structure plan recommends that development complies with Yakamia/Lange Structure Plan Water Management Strategy.</div><div>2. Include a map to correspond with sample site results.</div><div>3. Replace the word arterial drain with Yakamia Creek and include notification that the DOW should be consulted during any process involving relocating the creek.</div><div>4. Include the following provision to ensure the developer is responsible for monitoring <i>At subdivision stage, the developer will need to develop a monitoring program to gather baseline information.</i></div><div>5. Change the density for the Yakamia Creek to a minimum of 3000m² lots - in line with the City's scheme.</div></div> <div>Yakamia Creek Floodplain<div>1. Modify the structure plan such that no development potential is shown for the southern portion of Lot 421, the area subject to flooding and Aboriginal Heritage exclusion (30m).</div><div>2. Noted. New flood mapping has been provided by the DOW (18/5/2015). Recommend including as a layer on structure plan map.</div></div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |


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| | | <p>Aboriginal heritage exclusion buffer to Yakamia Creek.</p> <p>2. As previously mentioned, the DoW is currently reviewing the Yakamia Creek floodplain mapping with the provision of new data that has been obtained with the LiDAR mapping. The DoW will make the new floodplain mapping available to the City of Albany as soon as it is finalised.</p> | |
| 9 | Office Environmental Protection Authority | <p>Letter 14 January 2014</p> <p>1. The OEPA considers that the area the subject of the Yakamia/Lange Structure Plan contains a number of significant environmental values, including:</p> <ul style="list-style-type: none"> a) Priority 1 Ecological Community - Albany Vegetation Unit (AVU) 14 Banksia coccinea shrubland/ E. staeril Sheoak Open Woodland; b) vegetation in Very Good to Excellent condition which supports significant ecological communities and Threatened or Priority flora and fauna protected under State and Federal legislation; c) Yakamia Creek and its associated wetlands and tributaries which are classified as Conservation Category wetlands; d) consolidated areas of native vegetation containing multiple vegetation units (catena from upland to wetland) identified as having high conservation value in the Albany Regional Vegetation Survey (ARVS). <p>The OEPA supports the draft Yakamia/Lange Structure Plan on the basis that the areas of significant environmental value, listed above, are situated in the following foreshore and/or vegetation protection areas, in the draft structure plan.</p> <ul style="list-style-type: none"> • portion of Council's land south of the proposed link road Lot 4743 and adjoining property's east of Range Road (Lots 75 and 76); • properties south of Bond Road adjacent to Range Road and adjoining Yakamia Creek area (Lots 79, 80,81 and 82); and • vegetation on Lots 997, 1001 and 1002 north of Bond Road. <p>2. Proposed modifications to foreshore and vegetation protection areas should be sent to the OEPA for comment.</p> <p>3. The Environmental Assessment by Aurora Environmental (5 March 2013) refers to the minimum extent of protection for an ecological community being 10%. However, EPA Position Statement No. 2 (EPA, 2000) Guidance for the Assessment of Environmental Factors states that at least 30% of the original extent of ecological communities should be retained to prevent unacceptable cumulative and potentially irreversible loss of biodiversity. The EPA's Guidance Statement 10 Level of assessment for proposals affecting natural areas within the System 6 Region and Swan Coastal Plain portion of the System 1 Region allows for a reduced area of representation in 'constrained areas' of 10%. Constrained areas may include urban, urban deferred and industrial zones. However, The OEPA considers that EPA Position Statement No. 2 (EPA, 2000) Guidance for the Assessment of Environmental Factors should prevail until such time as a 'constrained area' boundary has been identified around Albany in agreement between the OEPA and the Department of Planning.</p> | <p>Letter 14 January 2014</p> <p>1. Noted. The structure plan seeks to protect vegetation on:</p> <ul style="list-style-type: none"> • Lot 4743 and adjoining property's east of Range Road (Lots 75 and 76); • Properties south of Bond Road adjacent to Range Road and adjoining Yakamia Creek area (Lots 79, 80,81 and 82); and • Vegetation on Lots 997, 1001 and 1002 north of Bond Road. <p>2. Noted. The following condition is to be included in the structure plan:</p> <p><i>If a proposal is lodged for a property designated for private conservation, and it appears that the proposal is likely to have a significant effect on the environment, the local government will refer the proposal to the Environmental Protection Authority.</i></p> <p>3. Noted. Recommend undertaking the following as a requirement of subdivision or development:</p> <p><i>If a proposal is lodged for a property designated for private conservation, and it appears that the proposal is likely to have a significant effect on the environment, the local government will refer the proposal to the Environmental Protection Authority.</i></p> |
| | | <p>Letter 7 July 2014</p> <p>1. The revised draft has removed a number of vegetated areas from the previous draft the OEPA commented on in January 2014. As you know, the OEPA has been supportive of the City of Albany developing a structure plan for the area because there is greater capacity to achieve good planning outcomes and an appropriate level of environmental protection at a more strategic scale. The OEPA supports the proposed outcomes in the most recent draft structure plan for Lot 4743 and Lots 79, 80, 81 and 82 which form part of the area zoned</p> | <p>Letter 7 July 2014</p> <p>1. Noted. Recommend changing the term 'environmental protection and biodiversity conservation' to reflect model planning terminology and include the following requirement/advice within the structure plan:</p> <p><i>If a proposal is lodged for a property designated for private conservation, and it appears that the proposal is likely to have a significant effect on the environment, the local government will refer the proposal to the Environmental Protection Authority.</i></p> |



urban deferred. However, the remaining outstanding issue is the extent of vegetation clearing on the rural zoned Lots 997, 998, 1001 and 1002 which contains Albany Vegetation units (AVU's) 12 and 13 (Attachment 3) which may also provide habitat for State and Commonwealth listed Black Cockatoos. The OEPA would support the City of Albany retaining a consolidated portion on these lots for conservation purposes in accordance with the EPA's Bulletin No 20 Protection of naturally vegetated areas through planning and development (Attachment 4). Lots 997 and 998, which are adjacent to the creekline, may offer the best opportunity to achieve a suitable outcome.

If a developer is proposing to take action (e.g. clearing of remnant vegetation) in a designated private conservation area that is likely to have a significant impact on a matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister prior to taking any action.

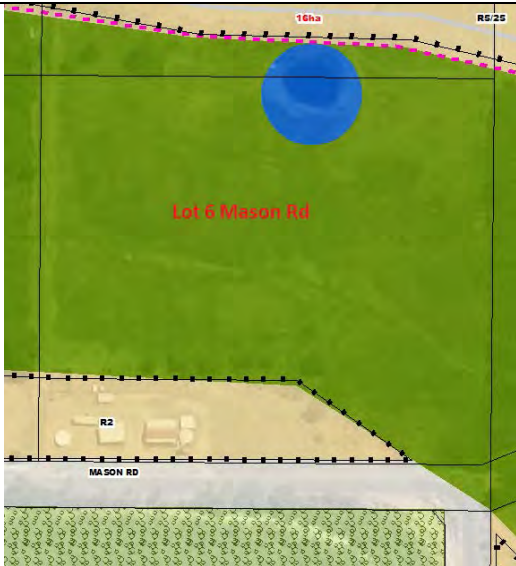



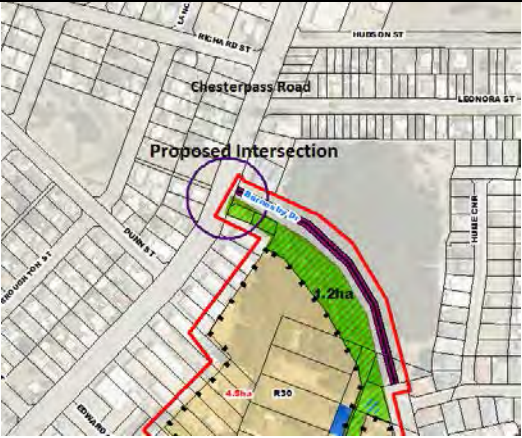
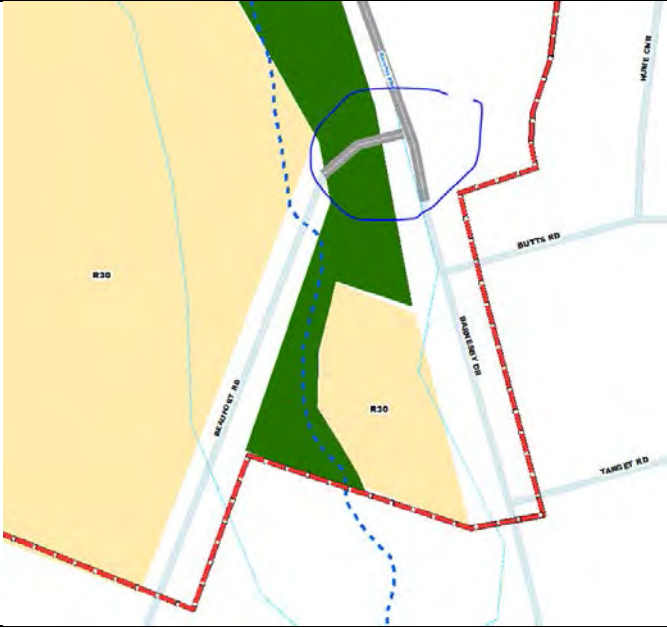
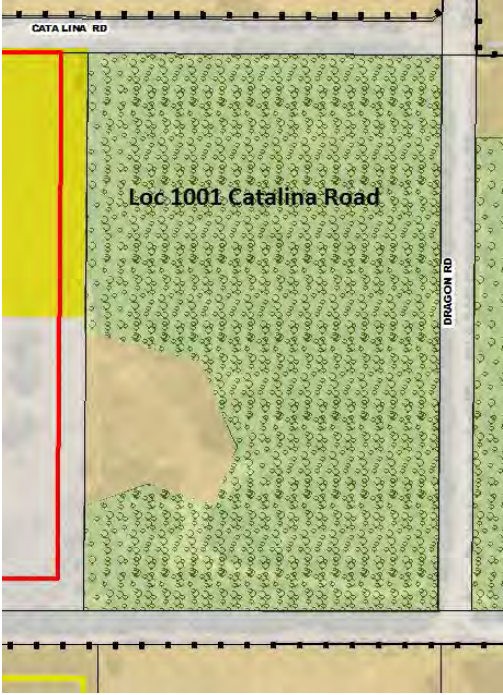
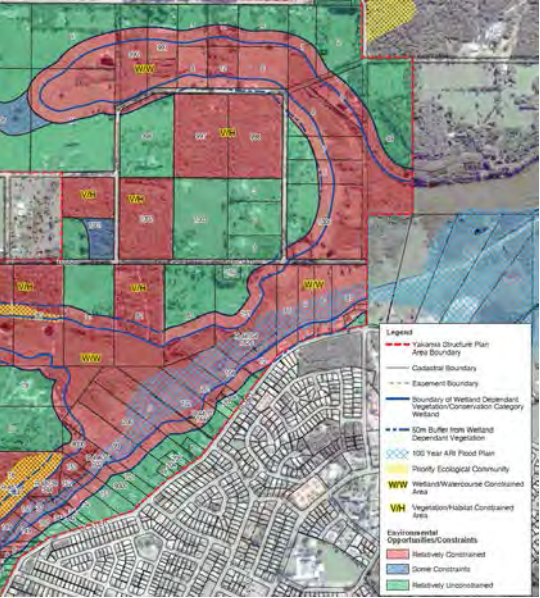
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| | | <p>Letter 2 September 2014</p> <ol style="list-style-type: none">1. The OEPA is of the view that the creation of one building envelope at Lots 1001 and 1002 can meet the EPA's environmental objectives subject to the proposed lots being managed for conservation purposes. The OEPA recommends that provisions should be included in LPS No 1 in relation to Lots 1001 and 1002 limiting fencing and firebreaks in the conservation areas. The OEPA does not support further subdivision of Lots 997 and 998 as the bushland is described as being in 'Very Good' to 'Excellent Condition' (Keighery, 1994), is in close proximity to other areas of native vegetation and contains habitat for Black Cockatoos. The OEPA is of the view that development on Lots 997 and 998 should be restricted to one dwelling per lot as currently permitted under LPS No 1. Building envelopes should be located on the edges of the lots adjacent to the road to reduce fragmentation and impacts on the bushland.2. The OEPA notes that the proposed 5000m² building include building protection zones. Permitted buildings would need to be constructed to Australian Standard 3959. Recommended that the City discusses this aspect with the DOP and Department of Fire and Emergency Services to ensure that this is acceptable from a bushfire risk perspective. | <p>Letter 2 September 2014</p> <ol style="list-style-type: none">1. Noted. The following conditions are to be included to address OEPA concerns: <i>If a developer is proposing to take action (e.g. clearing of remnant vegetation) in a designated private conservation area that is likely to have a significant impact on a matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister prior to taking any action.</i>2. Noted. Include requirements within structure plan around fire protection. |
| 10 | <p>Lot 12 Mason Rd</p>  | <p>Framework</p> <ol style="list-style-type: none">1. Given the fragmented nature of landholdings within Yakamia, the presentation of an overall structure plan is required to provide a frame work to coordinate the provision and arrangement of future land use, subdivision and development, staging, servicing, transport networks, public open space, foreshore reserves and urban water management. <p>Foreshore Buffer</p> <ol style="list-style-type: none">1. The foreshore buffer zone to creek is too excessive (The creek is only 1m wide). A 10m buffer is fair. | <p>Framework</p> <ol style="list-style-type: none">1. Provide additional information within the structure plan around the provision and arrangement of future land use, subdivision and development, staging, servicing, transport networks, public open space, foreshore reserves and urban water management. <p>Foreshore Buffer</p> <ol style="list-style-type: none">1. The extent of the foreshore buffer area to the creek came about from the following environmental study, which identifies a standard setback distance to watercourses: City of Albany (2013), Yakamia Structure Plan Area, Environmental Assessment (Aurora Environmental). <p>Figure 12 - City of Albany (2013), Yakamia Structure Plan Area, Environmental Assessment (Aurora Environmental).</p>  <p>Standard setback distances to watercourses, as indicated by the draft structure plan may not be true to land characteristics (e.g. topography (steep/flat), height above sea level, historical events, flow velocity of water, width of creek, evidence of erosion and wetland dependent vegetation).</p> |


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| | | | <p>The City of Albany (2013), Yakamia Creek, Arterial Drainage Plan (Essential Environmental) identifies areas within the Yakamia catchment as being susceptible to various elements including flooding or erosion. For Lot 12 Mason Rd, the arterial drainage plan concludes the potential for erosion during a 5yr event and flood risk during a 1 in 100 year flood.</p> <p>City of Albany (2013), Yakamia Creek Arterial Drainage Plan – 1 in 100 year event.</p>  <p>The width and depth of the creek (1.5m) and the condition of vegetation (trees) suggests that low volumes of water travel through the precinct and that the land rarely floods.</p> <p>It is recommended that the section of creek (Lot 12 Mason Rd) is marginally reduced.</p> |
| | | <p>Management of foreshore</p> <p>1. Due to the extent of the foreshore, management of the area would be a massive burden to the City.</p> | <p>Management of foreshore</p> <p>1. Noted</p> |
| | | <p>Public Open Space Contribution</p> <p>1. A 10% POS contribution for development at an R5 (2000m² lots) density is too onerous.</p> | <p>Public Open Space Contribution</p> <p>1. Change density to R25 as recommended by Department of Planning. In accordance with the <i>Planning and Development Act 2005</i>, properties with the potential to create more than two lots may be required to provide a POS contribution at the time of subdivision.</p> |
| | | <p>Fire</p> <p>1. We are concerned about the risk of fire due to vegetation in the vicinity. Retention of all vegetation places too much of an onus on the City and landholder to manage against fire.</p> | <p>Fire</p> <p>1. Noted. As indicated in the structure plan, new development will need to protect itself against the risk of fire.</p> |
| | | <p>Dual Density coding</p> | <p>Dual Density coding</p> |


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| | | 1. The intent of dual residential density coding is unclear. If there is a choice and some land is developed to an R5 density, then viability of developing to a higher density is likely to be affected. We believe there is subdivision potential considering the size and location of the property – close to town. | 1. Change density to R25 as recommended by Department of Planning. |
| 11 | <p>Lot 8 Curtiss Rd</p>  | <p>Foreshore Buffer</p> <p>1. The foreshore buffer zone to creek is too excessive. Some land identified as foreshore is developable. A 10m foreshore area either side of the creek is more practical.</p> | <p>Foreshore Buffer</p> <p>1. The City of Albany (2013), Yakamia Creek, Arterial Drainage Plan (Essential Environmental) shows a steady flow of water through Lot 8 Curtiss Road, with the potential for flooding (100yr flood event).</p>  <p>Overland flow paths Flowing Unsafe and/or Erosive Flood risk</p> <p>The extent of foreshore shown on the draft structure plan can be reduced due to the rise in gradient either side of the creek. The variation should only be marginal due to the potential for flooding.</p> |
| | | <p>Public Open Space Contribution</p> <p>1. A 10% contribution is considered unnecessarily onerous if the area is to be developed at a density of R5.</p> | <p>Public Open Space Contribution</p> <p>1. Change density to R25 as recommended by Department of Planning. In accordance with the <i>Planning and Development Act 2005</i>, properties with the potential to create more than two lots may be required to provide a POS contribution at the time of subdivision.</p> |
| | | <p>Foreshore – Weeds, Maintenance and Security (path).</p> <p>1. Who is going to maintain function of foreshore? Problem with weeds adjacent to creek. Security concern with persons walking through foreshore.</p> | <p>Foreshore – Weeds, Maintenance and Security (path).</p> <p>1. As noted in the structure plan, the foreshore is to be ceded to the Crown for its intended purpose (foreshore reserve, public open space) at the time of subdivision or development, free of cost and without payment of compensation by the Crown.</p> <p>2. As noted in the structure plan, subdivision and development will need to be designed to ensure surveillance (i.e. development of roads adjacent to foreshores).</p> |
| | | <p>Fire</p> <p>1. We are concerned about the risk of fire due to vegetation in the vicinity. Retention of all vegetation places too much of an onus on developers and the City to manage risk.</p> | <p>Fire</p> <p>1. The foreshore and properties west of Curtiss Road are fire prone. Development within 100m of fire prone vegetation will need to accommodate a building protection zone, hazard separation measures and ember and flame attack measures. Prior to supporting subdivision, a bushfire attack level assessment will need to be undertaken. The structure plan makes requirements for fire management.</p> <p>2. Based on identified fire risk and legislative requirements, it is recommended that the</p> |



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| | | | <p>following Yakamia/Lange Structure Plan conditions remain with minor amendments as follows:</p> <p><i>A detailed Fire Management Plan and Bushfire Attack Level assessment shall be prepared for any subdivision and/or development in areas within 100m of fire prone vegetation. These areas are generally defined by the 'Fire Risk' design element on the Structure Plan Map, and will require further refinement at future planning stages.</i></p> <p><i>Any subdivision and/or development within 100m of fire prone vegetation shall accord with an approved Fire Management Plan and Bushfire Attack Level assessment in accordance with the relevant bushfire planning and management frameworks of the WAPC and DFES, and any City of Albany fire management requirements.</i></p> <p><i>Where appropriate to do so, hazard separation areas are to be reduced and BAL building standards increased as a means to protect vegetation.</i></p> <p><i>Hazard separation areas are not to include riparian vegetation or areas beyond the boundaries of a lot.</i></p> |
| | | <p>Dual Zoning</p> <p>1. The ability to economically provide sewer to the precinct will determine whether a high density can be achieved. If some land is developed at a low density without deep sewer, viability of developing will be affected. Yakamia is acknowledged as a key opportunity to consolidate urban development – close to the CBD.</p> | <p>Dual Zoning</p> <p>1. The structure plan currently recommends minimum lot sizes in this precinct of 2000m² (R5 – without deep sewer) or 300m² (R25 – with deep sewer). The Department of Planning has required that development in the Yakamia Structure Plan area (other than for the 'Yakamia Creek' zone properties) connect to deep sewer. Development/subdivision potential is unknown without a fire management plan and bushfire attack level assessment. It is recommended that an R25 density is designated with a condition for connection to deep sewer and compliance with a fire management plan and bushfire attack level assessment.</p> |
| 12 | Lot 6 Mason Rd | <p>Foreshore Buffer</p> <p>1. Foreshore buffer to creek is too excessive.</p> | <p>Foreshore Buffer</p> <p>1. The City of Albany (2013), Yakamia Creek, Arterial Drainage Plan (Essential Environmental) shows the potential for flooding and erosion at Lot 6 Mason Road. Due to a rising gradient, the extent of foreshore can be marginally reduced.</p> |


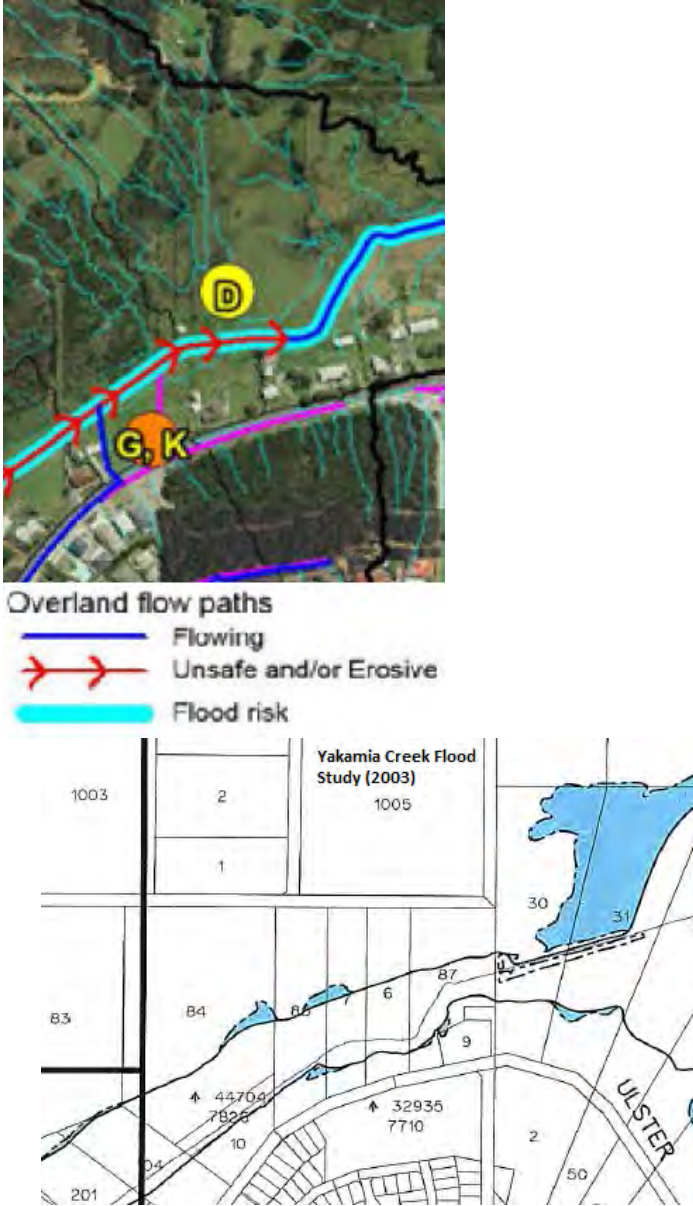
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| | | Horticulture 1. Our intent is to advertise the potential for horticulture farming within the foreshore area. The designation as a foreshore is to our detriment – financially. | Horticulture 1. Noted. A ‘foreshore’ is defined as “land adjoining or directly influencing a body of water that is managed to protect waterway and riparian values” (Water and Rivers Commission Foreshore Policy 1, 2002). The use of land adjacent to the creek for horticulture maybe to the detriment of the waterway and riparian values. | |
| | | Fire 1. We are concerned about the risk of fire due to vegetation in the vicinity. | Fire 1. Noted. The vegetated foreshore area and vegetated properties south of Mason Rd are fire prone. In accordance with the Western Australian Planning Commission’s Planning for Bushfire Protection Guidelines – Edition 2, 2010, development within 100m of fire prone vegetation needs to accommodate fire protection measures including, a building protection zone, hazard separation measures and ember and flame attack measures. | |
| | | Vermin 1. The future foreshore will increase vermin. | Vermin 1. Noted. The amount and diversity of flora and fauna is expected to increase, the result of enhancing the foreshore. | |
| 13 | Lot 5 Chesterpass Rd | Proposed Intersection (Barnesby Drive/Chester Pass Road) 1. The structure plan recommends that Barnesby Drive is connected to a corner and downhill section of Chester Pass Road. The purpose being to relieve congestion at the main Chester Pass roundabout. Given that Chester Pass Road is a heavy freight route, the location of the intersection is not appropriate. Trucks need to maintain speed through this section of road to get up the hill. An intersection at this location is fraught with danger. 2. A better option may be to connect Beaufort Road to Barnesby Drive to provide connection via Edward Street to Chester Pass Road. | Proposed Intersection (Barnesby Drive/Chester Pass Road) 1. Main Roads WA have agreed in principle to left in and left out treatments only. Recommend that the structure plan is changed such that connection to Barnesby Drive is restricted to left out and left in only. 2. Recommend indicating on the structure plan, the potential to connect Beaufort Rd to Barnesby Drive. | |

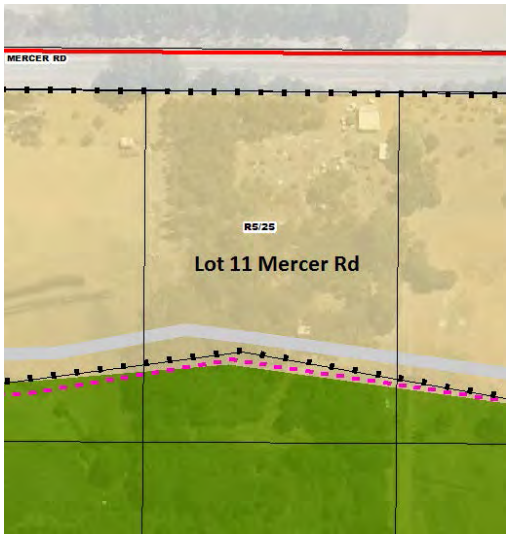
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| 14 | <p>Lot 1001 Catalina Road</p>  | <p>Residential (R25)</p> <p>1. The land demonstrates similar vegetation types and values to other properties within the YLSP area which have not been burdened with an 'Environment Protection and Biodiversity Conservation' classification. The selective nature of choosing properties for this classification is not a fair process and all landowners should be given the opportunity to seek relevant environmental approvals. Opportunities and constraints mapping included within the draft YLSP only identifies half of the property as being 'Relatively Constrained', with the remainder having 'Some Constraints' or being 'Relatively Unconstrained'. The following conclusions can be made regarding the representation of the vegetation type at the subject property (Afra/Emar/Ccal/Athe):</p> <ul style="list-style-type: none">• It is well represented;• Nearly 10% (preferred) is protected within conservation reserves;• The vegetation type is common and widespread; and• The property contains a small, relatively isolated pocket of this vegetation type in varying condition. <p>It is respectfully requested that the City of Albany consider the reclassification of Lot 1001 Catalina Road, Lange to 'Residential', with a density of 'R25' and subject to 'Referral to Commonwealth'.</p> | <p>Residential (R25)</p> <p>1. The Environmental Assessment (Aurora Environmental) has identified the southern half of Lot 1001 Catalina Road as having some constraints and the northern portion as being relatively constrained.</p>  <p>Recommend changing the structure plan for Lot 1001 Catalina Road to support development in the southern portion of Lot 1001 Catalina Road.</p> |
| | | <p>Compensation</p> <p>1. The draft YLSP does not offer any compensation to landowners required to conserve vegetation. Furthermore, through the conservation covenant process, the landowners will be burdened for maintenance of the land.</p> | <p>Compensation</p> <p>1. Noted.</p> |
| | | <p>Education Establishment</p> <p>1. The landowner has previously had a Planning Scheme Consent issued for the development of an 'Education Establishment'. Although they did not act on this approval, it is an indication that this land use is considered acceptable for the land. The intent of the landowner is to develop an 'Education Establishment'. This use does not require the full clearing of the property and vegetation can be incorporated into the future design to ensure that this occurs. This would be</p> | <p>Education Establishment</p> <p>1. Noted. The planning approval has expired and is therefore no longer valid. Since the previous approval, a new <i>Local Planning Scheme No. 1</i> has been endorsed with new provisions. Applications for planning approval are assessed in accordance with provisions of the new <i>Local Planning Scheme No. 1</i>, including the following:</p> <p><i>5.3.3 Vegetation Protection</i></p> |

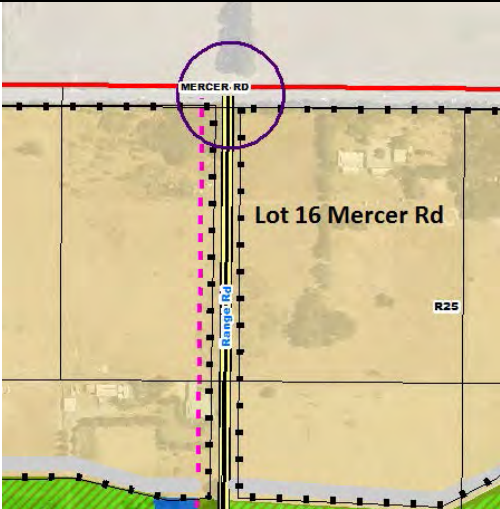
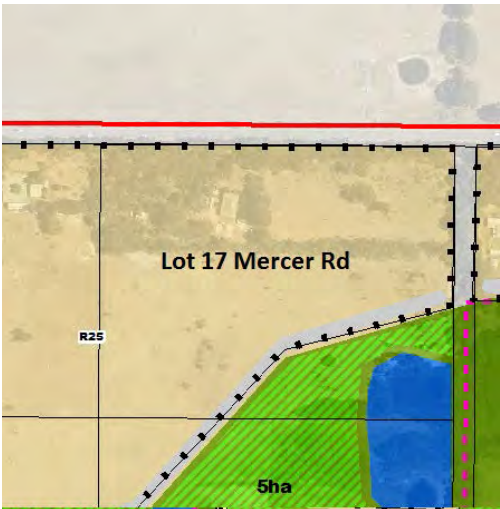

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| | | well located, given the existing planned government primary school directly adjoining the western boundary. | <p><i>The Local Government may require the protection of existing vegetation on a site as a condition of planning approval to:</i></p> <ul style="list-style-type: none"> <i>a) Protect a vegetation community;</i> <i>b) Prevent land degradation;</i> <i>c) Protect roadside vegetation;</i> <i>d) Maintain local visual amenity and the natural setting;</i> <i>e) Protect habitat, or a threatened species;</i> <i>f) Assist to provide vegetated corridors to maintain fauna and flora linkages; or</i> <i>g) Assist in the maintenance of water quality.</i> |
| 15 | Lot 1003 Bond Road  | <p>Environment/Biodiversity</p> <ol style="list-style-type: none"> Understand that environment and biodiversity are important elements of planning, but would suggest it is way out of proportion. <p>Fire</p> <ol style="list-style-type: none"> Protected vegetation will always be an extreme bushfire hazard. <p>POS</p> <ol style="list-style-type: none"> Locate POS at northern part of Lot 1003 to border private conservation lot. | <p>Environment/Biodiversity</p> <ol style="list-style-type: none"> Noted. Recommend making modifications to reduce the amount of protected areas. For example, the width of foreshores has been reduced and some vegetated areas in degraded condition have been supported for development. <p>Fire</p> <ol style="list-style-type: none"> Noted. Recommend highlighting on the structure plan, areas subject to fire risk. <p>POS</p> <ol style="list-style-type: none"> Recommend locating POS at northern section of Lot 1003. The location of POS will be confirmed at the subdivision stage of development. |
| 16 | Lot 4 Mason Road | <p>Foreshore Buffer</p> <ol style="list-style-type: none"> Understand a need for a buffer around the creek but not to the extent proposed (80% of property). The creek that runs through my property is only 1m wide. Flooding occurred once over a twenty year period. The extent of buffer places a huge onus on the City for maintenance. A 10m buffer would be a fair outcome. | <p>Environment/Biodiversity</p> <ol style="list-style-type: none"> The City of Albany's <i>Yakamia Creek Arterial Drainage Plan 2013</i> (Essential Environmental) shows flood (100yr event) and erosive risk characteristics of the creek running through Lot 4 Mason Road. Any reduction in foreshore boundaries should be minimal. It is recommended that the structure plan is changed to illustrate a marginally reduced foreshore boundary. |

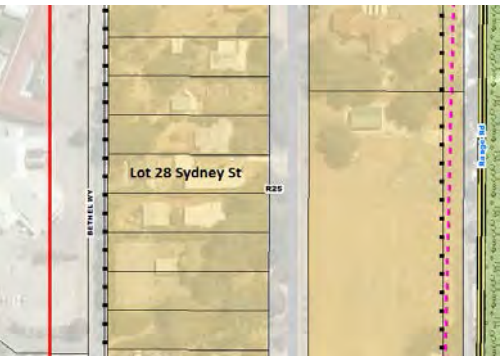

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| |  | |  <p>Overland flow paths</p> <ul style="list-style-type: none">FlowingUnsafe and/or ErosiveFlood risk |
| | | Fire 1. Protected vegetation in the vicinity of residents in Mason Road is a fire hazard. This places onus on landholders to develop buildings to a higher standard and for City to manage fuel loads. | Fire 1. Noted. The protection of riparian vegetation takes priority over clearing to accommodate development (refer to Regulation 5 of the Environmental Protection Regulations 2004). Development within 100m of the fire prone vegetation will need to accommodate a building protection zone, hazard separation measures and ember and flame attack measures. Recommend highlighting on the structure plan, areas subject to fire risk. |
| | | Dual Density coding 1. The intent of dual residential density coding is unclear. If there is a choice and some land is developed to an R5 density, then viability of developing to a higher density is likely to be affected. | Dual Density coding 1. Uphold. In order to achieve viability, development needs to be at the R25 density and connected to deep sewer. The Department of Planning has required that development in the Yakamia Structure Plan area (other than for the 'Yakamia Creek' zone properties) connect to deep sewer. |
| | | Servicing 1. Servicing in the area is unclear, particularly in relation to deep sewer. | Servicing 1. As per comments made by the Department of Planning, development of more than one dwelling or subdivision to more than one lot will need to connect to deep sewer. |
| | | Public Open Space Contribution 1. A 10% POS contribution is not appropriate if the land is developed at a density of R5 (2000m ² lots). | Public Open Space Contribution 1. As per comments made by the Department of Planning, an R25 density applies, meaning a POS contribution is appropriate in accordance with the <i>Planning and Development Act 2005</i> . |
| 17 | Lot 7 Curtiss Road | Foreshore Buffer 1. The extent of the foreshore reserve (150m width) is well in excess of that required for the creek and what the City is capable of managing. A 10m reserve on either side of the creek is more practical. | Foreshore Buffer 1. The City of Albany's <i>Yakamia Creek, Arterial Drainage Plan 2013</i> (Essential Environmental) shows flood (100yr event) and erosion risk characteristics of the creek running through Lot 7 Curtiss Road. Any reduction in foreshore boundaries should be minimal. It is recommended that the structure plan is changed to illustrate a marginally reduced foreshore boundary. |

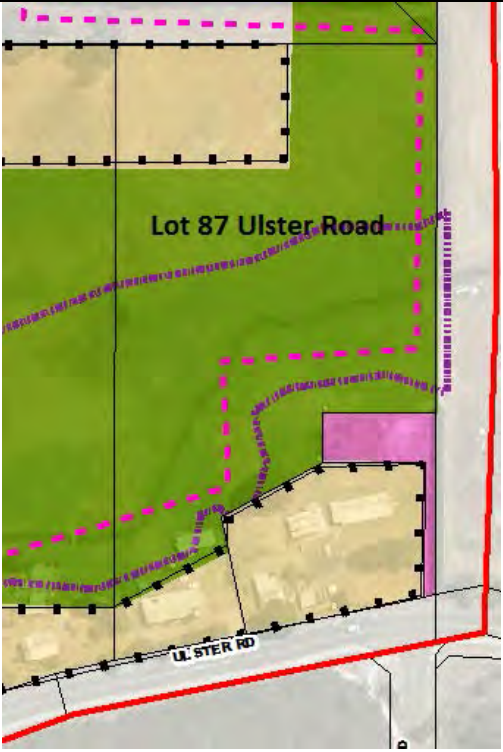
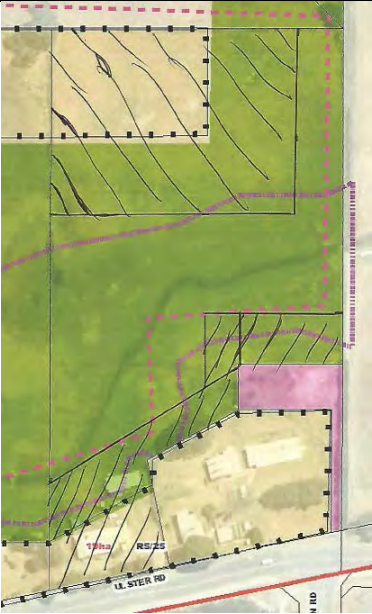
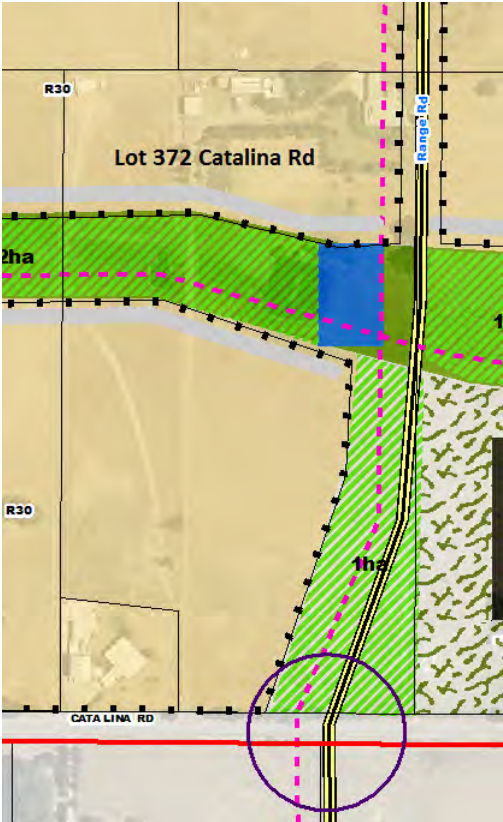

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| | | Public Open Space Contribution 1. A 10% POS contribution for development at an R5 (2000m ² lots) density is too onerous. | Public Open Space Contribution 1. As per comments made by the Department of Planning, an R25 density applies, meaning a POS contribution is appropriate in accordance with the <i>Planning and Development Act 2005</i> . | |
| | | Fire 1. Retention of all vegetation is a concern from a fire hazard perspective. Retention of vegetation places onus on landholders to develop buildings to a higher standard and for City to manage fuel loads. | Fire 1. Noted. The protection of riparian vegetation takes priority over clearing to accommodate development (refer to Regulation 5 of the <i>Environmental Protection Regulations 2004</i>). Development within 100m of the fire prone vegetation will need to accommodate a building protection zone, hazard separation measures and ember and flame attack measures. Recommend highlighting on the structure plan, areas subject to fire risk. | |
| | | Dual Density coding 1. The intent of dual residential density coding is unclear. If there is a choice and some land is developed to an R5 density, then viability of developing to a higher density is likely to be affected. | Dual Density coding 1. Agree. In order to achieve viability, development needs to be at the R25 density and connected to deep sewer. The Department of Planning has required that development in the Yakamia Structure Plan area (other than for the 'Yakamia Creek' zone properties) connect to deep sewer. | |
| | | Servicing 1. Servicing in the area is unclear, particularly in relation to deep sewer. | Servicing 1. As per comments made by the Department of Planning, development of more than one dwelling or subdivision to more than one lot will need to connect to deep sewer. It is recommended that additional information is provided in the structure plan around the development/staging of deep sewer. | |
| 18 | Lot 7 Ulster Rd | Foreshore Buffer 1. The extent of the foreshore reserve is too excessive. A foreshore reserve of 30m either side of the creek is considered more reasonable. | Foreshore Buffer 1. The City of Albany's <i>Yakamia Creek, Arterial Drainage Plan 2013</i> (Essential Environmental) shows flood (100yr event) and erosion risk characteristics of the creek running through Lot 7 Ulster Road. The Department of Water <i>Yakamia Creek Flood Study 2003</i> indicates a floodplain evident over Lot 7 Ulster Road. Any reduction in foreshore boundaries should be minimal and not beyond flood boundaries. | |



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|  | |  <p>Overland flow paths</p> <ul style="list-style-type: none">FlowingUnsafe and/or ErosiveFlood risk <p>Yakamia Creek Flood Study (2003)</p> <p>It is recommended that the structure plan is changed to illustrate a marginally reduced foreshore boundary to follow the floodplain boundary</p> |
| | <p>Management of foreshore</p> <ol style="list-style-type: none">Given the manner in which the Yakamia creek area is likely to be developed, i.e. in a piecemeal manner over many years, it is suggested the City access funding from State or Federal sources to prepare an overall foreshore management plan, which landholders can use for maintenance. | <p>Management of foreshore</p> <ol style="list-style-type: none">South Coast Natural Resource Management in partnership with the Oyster Harbour Catchment Group developed a foreshore management plan for the Yakamia Creek. The aims of this management plan are to:<ul style="list-style-type: none">Provide recommendations on appropriate management of Yakamia Creek/ drain by private landholders, the City of Albany and State Government agencies.Identify, and propose solutions for, key problem areas and issues.Inform environmental rehabilitation priorities for natural resource management stakeholders, the City of Albany and State Government agencies.Identify the next two to five rehabilitation sites for Yakamia Creek Living Stream Projects. <p>It is recommended that the foreshore management plan is noted in the structure plan under 'Previous Reports and Studies'.</p> |
| | <p>Dual Density coding</p> <ol style="list-style-type: none">Clarification is required for density. The Western Australian Planning | <p>Dual Density coding</p> <ol style="list-style-type: none">Change elements within the structure plan such that the areas adjacent to Ulster |



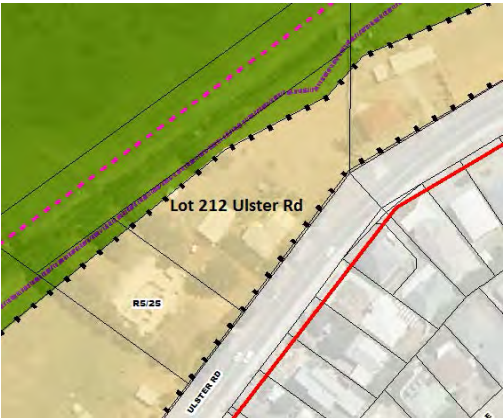
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| | | Commission failed in its bid to require a recent subdivision in the 'Yakamia Creek' zone to connect to scheme sewer. | Road can only be developed to a minimum lot size of 3000m ² (deep sewer not required), being consistent with current scheme requirements. |
| | | Public Open Space Contribution 1. A POS contribution was not required for a recent subdivision in the 'Yakamia Creek' zone. | Public Open Space Contribution 1. Change the structure plan such that a contribution for POS is not required for properties adjacent to Ulster Road. |
| | | Fire 1. Retention of all vegetation is a concern from a fire hazard perspective. Retention of vegetation places onus on landholders to develop buildings to a higher standard and for City to manage fuel loads. | Fire 2. Noted. The protection of riparian vegetation takes priority over clearing to accommodate development (refer to Regulation 5 of the <i>Environmental Protection Regulations 2004</i>). Development within 100m of the fire prone vegetation will need to accommodate a building protection zone, hazard separation measures and ember and flame attack measures. Recommend highlighting on the structure plan, areas subject to fire risk. |
| | | Servicing 1. Servicing in the area is unclear, particularly in relation to deep sewer. | Servicing 1. Areas adjacent to Bond Road are required to connect to deep sewer (more than one dwelling). Areas adjacent to Ulster Road (south side of Yakamia Creek) are not required to connect to deep sewer. |
| 19 | Lot 11 Mercer Road  | Foreshore Buffer 1. As the creek runs through the neighbouring property (40-70m away) to the south, it is considered unnecessary for any land to be given up as foreshore. | Foreshore Buffer 1. Uphold. Modify foreshore boundary to follow southern property boundary. This is consistent with previous planning assessments undertaken at the subdivision stage. |
| | | Public Open Space Contribution 1. A 10% POS contribution is unnecessarily onerous if developed to a density of R5. | Public Open Space Contribution 1. Recommend changing the density to R25. A POS contribution is required for an R25 density (<i>Planning and Development Act 2005</i>). |
| | | Fire 1. Retention of all vegetation is a concern from a fire hazard perspective. Retention of vegetation places onus on landholders to develop buildings to a higher standard and for City to manage fuel loads. | Fire 1. Noted. The protection of riparian vegetation takes priority over clearing to accommodate development (refer to Regulation 5 of the <i>Environmental Protection Regulations 2004</i>). Development within 100m of the fire prone vegetation will need to accommodate a building protection zone, hazard separation measures and ember and flame attack measures. Recommend highlighting on the structure plan, areas subject to fire risk. |
| | | Dual Density coding 1. Clarification is required for density. If there is a choice and some land is developed at an R5 density, then the viability of developing to a higher density is likely to be affected. | Dual Density coding 1. Recommend changing the density to R25 in keeping with Department of Planning comment. |
| | | Management of foreshore 1. Given the manner in which the Yakamia creek area is likely to be developed, i.e. in a piecemeal manner over many years, it is suggested the City access funding from State or Federal sources to prepare an overall foreshore management plan, which landholders can use for maintenance. | Management of foreshore 1. South Coast Natural Resource Management in partnership with the Oyster Harbour Catchment Group is developing a foreshore management plan for the Yakamia Creek. The aims of this management plan are to: <ul style="list-style-type: none">• Provide recommendations on appropriate management of Yakamia Creek/ drain by private landholders, the City of Albany and State Government agencies.• Identify, and propose solutions for, key problem areas and issues.• Inform environmental rehabilitation priorities for natural resource management stakeholders, the City of Albany and State Government agencies.• Identify the next two to five rehabilitation sites for Yakamia Creek Living Stream Projects. It is recommended that the foreshore management plan is noted in the structure plan under 'Previous Reports and Studies'. |
| 20 | Lot 16 Mercer Road | Framework 1. Given the fragmented nature of landholdings within Yakamia, the presentation | Framework 1. Provide additional information within the structure plan around the provision and |

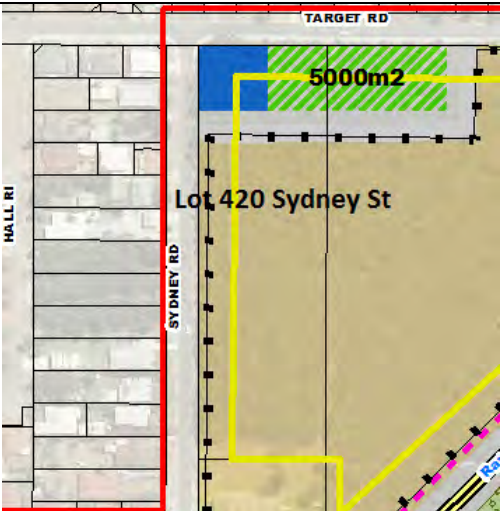

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| |  | <p>of an overall structure plan is required to provide a framework to coordinate the provision and arrangement of future land use, subdivision and development, staging, servicing, transport networks, public open space, foreshore reserves and urban water management.</p> <p>Development Potential</p> <ol style="list-style-type: none"> The excessive designation of foreshore reserve within the precinct is likely to deter landholders from proceeding to develop their land, which in turn could complicate cooperation and coordination of servicing in the area. <p>Servicing</p> <ol style="list-style-type: none"> It is unclear how sewer will be provided and staged. Further information at Plan 26 would assist in demonstrating how development can be staged. | <p>arrangement of future land use, subdivision and development, staging, servicing, transport networks, public open space, foreshore reserves and urban water management.</p> <p>Development Potential</p> <ol style="list-style-type: none"> Recommend reducing areas designated as 'Foreshore Protection and Enhancement' to comply with characteristics of the land (e.g. topography) and water (e.g. flow and flooding characteristics). <p>Servicing</p> <ol style="list-style-type: none"> Provide additional information to demonstrate potential staging of development. |
| 21 | <p>Lot 17 Mercer Road</p>  | <p>Foreshore Buffer</p> <ol style="list-style-type: none"> As a drainage line does not pass through the property, it is considered that there is no valid reason for any foreshore reserve to be taken from Lot 17. <p>Development Potential</p> <ol style="list-style-type: none"> The excessive designation of foreshore reserve within the precinct is likely to deter landholders from proceeding to develop their land, which in turn could complicate cooperation and coordination of servicing in the area. <p>Servicing</p> <ol style="list-style-type: none"> It is unclear how sewer will be provided and staged. Further information at Plan 26 would assist in demonstrating how development can be staged. | <p>Foreshore Buffer</p> <ol style="list-style-type: none"> Recommend modifying foreshore boundary outside of subject property. <p>Development Potential</p> <ol style="list-style-type: none"> Recommend reducing areas designated as 'Foreshore Protection and Enhancement' to comply with characteristics of the land (e.g. topography) and water (e.g. flow and flooding characteristics). <p>Servicing</p> <ol style="list-style-type: none"> Provide additional information to demonstrate potential staging of development. |
| 22 | <p>Lot 18 Catalina Road</p>  | <p>Foreshore Buffer</p> <ol style="list-style-type: none"> Given the creek only runs on a seasonal basis, the extent of foreshore reserve is considered unnecessarily extensive. The fact that the foreshore is proposed to be used for active public open space is contrary to the intent of the Town Planning Act. If part of it is to be used for POS then it should be designated as such, not as foreshore reserve. <p>Power Station</p> <ol style="list-style-type: none"> The power station designated on the neighbouring property should only be contemplated as a last resort and should accommodate a buffer within its own property boundaries. <p>Servicing</p> <ol style="list-style-type: none"> It is unclear how sewer will be provided and staged. Further information at Plan 26 would assist in demonstrating how development can be staged. | <p>Foreshore Buffer</p> <ol style="list-style-type: none"> Recommend modifying foreshore boundary to comply with characteristics of the land (e.g. topography) and water (e.g. flow and flooding characteristics). <p>Power Station</p> <ol style="list-style-type: none"> Recommend changing the structure plan such that the power station accommodates a buffer within its own property boundaries. <p>Servicing</p> <ol style="list-style-type: none"> Provide additional information to demonstrate potential staging of development. |
| 23 | <p>Lot 28 Sydney Street</p> | Costs incurred to Subdivide | Costs incurred to Subdivide |

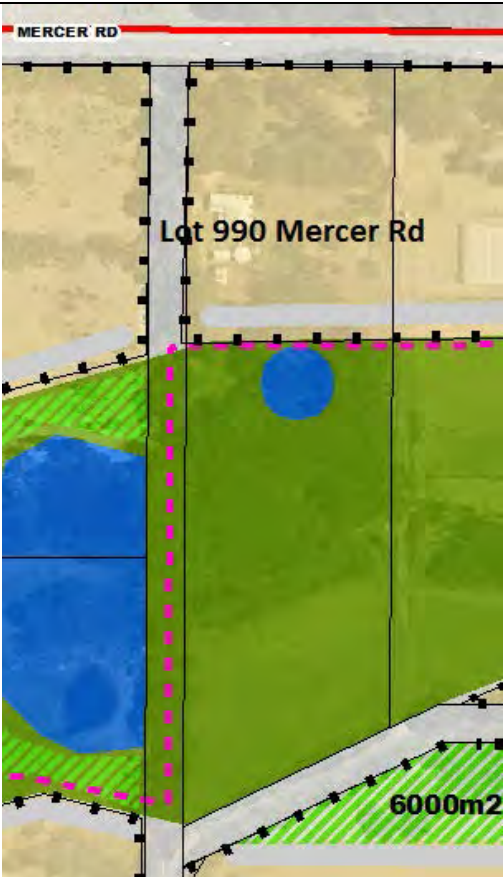
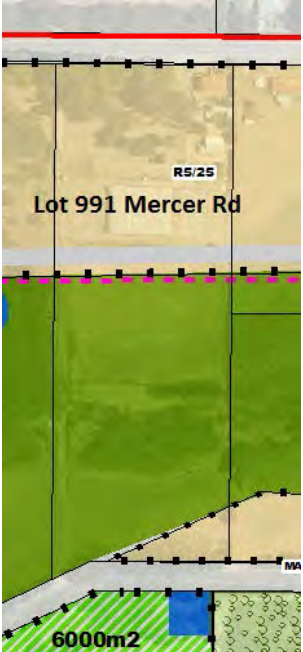
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| |  | 1. Costs expected from subdivision are excessive. More information needs to be provided to explain what ratepayers may expect from costs incurred from subdividing. | 1. Provide additional information to explain what costs landholders may expect as a result of subdivision. |
| 24 | Lot 82 Bond Road  | Future Urban Zone 1. Strongly object to any environmental protection measures base on the zoning of Future Urban. I was led to believe that the property could be developed with block sizes of 450-700m ² . | Future Urban Zone 1. Dismiss. The property in question has been designated for urban development (R25). An area consisting of a foreshore with riparian vegetation exists and is required to be protected in accordance with state requirements. The subject area contains habitat for threatened species and therefore an application to clear vegetation may need to be made to the Commonwealth in accordance with the <i>Environmental Protection and Biodiversity Conservation Act</i> . |
| 25 | Lot 87 Ulster Road | Foreshore Buffer 1. A 30m buffer either side of the creek should be used as the benchmark for this section of creek. This is the norm for the area. The designation of a foreshore reserve down the eastern boundary is considered unnecessary given the distance from the creek. Plan 16 of the structure plan demonstrates how filling and building is acceptable within the flood fringe. This appears to be at odds with the excessive designation of foreshore reserve in the draft plan. The following is where we think the buffer should be: | Foreshore Buffer 1. Recommend reducing the extent of foreshore in the northern precinct based on land characteristics (topography). The foreshore boundary in the southern precinct of the subject lot is to stay the same due to flood characteristics. |


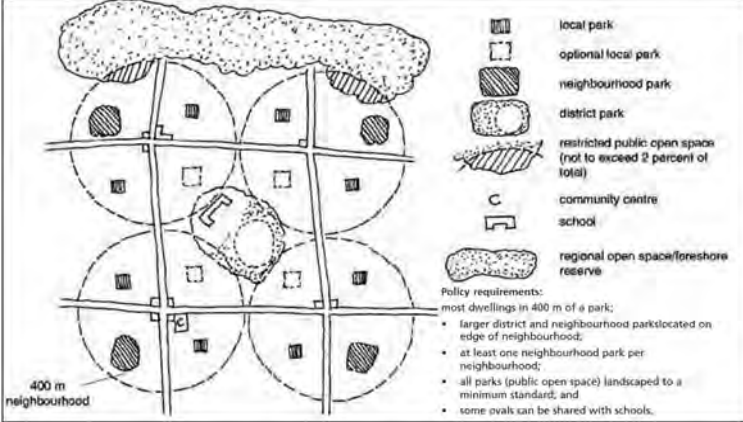
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| | | Sewer/Density/POS 1. The majority of subdivision in this locality is choosing to develop larger un-sewered lots which will make the R25 option increasingly unlikely. | Sewer/Density/POS 1. Recommend changing the structure plan as follows: <ul style="list-style-type: none">• The minimum size for properties adjacent to Ulster Road is 3000m², which is in keeping with scheme provisions for the Yakamia Creek zone.• Deep sewer and a contribution for POS is not required for this area.• Areas to the north of the foreshore adjacent to Bond Road are to be developed to an R25 density (subject to connecting to deep sewer and providing a POS contribution). |
| 26 | Lot 372 Catalina Road  | Range Road Alignment 1. Range Road needs to be moved further into 'sub station' land for a better buffer to our home. | Range Road Alignment 1. Range Road has been aligned to comply with an endorsed structure plan (Catalina Structure Plan). The alignment for range Road will be defined by an engineer at the subdivision stage (refer to following endorsed Catalina Structure Plan showing endorsed road reserve):  |
| 27 | Lot 102 Ulster Road | Foreshore | Foreshore |

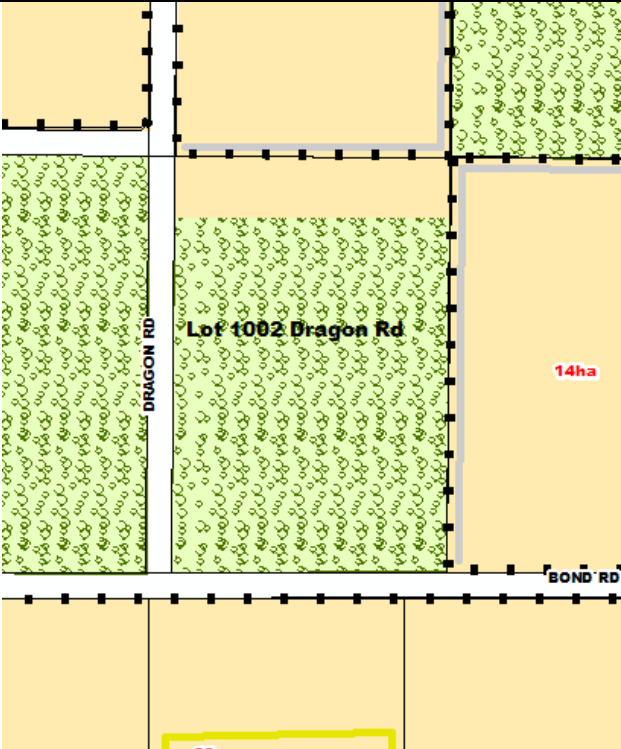
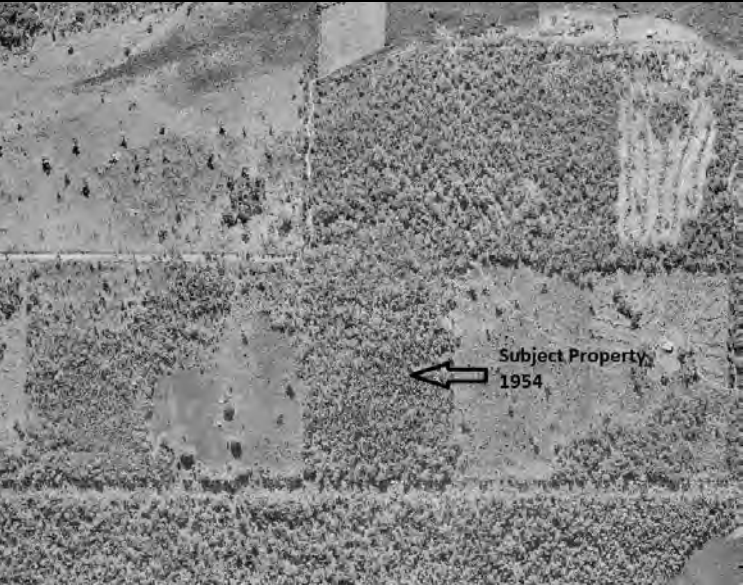

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| |  | 1. A recent outcome of a State Administrative Tribunal decision designated 18% of the subject property for drainage, as opposed to 68% designated as foreshore under the draft structure plan. The width of the foreshore should be approximately 66m, which is consistent with other areas. | 1. Recommend maintaining foreshore in keeping with flood boundaries and riparian vegetation. |
| | | Drainage 1. The structure plan shows a large drainage basin within the foreshore area. Where drainage basins are required on an owners land over and above their own requirement, then it is fair that they be compensated. | Drainage 1. Recommend removing drainage basin from floodplain. |
| | | Management 1. Where possible, makes sense for land owners to remain responsible for ongoing management of foreshore areas. | Management 1. Where land is subdivided, areas designated foreshore, are to be ceded to the Crown and managed by the City. The South Coast Natural Resource Management in partnership with the Oyster Harbour Catchment Group is developing a foreshore management plan for the Yakamia Creek. The aims of this management plan are to: <ul style="list-style-type: none">• Provide recommendations on appropriate management of Yakamia Creek/ drain by private landholders, the City of Albany and State Government agencies.• Identify, and propose solutions for, key problem areas and issues.• Inform environmental rehabilitation priorities for natural resource management stakeholders, the City of Albany and State Government agencies.• Identify the next 2 to 5 rehabilitation sites for Yakamia Creek Living Stream Projects. It is recommended that the foreshore management plan is noted in the structure plan under 'Previous Reports and Studies'. |
| | | Sewer 1. Further clarification is required on the potential to provide scheme sewer. | Sewer 1. The structure plan is to be modified to state that connection to deep sewer is not mandatory for properties fronting Ulster Road. |
| | | POS 1. Concern is also raised in relation to the requirement to provide cash-in-lieu in addition to ceding land free of cost for foreshore reserve. | POS 1. Recommend changing the structure plan such that POS as land or cash-in-lieu is not necessary for properties fronting Ulster Road. |
| 28 | Lot 152 Ulster Road  | Foreshore 1. The extent of foreshore illustrated is excessive. A 30m buffer either side of the creek should be used as the benchmark for this section of creek. Given the manner in which the Yakamia creek area is likely to be developed, ie in a piecemeal manner over many years, it is suggested the City access funding from State or Federal sources to prepare an overall foreshore management plan, which landholders can use for maintenance. | Foreshore 1. Recommend maintaining foreshore in keeping with flood boundaries and riparian vegetation. |
| | | Deep Sewer/Density/POS 1. Insufficient information is provided regarding the ability to provide deep sewer. Clarification is required for density. If there is a choice and some land is developed at an R5 density, then the viability of developing to a higher density is likely to be affected. Concern is also raised in relation to the requirement to provide cash-in-lieu in addition to ceding land free of cost for foreshore reserve. | Deep Sewer/Density/POS 1. Recommend changing the density for properties adjacent to Ulster Road to minimum lot size of 3000m ² in keeping with scheme provisions for the Yakamia Creek zone. Connection to deep sewer and a contribution for POS is not required for this area. Areas to the north of the foreshore adjacent to Bond Road are to be developed to an R25 density (subject to connecting to deep sewer and providing a POS contribution). |
| 29 | Lot 201 Ulster Road | Foreshore 1. The extent of foreshore illustrated is excessive. A 30m buffer either side of the creek should be used as the benchmark for this section of creek. | Foreshore 1. Recommend maintaining foreshore in keeping with flood boundaries and riparian vegetation. |
| | | Management 1. Consideration should be given to ongoing management costs for the City who would be responsible for managing significant areas of reserve. Given the manner in which the Yakamia creek area is likely to be developed, ie in a | Management 2. Where land is subdivided, areas designated foreshore, are to be ceded to the Crown and managed by the City. The South Coast Natural Resource Management in partnership with the Oyster Harbour Catchment Group is developing a foreshore |

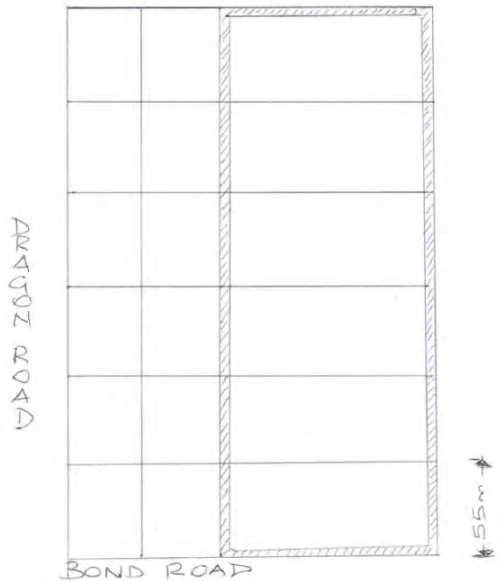


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| |  | piecemeal manner over many years, it is suggested the City access funding from State or Federal sources to prepare an overall foreshore management plan, which landholders can use for maintenance. | <p>management plan for the Yakamia Creek. The aims of this management plan are to:</p> <ul style="list-style-type: none"> • Provide recommendations on appropriate management of Yakamia Creek/ drain by private landholders, the City of Albany and State Government agencies. • Identify, and propose solutions for, key problem areas and issues. • Inform environmental rehabilitation priorities for natural resource management stakeholders, the City of Albany and State Government agencies. • Identify the next 2 to 5 rehabilitation sites for Yakamia Creek Living Stream Projects. <p>It is recommended that the foreshore management plan is noted in the structure plan under 'Previous Reports and Studies'.</p> |
| | | <p>Density/POS</p> <p>1. Clarification is required for density. If there is a choice and some land is developed at an R5 density, then the viability of developing to a higher density is likely to be affected. Concern is also raised in relation to the requirement to provide cash-in-lieu in addition to ceding land free of cost for foreshore reserve.</p> | <p>Density/POS</p> <p>1. Recommend changing the density for properties adjacent to Ulster Road to minimum lot size of 3000m² in keeping with scheme provisions for the Yakamia Creek zone.</p> <p>Connection to deep sewer and a contribution for POS is not required for this area.</p> <p>Areas to the north of the foreshore adjacent to Bond Road are to be developed to an R25 density (subject to connecting to deep sewer and providing a POS contribution).</p> |
| 30 | <p>Lot 5 Mercer Road</p>  | <p>Water Supply</p> <p>1. The draft plan would impact on our current water supply. We would lose our dam which is used to provide water to our livestock and gardens.</p> | <p>Water Supply</p> <p>1. Recommend modifying the structure to show the foreshore boundary following the cadastre boundary.</p> |
| 31 | <p>Lot 212 Ulster Road</p>  | <p>Subdivision</p> <p>1. Neighbouring properties have rights of carriage over Lot 212 Ulster Road. The carriageway is 5m wide and any further subdivision and subsequent increased traffic will be unsafe due to poor line of site and impact on the amenity of our land.</p> | <p>Subdivision</p> <p>1. Recommend modifying the structure plan to limit the amount of subdivision to 3000m² lots in keeping with current scheme requirements.</p> |
| 32 | <p>Lot 420 Sydney Street</p> | <p>Referral to Commonwealth</p> <p>1. We are concerned regarding the label applied to our land being: 'Referral to Commonwealth'.</p> | <p>Referral to Commonwealth</p> <p>1. Species listed as being threatened in the <i>Environment Protection and Biodiversity Act 1999</i> have been known to inhabit the area.</p> <p>Include additional information within the structure plan to explain environmental issues.</p> |

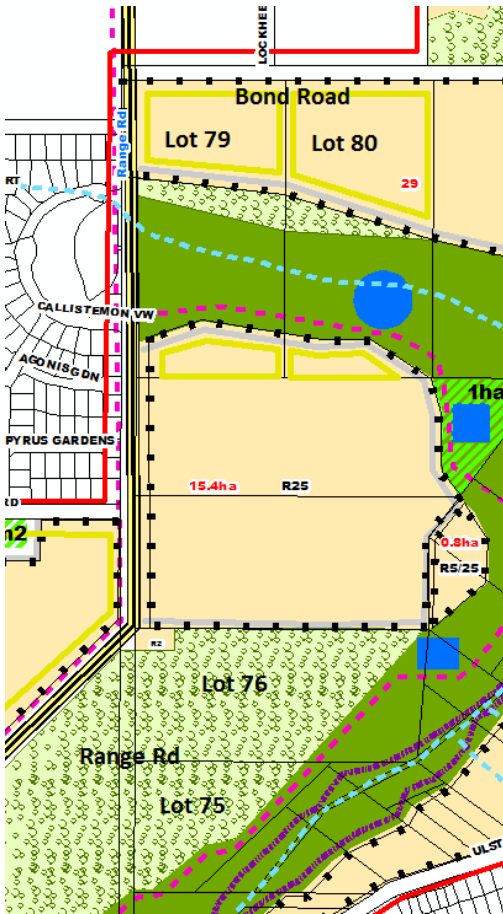

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| |  | | <p>An overview of the Environment Protection and Biodiversity Act 1999, written by the Australian, Department of the Environment and Heritage states:</p> <p><i>If a developer is proposing to take action (e.g. clearing of remnant vegetation) that is likely to have a significant impact on a matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister. An overview of the Environment Protection and Biodiversity Conservation Act 1999, written by the Australian, Department of the Environment and Heritage states:</i></p> <p><i>A person must not take an action that has, will have or is likely to have a significant impact on a matter of national environmental significance except:</i></p> <ul style="list-style-type: none"> <i>in accordance with an approval from the Commonwealth Environment Minister; or</i> <i>in accordance with an approval from another Commonwealth decision-maker under a management plan accredited by the Commonwealth Environment Minister for the purposes of a Ministerial declaration (declarations are explained on p.7); or</i> <i>in accordance with an approval from a State in accordance with a management plan accredited by the Commonwealth Environment Minister for the purposes of a bilateral agreement (bilateral agreements are explained on p.7).</i> <i>The unlawful taking of an action that has a significant impact on a matter of national environmental significance may attract a civil penalty of up to \$5.5 million or a criminal penalty of up to 7 years imprisonment.</i> <p><i>The Act provides for the listing of:</i></p> <ul style="list-style-type: none"> <i>nationally threatened native species and ecological communities;</i> <i>internationally protected migratory species; and</i> <i>marine species.</i> |
| 33 | <p>Lot 541 Mercer Road</p>  | <p>Structure Plan</p> <p>1. We are very much in favour of the plan.</p> | <p>Structure Plan</p> <p>1. Noted.</p> |
| 34 | <p>Lot 990 Mercer Road</p> | <p>Foreshore Buffer</p> <p>1. Give this is a tributary, the extent of foreshore is extreme. The area of foreshore shown also includes a cleared area adjacent to Mason Road. The foreshore should only be 10m either side of the creek.</p> | <p>Foreshore Buffer</p> <p>1. A site visit was conducted to confirm location of riparian vegetation and extent of topographies. Recommend modifying the foreshore boundaries in accordance with characteristics of the area.</p> |
| | | <p>Public Open Space Contribution/Density</p> <p>1. A 10% POS contribution is unnecessarily onerous if developed to a density of R5. Clarification is required for density. If there is a choice and some land is developed at an R5 density, then the viability of developing to a higher density is likely to be affected.</p> | <p>Public Open Space Contribution</p> <p>1. Recommend changing the density to R25, meaning POS will need to be provided as land or cash in lieu.</p> |

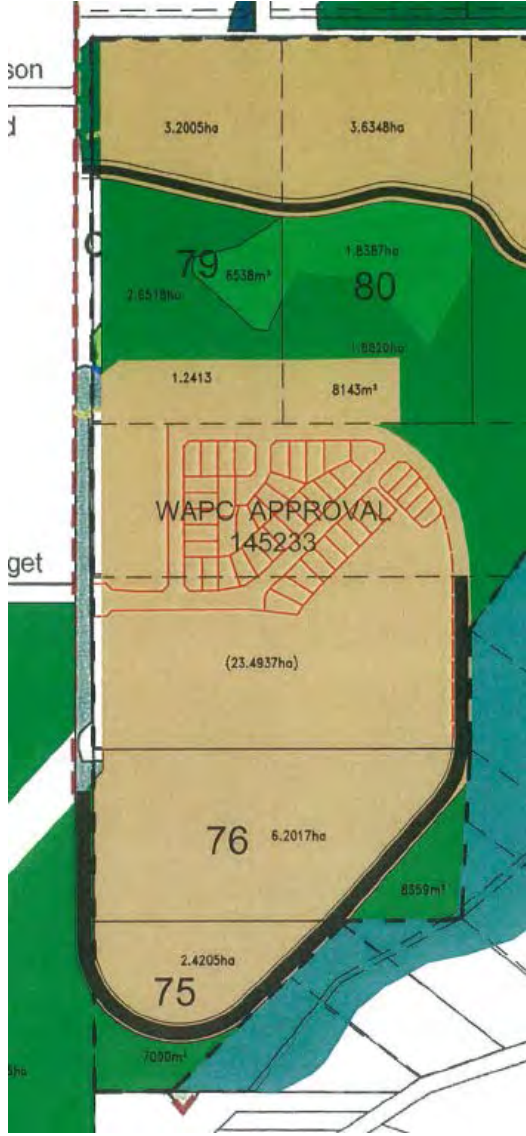
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| |  | <p>Fire</p> <ol style="list-style-type: none"> Retention of all vegetation is a concern from a fire hazard perspective. Retention of vegetation places onus on landholders to develop buildings to a higher standard and for City to manage fuel loads. | <p>Fire</p> <ol style="list-style-type: none"> Noted. The protection of riparian vegetation generally takes priority over clearing to accommodate development (refer to Regulation 5 of the <i>Environmental Protection Regulations 2004</i>). Development within 100m of the fire prone vegetation will need to accommodate a building protection zone, hazard separation measures and ember and flame attack measures. Recommend highlighting on the structure plan, areas subject to fire risk. |
| 35 | <p>Lot 991 Mercer Road</p>  | <p>Foreshore Buffer</p> <ol style="list-style-type: none"> Given this is a tributary, the extent of foreshore is extreme. The area of foreshore shown also includes a cleared area adjacent to Mason Road. The foreshore should only be 10m either side of the creek. <p>Public Open Space Contribution/Density</p> <ol style="list-style-type: none"> A 10% POS contribution is unnecessarily onerous if developed to a density of R5. Clarification is required for density. If there is a choice and some land is developed at an R5 density, then the viability of developing to a higher density is likely to be affected. <p>Fire</p> <ol style="list-style-type: none"> Retention of all vegetation is a concern from a fire hazard perspective. Retention of vegetation places onus on landholders to develop buildings to a higher standard and for City to manage fuel loads. | <p>Foreshore Buffer</p> <ol style="list-style-type: none"> Recommend changing the foreshore boundary to align with land characteristics (topography) and neighbouring property designations. <p>Public Open Space Contribution/Density</p> <ol style="list-style-type: none"> Recommend changing the density to R25, meaning POS will need to be provided as land or cash in lieu. <p>Fire</p> <ol style="list-style-type: none"> Noted. The protection of riparian vegetation takes priority over clearing to accommodate development (refer to Regulation 5 of the <i>Environmental Protection Regulations 2004</i>). Development within 100m of the fire prone vegetation will need to accommodate a building protection zone, hazard separation measures and ember and flame attack measures. Recommend highlighting on the structure plan, areas subject to fire risk. |
| 36 | <p>Lot 996 Dragon Road</p> | <p>Fire</p> <ol style="list-style-type: none"> Object to the plan on the grounds of the bushfire risk, the result of vegetation protection. | <p>Fire</p> <ol style="list-style-type: none"> Noted. The protection of riparian vegetation takes priority over clearing to accommodate development (refer to Regulation 5 of the <i>Environmental Protection Regulations 2004</i>). Development within 100m of the fire prone vegetation will need to accommodate a building protection zone, hazard separation measures and ember and flame attack measures. Recommend highlighting on the structure plan, areas subject to fire risk. |


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| |  | <p>POS</p> <p>1. Public Open Space being taken off some blocks and not others.</p> | <p>POS</p> <p>1. A minimum contribution of 10% of a gross subdivisional area must be given up free of cost by the developer/subdivider as land for public parkland and/or as cash to be used to develop public parkland and associated facilities.</p> <p>The Western Australian Planning Commission's <i>Liveable Neighbourhoods</i> 'Public Open Space Model' accomplishes at least two local parks and one neighbourhood park per 400m radius (neighbourhood). A district park is recommended for every four neighbourhoods.</p>  |
| | | <p>Contributions/Roads</p> <p>1. Road infrastructure should be divided equally between blocks.</p> | <p>Contributions/Roads</p> <p>1. Recommend providing additional information within the structure plan to explain what costs landholders may expect as a result of subdivision. Recommend making cost contributions in accordance with the Western Australian Planning Commission's <i>State Planning Policy 3.6 – Development Contributions for Infrastructure</i>. This Policy has been developed to:</p> <ul style="list-style-type: none"> Promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development; Ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided; Ensure consistency and transparency in the system for apportioning, collecting and spending development contributions; Ensure the social well-being of communities arising from, or affected by, development. |
| | | <p>Substation</p> <p>1. Disagree with a substation near a proposed school.</p> | <p>Substation</p> <p>1. Western Power has retained the need to develop its site owned at Lot 36 Catalina Road, Albany for substation purposes within a 10-25 year period.</p> |
| 37 | Lot 1002 Dragon Road | <p>Condition of Vegetation</p> <p>1. The subject property was originally cleared and is not natural bush.</p> | <p>Condition of Vegetation</p> <p>1. Aerial photographs going back 19 years and 64 years (1954 and 1996) illustrate vegetation over the subject property. Twenty year old regrowth is deemed to be remnant.</p> |

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| | <p>Bush Blocks</p> <p>1. We have attached a plan for what we are seeking bearing in mind conservation that the City seeks. Our plan proposes six rural lifestyle bush blocks. This would leave 57% of the property protected and vegetated.</p> | <p>Bush Blocks</p> <p>1. Noted. The Office of the Environmental Protection Authority has recommended protection of the vegetation at the subject property. Recommend including the following notation within the structure plan:</p> <p><i>If a proposal is lodged for a property designated for private conservation, and it appears that the proposal is likely to have a significant effect on the environment, the local government will refer the proposal to the Environmental Protection Authority.</i></p> <p><i>If a developer is proposing to take action (e.g. clearing of remnant vegetation) in a designated private conservation area that is likely to have a significant impact on a matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister prior to taking any action.</i></p> |

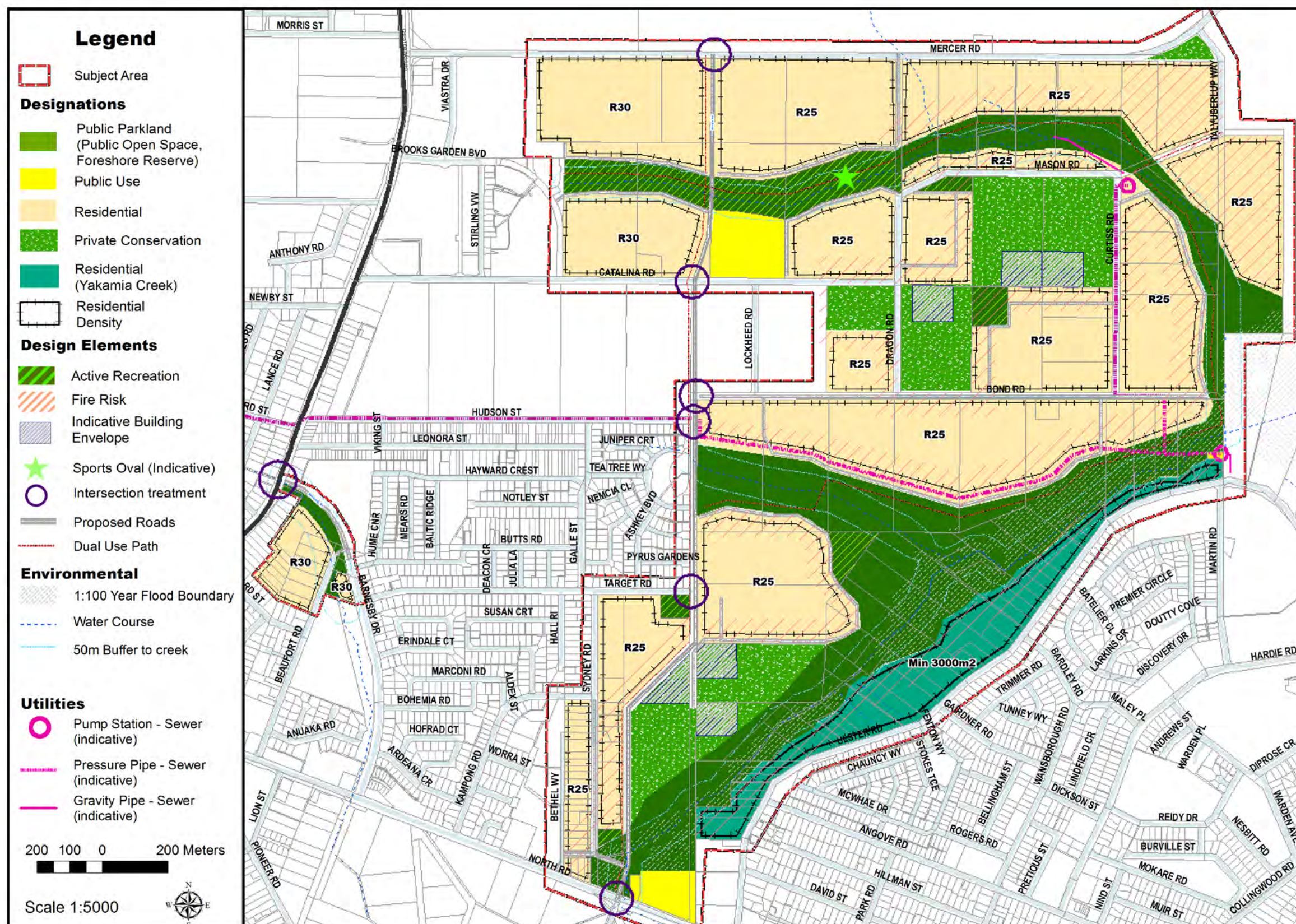
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| 38 | Lots 77 and 78 Range Rd and Lot 81 Bond Rd |  | <div><div>Foreshore/POS<ol style="list-style-type: none">The landholder objects land shown as foreshore (Lot 78), which has previously been given up as a condition of subdivision for POS. The structure plan then requires a cash contribution for POS, in addition to the foreshore being given up. This is not considered justifiable. Object to just under half of Lot 81 being designated for a foreshore reserve. The excessive foreshore makes it extremely unlikely that the land can be economically developed.</div><div>Local Centre<ol style="list-style-type: none">A local centre needs to be identified at the intersection of Target Road and Range Road to service the predominantly residential area.</div><div>Vegetation<ol style="list-style-type: none">It is unclear as to what criteria is used to determine whether or not to protect vegetation (e.g. vegetation that's poorly represented in the region, vegetation deemed to be in good to excellent condition and/or vegetation associated with Conservation Category wetland). An effective balance of development versus protecting vegetation needs to be achieved to enable development to occur.</div></div> <div><div>POS<ol style="list-style-type: none">A site visit has concluded that the areas shown as foreshore have characteristics of a foreshore. A 'foreshore' is defined as; "land adjoining or directly influencing a body of water that is managed to protect waterway and riparian values" (<i>Water and Rivers Commission Foreshore Policy 1 2002</i>). The land is low lying and adjacent to a creek. The soil is wet under foot in the winter months and the vegetation includes Taxandria (Heath), which occurs in soil (clay loam) common to wet areas. Recommend keeping the foreshore designations in keeping with characteristics. Recommend keeping POS designation in keeping with previous Western Australian Planning Commission subdivision approval.</div><div>Local Centre<ol style="list-style-type: none">Recommend not identifying a local centre until such time that a review of the <i>Albany Local Planning Strategy</i> is completed. This strategy will consider planning criteria around defining the appropriate location of commercial centres.</div><div>Vegetation<ol style="list-style-type: none">Noted. Vegetation throughout the area is in good to excellent condition. The vegetation forms corridors, provides habitat to flora and is visually appealing. In accordance with Local Planning Scheme 1 (Clause 5.3.3), the Local Government may require the protection of existing vegetation on a site to: (a) Protect a vegetation community; (b) Prevent land degradation;</div></div> |

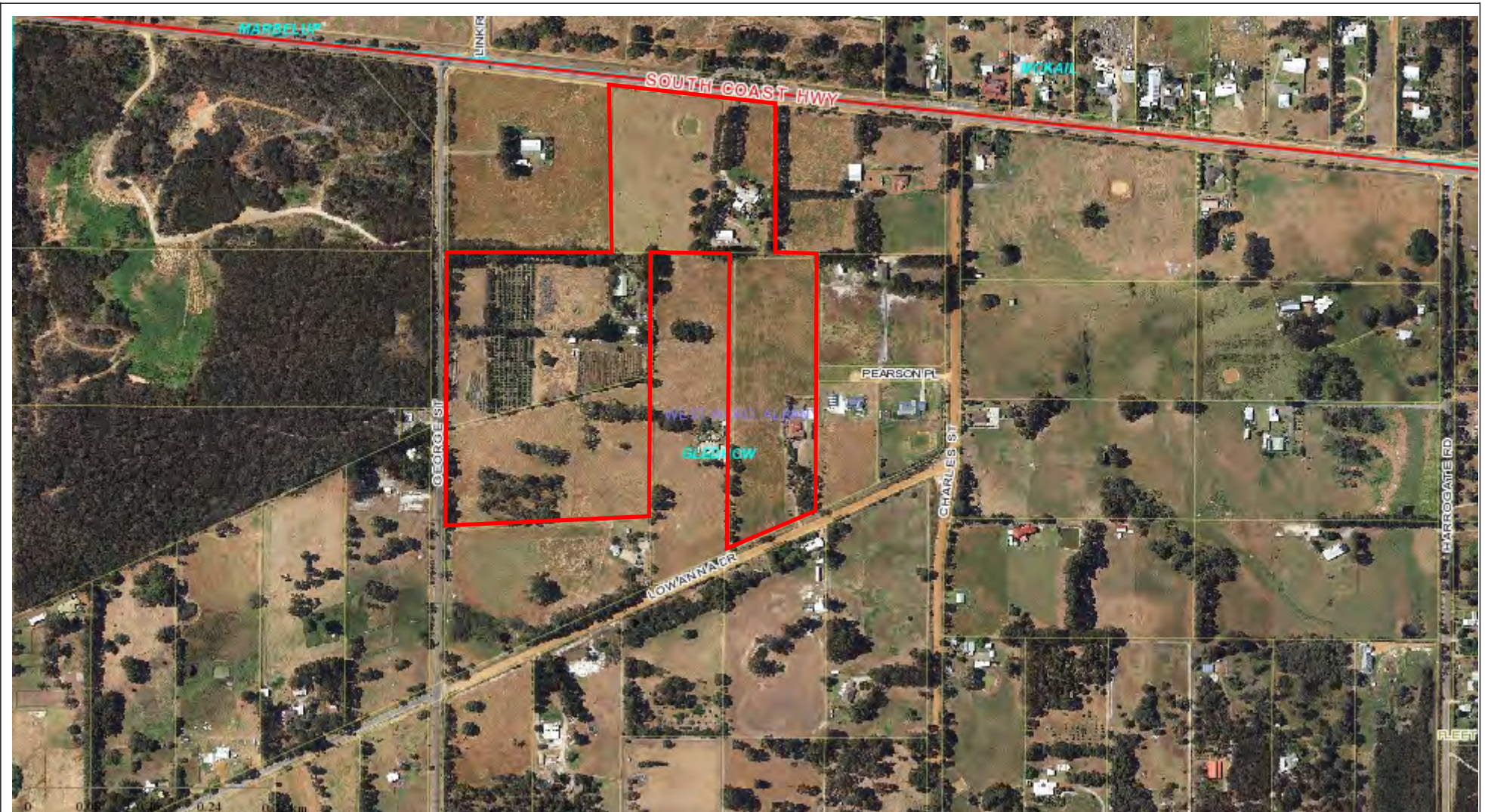
| | | <div>(c) Protect roadside vegetation;</div> <div>(d) Maintain local visual amenity and the natural setting;</div> <div>(e) Protect habitat, or a threatened species;</div> <div>(f) Assist to provide vegetated corridors to maintain fauna and flora linkages; or</div> <div>(g) Assist in the maintenance of water quality.</div> <div>The structure plan seeks to protect the vegetation in accordance with <i>Local Planning Scheme No. 1</i> and for the following reasons:</div> <div><div>• Vegetation is adjacent to foreshores;</div><div>• Vegetation forms a natural corridor with neighbouring vegetation;</div><div>• The vegetation acts as a habitat for fauna;</div><div>• Clearing of vegetation will substantially alter the character of the area and may cause land degradation such as erosion and water management issues.</div></div> | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------|--|--|-----------------|----------------------|---|------|----|---------------------|----|-----------------|----|----------------|----|------|----|------|----|----------------|----|----------------|----|------|----|------|---|
| 39 | <div>Lots 79 and 80 Bond Rd and Lots 75 and 76 Range Rd.</div> <div></div> | <div>Vegetation</div> <div>1. The <i>Albany Regional Vegetation Survey</i> (ARVS) does not give an overall conservation status or rating for vegetation units. A threshold value was used in the ARVS being:</div> <div><div>• 30% being a threshold level; and</div><div>• <10% being an endangered level.</div></div> <div>The ARVS makes the following assessment on clearing:</div> <div><div>• Units 12 and 59 – Unclear</div><div>• Unit 13, 14, 46 and 47 – <30%</div></div> <div><table><tr><th>Vegetation Code</th><th>Vegetation Unit Code</th></tr><tr><td>2</td><td>Athe</td></tr><tr><td>12</td><td>Afra/Emar/Ccal/Athe</td></tr><tr><td>13</td><td>Emar/Atra/E.sta</td></tr><tr><td>14</td><td>Booc/Esta/Afra</td></tr><tr><td>36</td><td>Glan</td></tr><tr><td>46</td><td>Eari</td></tr><tr><td>47</td><td>Hfir/Cgla/Egra</td></tr><tr><td>52</td><td>Mcut/Mpre/Alae</td></tr><tr><td>59</td><td>Tjun</td></tr><tr><td>68</td><td>Tori</td></tr></table></div> <div>Based on the ARVS assessment, clearing will take the extent of vegetation below thresholds. The impact of clearing from the subject landholdings (8-10ha) would have little impact on the percentage remaining given the extent of vegetation species remaining in the region (13,144ha).</div> <div>There is an argument that land within the City of Albany urban expansion area should be considered as a 'constrained area' as is the case for the Perth Metropolitan Region and parts of the Greater Bunbury Region. The target retention of vegetation types in constrained areas is 10%. All vegetation associations have a lot more than 10% remaining.</div> | Vegetation Code | Vegetation Unit Code | 2 | Athe | 12 | Afra/Emar/Ccal/Athe | 13 | Emar/Atra/E.sta | 14 | Booc/Esta/Afra | 36 | Glan | 46 | Eari | 47 | Hfir/Cgla/Egra | 52 | Mcut/Mpre/Alae | 59 | Tjun | 68 | Tori | <div>Vegetation</div> <div>1. Noted. The City is currently reviewing the <i>Albany Local Planning Strategy</i>, which may include criteria for clearing within a 'Constrained Area'.</div> |
| Vegetation Code | Vegetation Unit Code | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | Athe | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | Afra/Emar/Ccal/Athe | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | Emar/Atra/E.sta | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | Booc/Esta/Afra | | | | | | | | | | | | | | | | | | | | | | | | |
| 36 | Glan | | | | | | | | | | | | | | | | | | | | | | | | |
| 46 | Eari | | | | | | | | | | | | | | | | | | | | | | | | |
| 47 | Hfir/Cgla/Egra | | | | | | | | | | | | | | | | | | | | | | | | |
| 52 | Mcut/Mpre/Alae | | | | | | | | | | | | | | | | | | | | | | | | |
| 59 | Tjun | | | | | | | | | | | | | | | | | | | | | | | | |
| 68 | Tori | | | | | | | | | | | | | | | | | | | | | | | | |

| | | |
|--|---|---|
| | <p>The EPA's <i>Environmental Protection Bulletin No. 13</i> states that for the quantitative determination of the impact of clearing on vegetation in the Albany region, the Vegetation Association data contained in Shepherd et al. 2002 and DAFWA 2005 should be used. On that basis the clearing of vegetation on the Ardross Yakamia landholdings would not impact on the 30% retention target for vegetation associations that occur on land.</p> | |
| | <p>Proposal</p> <p>1. We believe the structure plan is not a viable plan for development but rather a plan for vegetation protection. We contend that the process to get to where we are was not sufficiently inclusive of landowners. The following is a concept plan proposed for the development and conservation for Lots 79 and 80 Bond Rd and Lots 75 and 76 Range Rd.</p>  | <p>Proposal</p> <p>1. Noted. The development of the structure plan involved consulting with land holders and government agencies. The structure plan seeks to find a compromise between supporting some development in environmentally constrained areas and protecting some vegetation that's in good to excellent condition, forms a corridor, acts to provide a habitat to threatened species and is visually appealing. The Office of the Environmental Protection Authority has recommended protecting vegetation. Recommend including the following notation in the structure plan:</p> <p><i>If a proposal is lodged for a property designated for private conservation, and it appears that the proposal is likely to have a significant effect on the environment, the local government will refer the proposal to the Environmental Protection Authority.</i></p> <p><i>If a developer is proposing to take action (e.g. clearing of remnant vegetation) in a designated private conservation area that is likely to have a significant impact on a matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister prior to taking any action.</i></p> |
| | <p>Additional Work</p> <p>1. Prior to finalisation of the structure plan more detailed work needs to be done on:</p> <ul style="list-style-type: none">• cost sharing arrangements for infrastructure;• 'Referral to Commonwealth' (our understanding is that structure plans are not formally assessed by the EPA, therefore referral to commonwealth is unnecessary); and | <p>Additional Work</p> <p>1. Recommend including additional information within the structure plan around cost sharing arrangements. Recommend including the following additional information within the structure plan around referral to Commonwealth.</p> <p><i>If a developer is proposing to take action (e.g. clearing of remnant vegetation) in a designated private conservation area that is likely to have a significant impact on a</i></p> |

| | | | |
|----|---|--|--|
| | | <ul style="list-style-type: none"> Determination of land designated as 'Environmental Protection and Biodiversity Conservation'. <p>2. The WAPC structure plan preparation guidelines advise that 'the local structure plan also identifies all land uses (as provided under the local planning scheme)'. Neither 'Environment Protection and Biodiversity Conservation' nor 'Foreshore Protection and Enhancement Area' are land uses identified in the Scheme as zones, reserves or anything else.</p> <p>3. It seems likely that contributions will be required from subdividers to pay for land and construction of distributor roads beyond the sites of the subdivisions themselves. In addition, the designation of whole parcels of land for conservation purposes means that the only means by which these purposes can be realistically achieved is through acquisition. For both of these reasons it appears a Development Contribution Plan is required and should be presented concurrently with the structure plan.</p> | <p><i>matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister prior to taking any action.</i></p> <p>Species listed as being threatened in the <i>Environment Protection and Biodiversity Act 1999</i> have been known to habituate the area. An overview of the <i>Environment Protection and Biodiversity Act 1999</i>, written by the Australian Department of the Environment and Heritage states:</p> <p><i>If a developer is proposing to take action (e.g. clearing of remnant vegetation) that is likely to have a significant impact on a matter of national environmental significance (e.g. Carnaby's Black Cockatoo), the developer may require approval from the Commonwealth Environment Minister. An overview of the Environment Protection and Biodiversity Conservation Act 1999, written by the Australian, Department of the Environment and Heritage states:</i></p> <p><i>A person must not take an action that has, will have or is likely to have a significant impact on a matter of national environmental significance except:</i></p> <ul style="list-style-type: none"> <i>in accordance with an approval from the Commonwealth Environment Minister; or</i> <i>in accordance with an approval from another Commonwealth decision-maker under a management plan accredited by the Commonwealth Environment Minister for the purposes of a Ministerial declaration (declarations are explained on p.7); or</i> <i>in accordance with an approval from a State in accordance with a management plan accredited by the Commonwealth Environment Minister for the purposes of a bilateral agreement (bilateral agreements are explained on p.7).</i> <i>The unlawful taking of an action that has a significant impact on a matter of national environmental significance may attract a civil penalty of up to \$5.5 million or a criminal penalty of up to 7 years imprisonment.</i> <p><i>The Act provides for the listing of:</i></p> <ul style="list-style-type: none"> <i>nationally threatened native species and ecological communities;</i> <i>internationally protected migratory species; and</i> <i>marine species.</i> |
| 40 | <p>Lot 9000 Ulster Road</p>  | <p>Foreshore</p> <p>1. Contest the proposed size of the area of land to be designated as foreshore, particularly at the northerly end of the property where the topography rises. Suggest a reserve distance of 40m to the north of the creek.</p> <p>Density/POS</p> <p>1. Please confirm density and POS requirements.</p> | <p>Foreshore</p> <p>1. A site visit clearly indicated a change in land characteristics at around a 75m distance from the edge of the creek. Land between the creek and a distance of approximately 75m is subject to characteristics of a foreshore, such as, inundation of water, erosion and clay loam soils. Recommend maintaining the designated foreshore at approximately 75m from creek on northern side.</p> <p>Density/POS</p> <p>1. Recommend changing the structure plan to show the following:</p> <ul style="list-style-type: none"> Minimum 3000m² lot development south of Yakamia Creek (connection to deep sewer not required). Connection to deep sewer is required for development on the north side of Yakamia Creek. The northern precinct may be developed to a density of R25. |

New Proposed Plan – Post Submissions





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Thursday, 20 August 2015

1:7500



Attachment 2 – Albany Local Planning Strategy Excerpts

Section 8.3.1 Strategic Settlement Direction

Section 8.3.1 *Strategic Settlement Direction* of the *Albany Local Planning Strategy 2010* (ALPS) sets the following strategic objective:

“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”

The ALPS sets out the following aims to achieve this objective:

“The ALPS aims to contain the spread of fragmented urban and rural living areas in the City by:

- *Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.*
- *Minimising the development footprint on the landscape to help protect biodiversity and the environment.*
- *Promoting energy conservation.*
- *Providing greater housing choice.*
- *Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*
- *Reducing government expenditure on servicing current and future populations.”*

Section 8.3.5 Rural Living

Section 8.3.5 *Rural Living* of the ALPS sets the following strategic objectives:

“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”

“Ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner by being located either adjacent to Albany as designated on the ALPS maps, or within existing rural townsites in accordance with Table 5 along with adequate services and community infrastructure.”

The ALPS expands on this by stating that *“The strategy’s objectives for Rural Living areas are to:*

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 4, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.”*

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 9

AYTON BAESJOU

P L A N N I N G

ABN: 15 061 140 172

11 Duke Street
Albany WA 6330
Ph 9842 2304 Fax 9842 8494

MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

| | |
|--|------------------------------------|
| LOCAL AUTHORITY: | CITY OF ALBANY |
| DESCRIPTION OF LOCAL PLANNING SCHEME: | LOCAL PLANNING SCHEME No. 1 |
| TYPE OF SCHEME: | DISTRICT SCHEME |
| SERIAL No. OF AMENDMENT: | AMENDMENT No. 9 |

PROPOSAL:

To rezone Lot 5 Lowanna Drive, Lots 9 & 110 George Street and Lot 16 South Coast Highway, Gledhow from the 'General Agriculture' zone to the 'Rural Residential' zone.

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 9

CONTENTS

1. RESOLUTION
2. REPORT
3. EXECUTION

REPORT ITEM PD094 REFERS

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

DISTRICT SCHEME

AMENDMENT No. 9

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

Rezoning Lot 5 Lowanna Drive, Lots 9 & 110 George Street and Lot 16 South Coast Highway, Gledhow from the 'General Agriculture' zone to the 'Rural Residential' zone.

Dated this _____ day of _____

CHIEF EXECUTIVE OFFICER

CITY OF ALBANY

LOCAL PLANNING SCHEME NO. 1

AMENDMENT NO. 9

Lot 5 Lowanna Drive, Lots 9 & 110 George Street and
Lot 16 South Coast Highway, Gledhow.

PLANNING REPORT

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1. INTRODUCTION

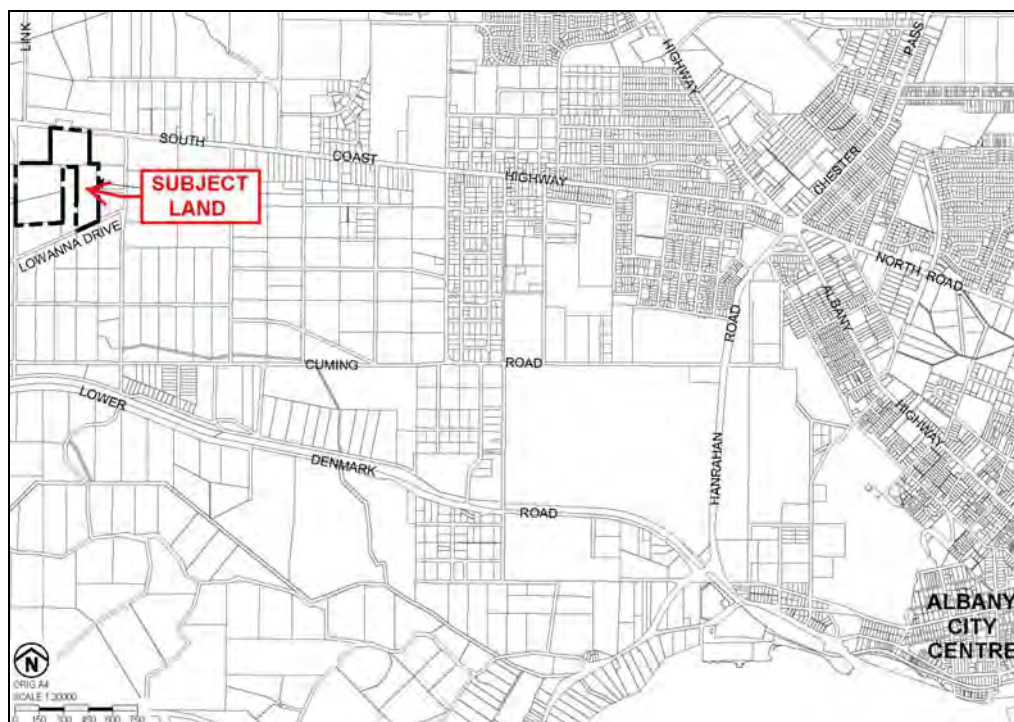
Following the designation of land located within the area bounded by Lowanna Drive, Charles Street, George Street and South Coast Highway for rural residential purposes, a number of landowners propose to rezone the land from 'General Agriculture' zone to the 'Rural Residential' zone.

The following report provides the background information, associated planning issues and justification in support of the rezoning.

2. BACKGROUND

2.1 Location, Area & Zoning

The subject land is located within the south east corner of South Coast Highway and George Street and bounded to the south by Lowanna Drive and to the east by Charles Street. The precinct is approximately 7.5km north west of the CBD. Refer Location Plan.



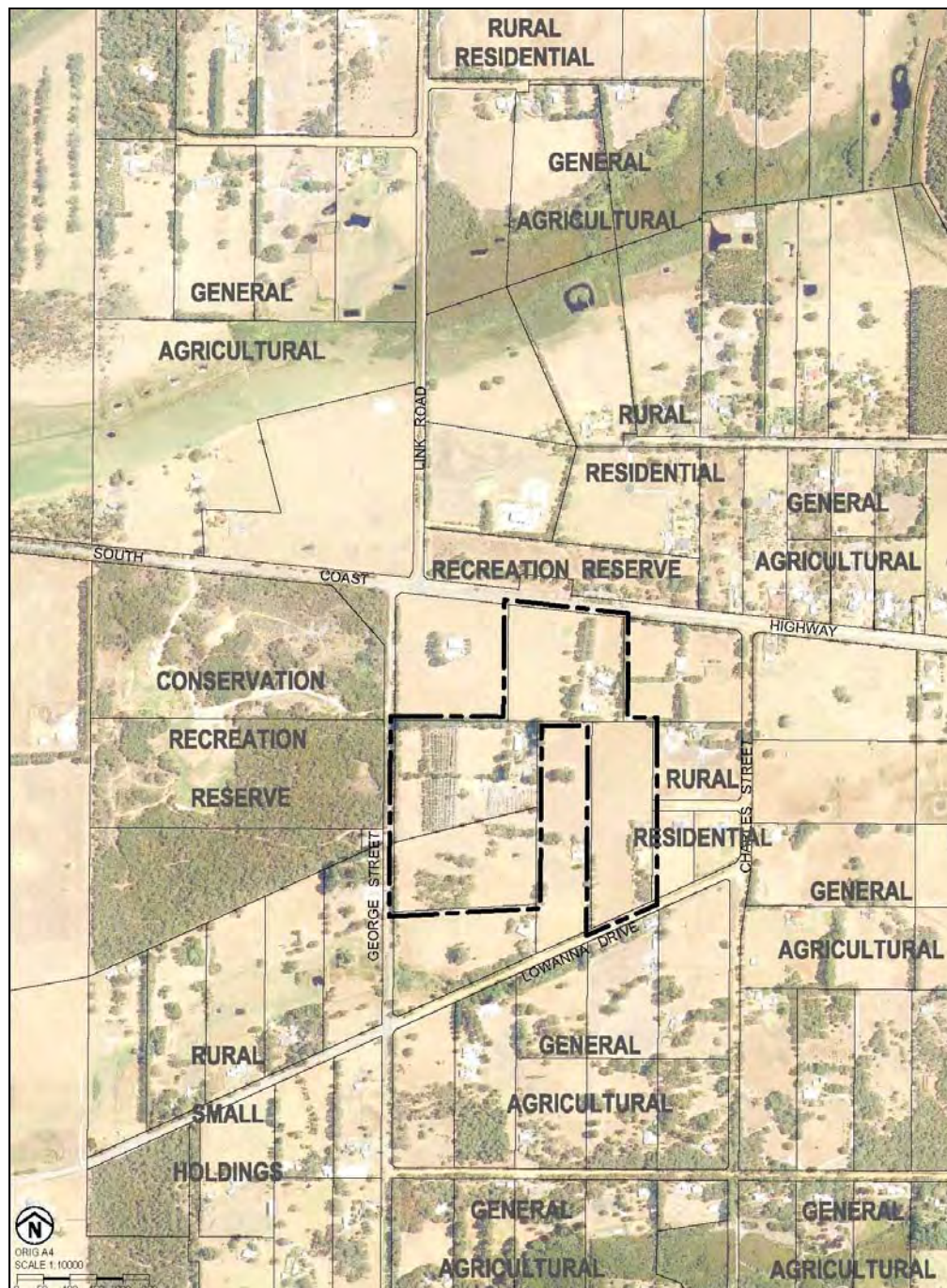
Location Plan

The precinct contains eight lots ranging in size from 4.1ha to 5.28 ha with an overall area of 31.5ha. All lots are currently zoned 'General Agriculture' under provisions of the City of Albany's Local Planning Scheme Number 1.

2.2 Surrounding Land Use and Zoning

Surrounding land use consists predominantly of rural small holdings which are used to agist cattle, sheep and horses. A reserve of the western side of George Street contains remnant vegetation and gravel excavations

In the south east corner of the precinct, approximately 4ha of land has previously been zoned 'Rural Residential' with a one hectare lot size. To the north of South Coast Highway a number of parcels of land have also been similarly zoned.



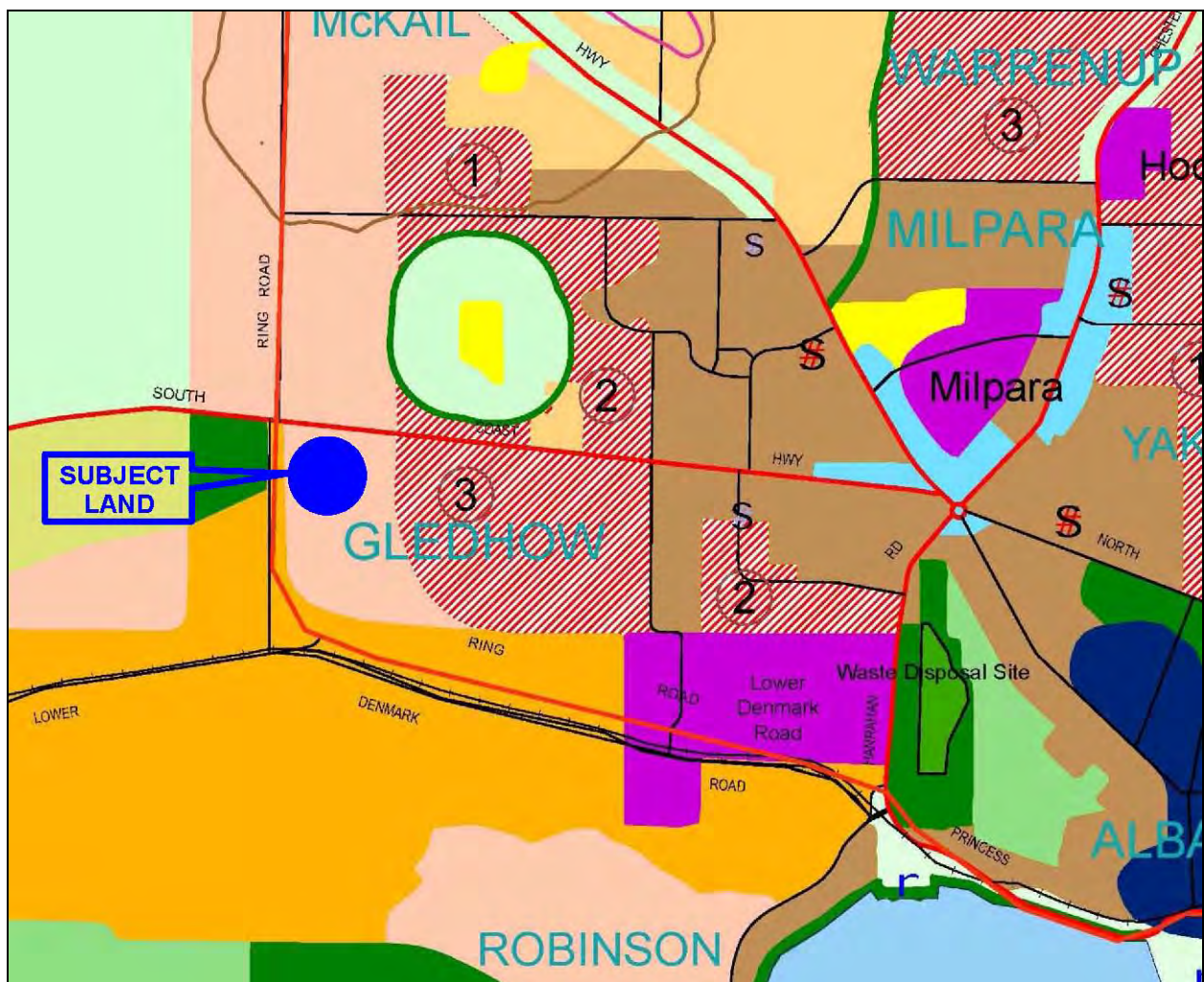
Plan – Surrounding Land Use and Zoning

3. PLANNING CONTEXT

The Albany Local Planning Strategy and Local Planning Scheme No. 1 are the key documents which guide the future development and management of the subject land.

3.1 Albany Local Planning Strategy

The Albany Local Planning Strategy (ALPS) designates the land as 'Rural Residential' and also depicts the conceptual alignment of the proposed Albany Ring Road which will run along the eastern side of Link Road and George Street.



Excerpt from Albany Local Planning Strategy Map 9B

3.2 Local Planning Scheme No. 1

The City of Albany's Local Planning Scheme No. 1 (LPSNo.1) is the statutory scheme which determines the zoning of the land within the City and provides the development control provisions relating to the various zones. Section 5.5.13 of the Scheme sets out the provisions relating to the 'Rural Residential' zone. These include provisions relating to:

- Building Design, Materials and Colours.
- Fire Protection.
- Building Envelopes.
- Fencing.
- Remnant Vegetation Protection and Clearing Controls.
- Tree Planting.
- Keeping of Animals.
- Dams, Soaks and Bores.
- Effluent Disposal.
- Water Supply.
- Electricity Supply.
- Stormwater Management and Drainage.
- Roads and Battle-axe Access.
- Notification of Prospective Purchasers.

In addition to the comprehensive list of provisions noted above, the Scheme provides for special provisions relating to proposed areas of rural residential development to be incorporated into Schedule 14 of the Scheme Text.

4. SITE DESCRIPTION

The northern portion of the precinct, predominantly Lots 15, 16 & 17 consist of a flat ridge top at 60 metres AHD which starts to fall gently to the west and south at George Street and to the south east at Charles Street. Lots 5, 110 and 9 encompass the mid slopes which fall away to the south with gentle slopes ranging from 1:14 to 1:17. The south west corner of the precinct falls moderately away to the south west at 1:12.5 to a low point of 32 metres AHD.

The area is well drained and with the exception of a minor drainage line which runs east west through the south west corner of Lot 9, there are no drainage lines, creeks or wetlands located within the area.

The whole area has been cleared and developed with pasture with only a small area of degraded parkland cleared remnant vegetation remaining on Lot 9. The only other vegetation consists of shelter belt and individual trees.

The predominant soil type within the area consists of sandy laterite gravel over deep yellow silt subsoil, which in places, have a clay induration layer in the upper 300mm. The clay enriched zone can cause reduced permeability. These soils are well known for their nutrient (particularly phosphorus) retaining qualities. They have high Phosphate Retention Indices (PRI) of 5-10 in the surface horizons and 20-50 in the sub soils.

The soils are generally suitable for conventional and alternative septic systems. Any conventional leach drains may require semi inversion and should be installed to City of Albany installation guidelines.

Table 1 below, summarises the soil properties in the area.

Table 1.

| Land Qualities | Local Soils (Dc) | Land Qualities | Local Soils (Dc) |
|--------------------------------|-----------------------------|----------------------------|-----------------------------|
| Water Erosion Risk | V Low | Soil Workability | Poor |
| Wind Erosion Risk | Mod | Nutrient Availability | Low |
| Microbial Purification Ability | Low | Nutrient Retention Ability | M High |
| Water Pollution Risk OF | Mod | Topsoil Nutrient Retention | Mod |
| Water Pollution Risk SD | Low | Moisture Availability | Mod |
| Ease of Excavation | Low | Rooting Condition | Mod |
| Inundation Risk | MH | Salinity Risk | NS |
| Flood Risk | N | Exposure Factor | Low |
| Foundation Soundness | Fair | Wind Erodibility | High |
| Slope Instability | N | Water Erodibility | Mod |
| Soil Absorption Ability | V Low | Soil Resistance | Mod |
| Subsoil Water Retention | High | Rain Acceptance | Mod |

Source: COA Environmental Report 1992 – AGC Woodward-Clyde Pty Ltd

As a part of the East Gledhow Structure Plan Project a site and land capability assessment was completed for the subject land.

The relevant conclusions and recommendations are:

Conclusions

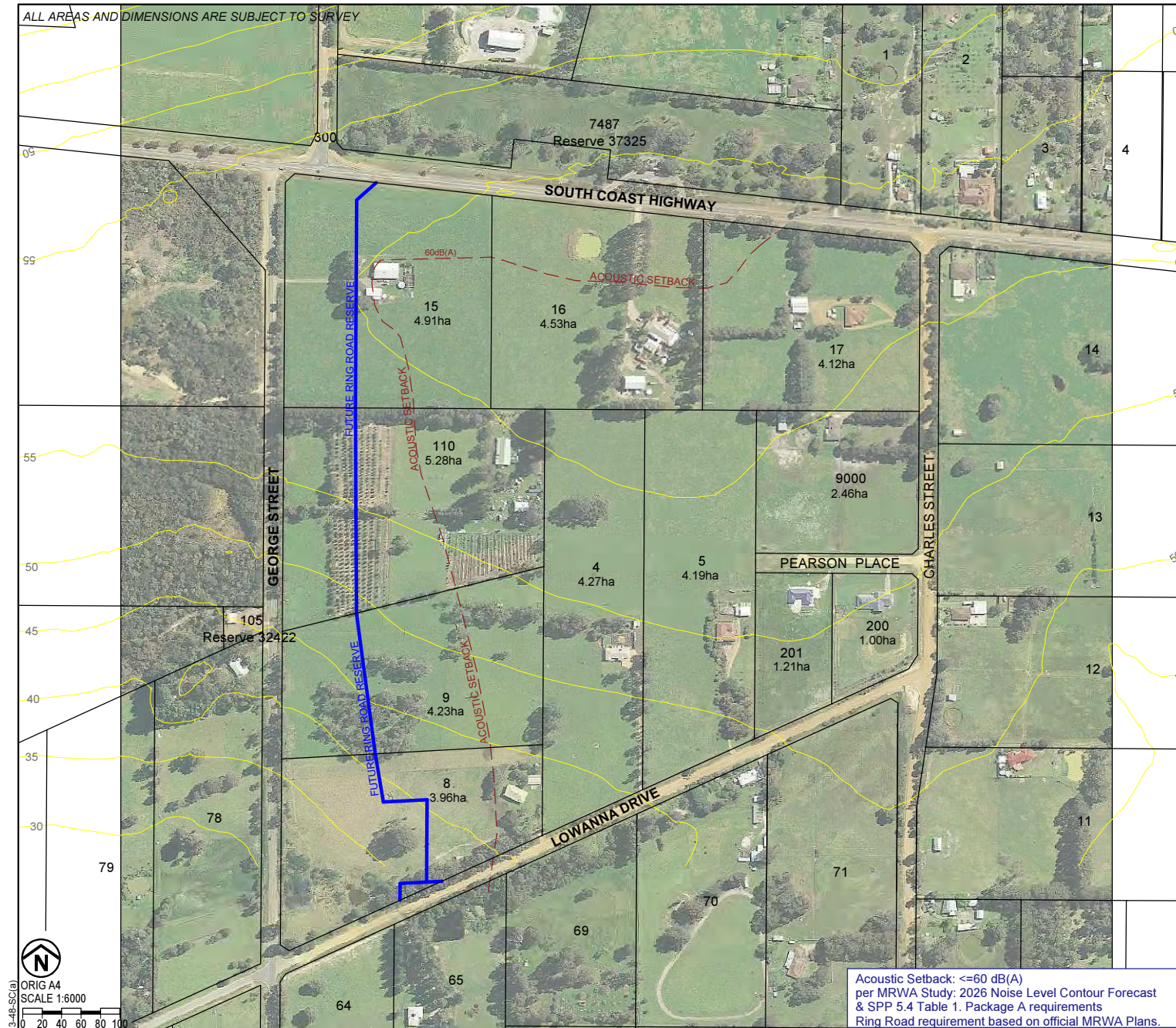
- *The risk of acid sulphate condition occurring on the Development Area is assessed as minimal to nil.*
- *The soils have good foundation stability and inconsistencies can be adequately managed through normal design and construction techniques.*
- *The remnant vegetation on the development area is very scattered with only one main area centres on Lots 10 & 26 in the central part, between Moortown and Balston Roads. Several small remnants occur along Sydney Street. (NB; All these areas are off site).*
- *The soils have inherently high phosphate retention and good ability for nitrogen management.*

Recommendations

- *Consider the use of rainwater tanks.*
- *Require onsite stormwater retention and disposal to soak wells on individual lots.*
- *Do not load water as large point sources behind retaining walls that are based on more clay rich subsoils between 0.5 – 1.0metres depth. It is better to distribute the water loading.*
- *Break the clay enriched subsoil horizon between 0.5 – 1.0 metres deep where soakwells, detention basins or other seepage devices are used, on soils north of Frederick Street.*
- *Use swale drains, shallow detention and infiltration basins that are landscaped into road verges and vegetated or park land wherever possible.*

Source: Landform Research East Gledhow Land Capability and Geotechnical Assessment 2009

SITE CHARACTERISTICS
Lowanna Drive & Charles Street
Gledhow, City of Albany



5. SERVICES AND INFRASTRUCTURE

5.1 Roads

The subject land is currently serviced by George Street which has been constructed to a bitumen standard and runs down the western boundary; South Coast Highway, also to a bitumen standard along the northern boundary. In addition, Lowanna Drive and Charles Street run along the southern and eastern boundaries and are constructed to an all-weather gravel standard. The existing pocket of rural residential development on the corner of Lowanna Drive and Charles Street has a short cul de sac which runs off Charles Street and has been developed to an all-weather gravel standard.

In terms of access to the proposed development, the main constraint relates to the proposal to construct a regional 'ring road' which will run north and south through the area, immediately east of George Street. Preliminary land requirements to accommodate the ring road provided by the Main Roads WA (MRWA) indicate that between 73.6 to 105 metres of land will need to be acquired from properties abutting George Street. Additional land will also be required in the vicinity of George Street/ Lowanna Drive intersection.

Acoustic noise levels have also been prepared based on forecast long term road usage. This will require proposed housing to be additionally set back. Refer to plan showing the land requirements and acoustic setback.

The acoustic setback is drawn from MRWA modelling and ensures dwellings can be readily developed within the State Planning Policy 5.4 Noise Limit of 60dB(A) via the application of standard Deemed to Comply Package A requirements (reproduced below).

| Area type | Orientation | Package A measures |
|------------------------------------|---------------------------|--|
| Indoors | | |
| Bedrooms | Facing road/rail corridor | <ul style="list-style-type: none"> • 6 mm laminated glazing • Casement or awning windows • No external doors • Closed eaves • No vents to outside walls/eaves • Mechanical ventilation/airconditioning (see 4.5.3) |
| | Side-on to corridor | <ul style="list-style-type: none"> • 6 mm laminated glazing • Closed eaves • Mechanical ventilation/airconditioning |
| | Away from corridor | No requirements |
| Living and work areas ⁵ | Facing corridor | <ul style="list-style-type: none"> • 6 mm laminated glazing • Casement or awning windows • 35 mm (minimum) solid core external doors with acoustic seals⁶ • Sliding doors must be fitted with acoustic seals • Closed eaves • No vents to outside walls/eaves • Mechanical ventilation/airconditioning |
| | Side-on to corridor | <ul style="list-style-type: none"> • 6 mm glazing • Closed eaves • Mechanical ventilation/airconditioning |
| | Away from corridor | No requirements |
| Other indoor areas | Any | No requirements |
| Outdoors | | |
| Outdoor living area ⁷ | Facing corridor | <ul style="list-style-type: none"> • Minimum 2.0 m high solid fence (e.g. Hardifence, pinelap, or Colorbond) • Picket fences are not acceptable |
| | Side-on to corridor | |
| | Away from corridor | No requirements |

⁵ These deemed-to-comply guidelines adopt the definitions of indoor spaces used in AS 2107-2000. A comparable description for bedrooms, living and work areas is that defined by the Building Guide of Australia as a "habitable room". The Building Guide of Australia may be referenced if greater clarity is needed. A living or work area can be taken to mean any "habitable room" other than a bedroom. Note that there are no noise insulation requirements for utility areas such as bathrooms. The Building Guide of Australia describes these utility spaces as "non-habitable rooms".

⁶ Glazing panels are acceptable in external doors facing the transport corridor. However these must meet the minimum glazing requirements.

⁷ The Policy requires that at least one outdoor living area be reasonably protected from transport noise. The protected area should meet the minimum space requirements for outdoor living areas, as defined in the Residential Design Codes of Western Australia.

Specific management provision/s will be required within the scheme to ensure these policy measures apply to development on the affected lots.

5.2 Drainage

The site drains to the south and south west. All lots are large enough to permit onsite management of stormwater generated from hard surfaces.

Road drainage is managed via low impact swale drains which also prove effective with the low density rural residential nature of the area.

5.3 Water Services (Potable & Effluent Disposal)

Although reticulated water supplies exist in the Charles Street and Lowanna Drive road reserves, most lots satisfactorily rely on roof runoff and storage for potable supplies. This remains an option for future development.

There is no deep sewer available in the area and there are no plans for extension to the area. Lots rely on onsite treatment units, predominantly conventional septic tanks with alternating leach drains.

5.4 Power & Telecommunications Services

The area is served by a network of existing overhead three and single phase HV distribution lines. Lot connections are in the main overhead, requiring undergrounding at the time of redevelopment.

The area has access to both landline and mobile telecommunications services.

6. OPPORTUNITIES AND CONSTRAINTS

Constraints include:

- Protection of the future ring road alignment for future acquisition.
- Protection of the future ring road acoustic buffer and ensuring development on adjoining lots are adequately set back and positioned so that high amenity outdoor living areas are created.
- The need for internal lot access roads/driveways with no direct access available from George Street. Access control for South Coast Highway.
- The existing fragmented nature of the area with lot sizes that constrain future subdivision options.

Opportunities include:

- Water, power and telecommunications services exist.
- Low density of development both existing and proposed.
- Local roads available to provide for future access. Ability to minimise and control access to South Coast Highway.
- Rural Residential zone and amenity already established in the area and can be readily extended to other lots in the precinct in future planning processes.
- Area is already serviced by local refuse collection services and school bus services.
- The area is within ideal proximities for local and regional services and facilities.
- Gentle slopes across the site and soil qualities couple with the low density of development to allow low impact onsite stormwater management and effluent disposal.

7. DEVELOPMENT PROPOSAL

7.1 Zoning & Lot Size

This proposal will transfer the lots from the General Agriculture zone to the Rural Residential zone. This action allows the adoption of a Subdivision Guide Plan and special provisions that will be used by council to guide the proposed limited subdivision of the land and the development of those few new lots.

Commensurate with Scheme requirements for the Rural Residential zone, the minimum lot size will be 1ha. This allows for a spacious residential environment continuing with the semi rural amenity of the area. It also guarantees sufficient lot are so as to support dwelling development and onsite management of storm and waste water.

7.2 Roads & Servicing

Reticulated water connections can be provided on Charles Street and Lowanna Drive and underground power connections will be required for all new lots.

Lots will need to be provided with constructed road frontage. For lots fronting existing Charles Street and Lowanna Drive this should be by a road contribution made to council at the time of subdivision. In accord with established practice, this contribution should reflect 50% of the cost to council of upgrading the road frontage of the subject lot.

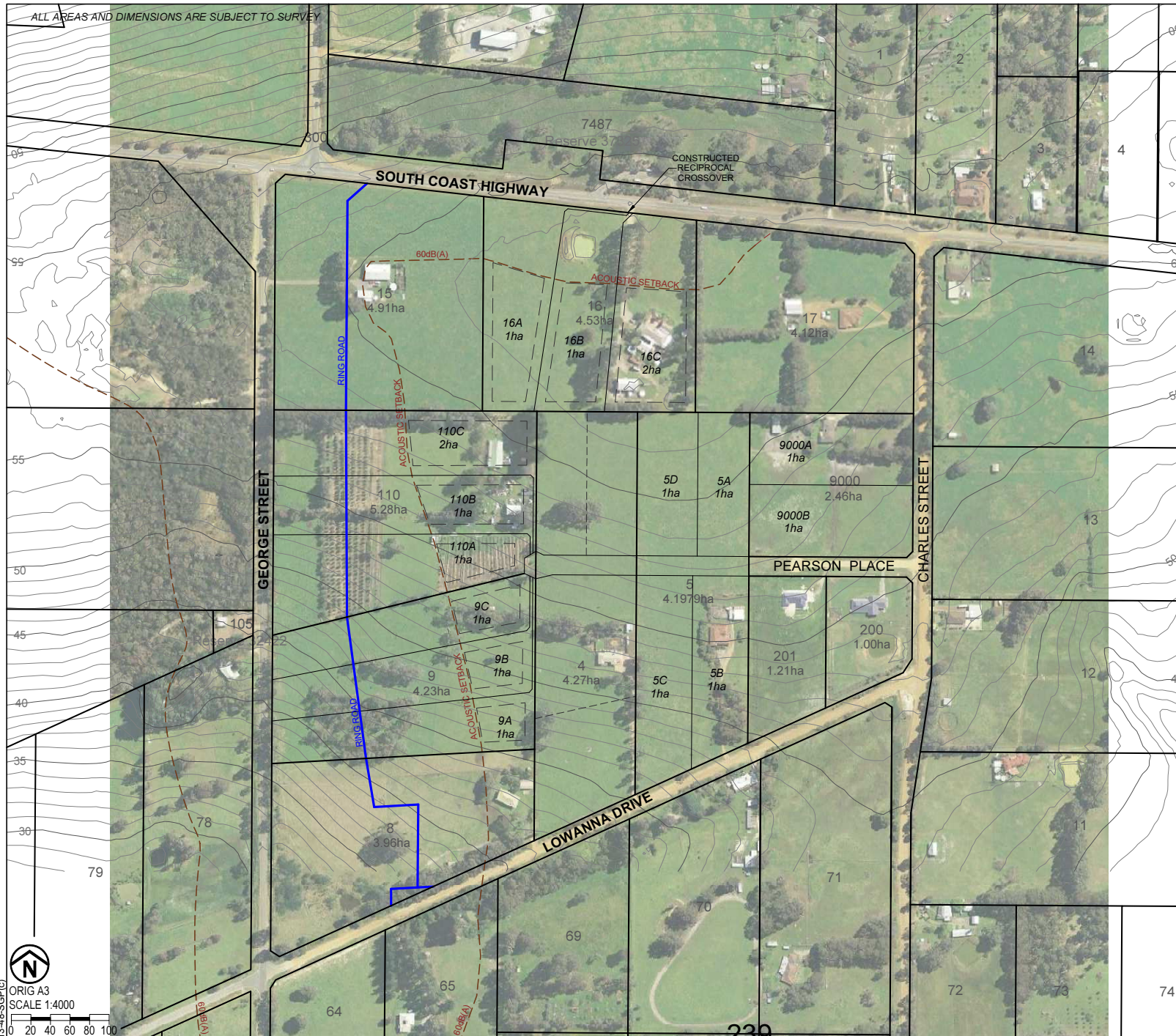
New internal roads will need to be wholly provided and constructed by subdividers at the time of the subdivision of accessing/fronting lots. This can be managed via coordination and agreement between adjoining subdividers or by individual extension and construction. Claims for proportional reimbursement may then be made by the constructing subdivider under s159 of the Planning and Development Act 2005 at the time of adjoining subdivision.

Where adjoining battleaxe legs are shown in the same ownership, reciprocal rights of access should be used so as to allow a single joint use driveway to be constructed.

SUBDIVISION GUIDE PLAN

Lowanna Drive & Charles Street
Gledhow, City of Albany

13-48-SGP(c)



7.3 Future Ring Road

Regarding the future Ring Road and its impacts/requirements, the Subdivision Guide Plan and Special Provisions provide the following:

- Identification of the future Ring Road reserve for future acquisition when deemed necessary.
- Protection of the ring road setback and the acoustic setback as a residential development exclusion area and further protection of the lot and residential amenity by the application of established site layout policy.

7.4 Fire Safety

The area is extensively cleared managed pasture and as a result has low hazard and risk levels. This couples with the future provision of street fire hydrants on extended water mains to ensure no special fire safety measures are necessary.

Council will continue to apply the general fire safety requirements of the Scheme and the annual notice, which includes requirements for:

- Property boundary firebreaks.
- Internal firebreaks around individual hazards (i.e. fuel/fodder storage).
- General site management - low fuel loadings.
- Installation and maintenance of 20m wide building protection zone/s.

7.5 Rural Residential Zone 22

The scheme already includes Rural Residential Zone 22 in the locality. This zone has provisions requiring a Subdivision Guide Plan and other general rural residential subdivision and development control mechanisms such as lot size control, general setback requirements, permissible land uses and site activities, building envelope requirements. These are all sufficient to cover the proposed development.

As a result and to avoid the need to create another zone area within the Scheme, it is proposed to include the land within Rural Residential Zone 22. Along with the additional Subdivision Guide Plan it will only be necessary to include some additional provision/s relating to protection of the ring road reserve and its acoustic setback.

8. CONCLUSION

The amendment/rezoning proposal is a simple one providing for a small number of low density rural residential lots to be developed to provide for a form of subdivision and development already established and popular in the locality. This is achieved whilst maintaining consistency with the Albany Local Planning Strategy and while providing for the protection of the future ring road and site sensitive development generally.

As a result, the proposal has clear merit and accords with principals of orderly and proper planning.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 9

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:

- i. Rezoning Lot 5 Lowanna Drive, Lots 9 & 110 George Street and Lot 16 South Coast Highway, Gledhow from the 'General Agriculture' zone to the 'Rural Residential' zone.*
- ii. Including Lots Lot 5 Lowanna Drive, Lots 9 & 110 George Street and Lot 16 South Coast Highway, Gledhow within Rural Residential Zone No. 22 of Schedule 14.*
- iii. Including the following special provisions within Schedule 14; Rural Residential Zone No. 22:*
 - 6a. Dwellings on Lots 9 & 110 George Street and Lot 16 South Coast Highway, Gledhow shall be located within the Dwelling Envelope as shown on the Subdivision Guide Plan.*
 - 6b. On Lots 9 & 110 George Street and Lot 16 South Coast Highway, Gledhow the development of dwellings shall meet or exceed Package A Deemed to Comply measures within State Planning Policy 5.5 Implementation Guidelines.*
 - 6c. On Lots 9 & 110 George Street and Lot 16 South Coast Highway, Gledhow all buildings shall be set back a minimum of 20m from the future ring road reserve and South Coast Highway.*
 - 6d. All access to Lots 16a, 16b & 16c is to be via a single constructed crossover.*
- iv. Including the following plan as a Subdivision Guide Plan (13-48-SGP(c)) for Rural Residential Zone No. 22.*
- v. Amending the Scheme accordingly.*

SUBDIVISION
GUIDE PLAN

Lowanna Drive & Charles Street
Gledhow, City of Albany

13-48-SGP(c)

NOTES

- 1. No dwellings permitted west of.
Acoustic Setback (Ref Provision 6a)
- 2. Ring Road Reserve to be acquired by MRWA.
- 3. Access restrictions apply to George Street
and South Coast Highway.
- 4. Subdivision layout on Lot 4 as a guide only.
- 5. Access to Lots 16A, B & C via a single
reciprocal crossover. Alternative access to the
highway is not permitted

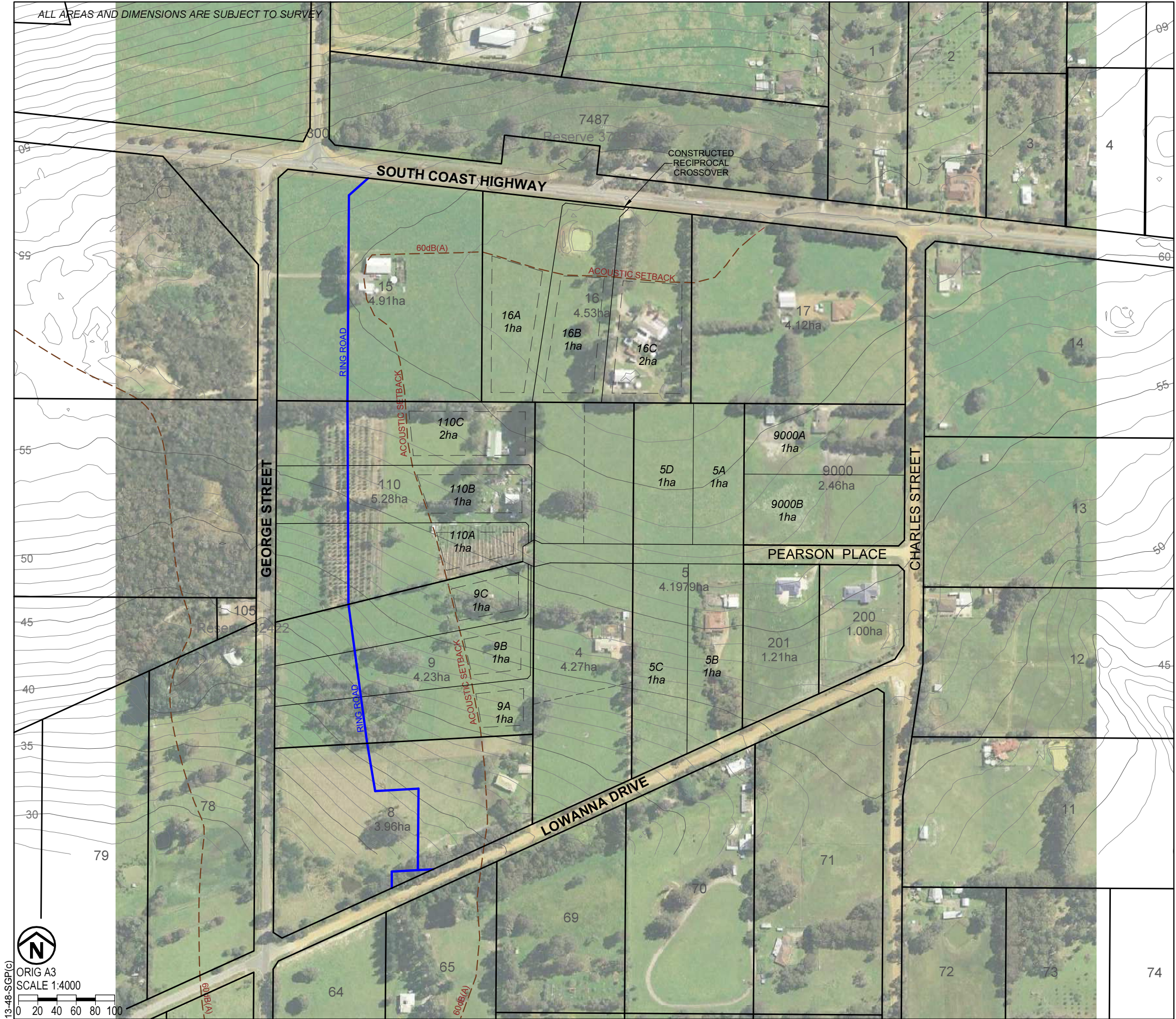
LEGEND

- Existing Lot Boundaries
- Proposed Lot Boundaries
- Possible Future Lot Boundaries
- Dwelling Envelopes

ADOPTED BY RESOLUTION OF THE COUNCIL OF THE
_____ OF _____
AT THE _____ COUNCIL MEETING
ON THE _____ DAY OF _____
CHIEF EXECUTIVE OFFICER _____

AYTON BAESJOU
PLANNING



11 Duke Street
Albany WA 6330
Ph 9842 2304 Fax 9842 8494






Existing Zoning

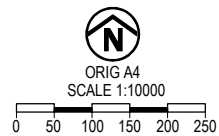


LOCAL SCHEME RESERVES

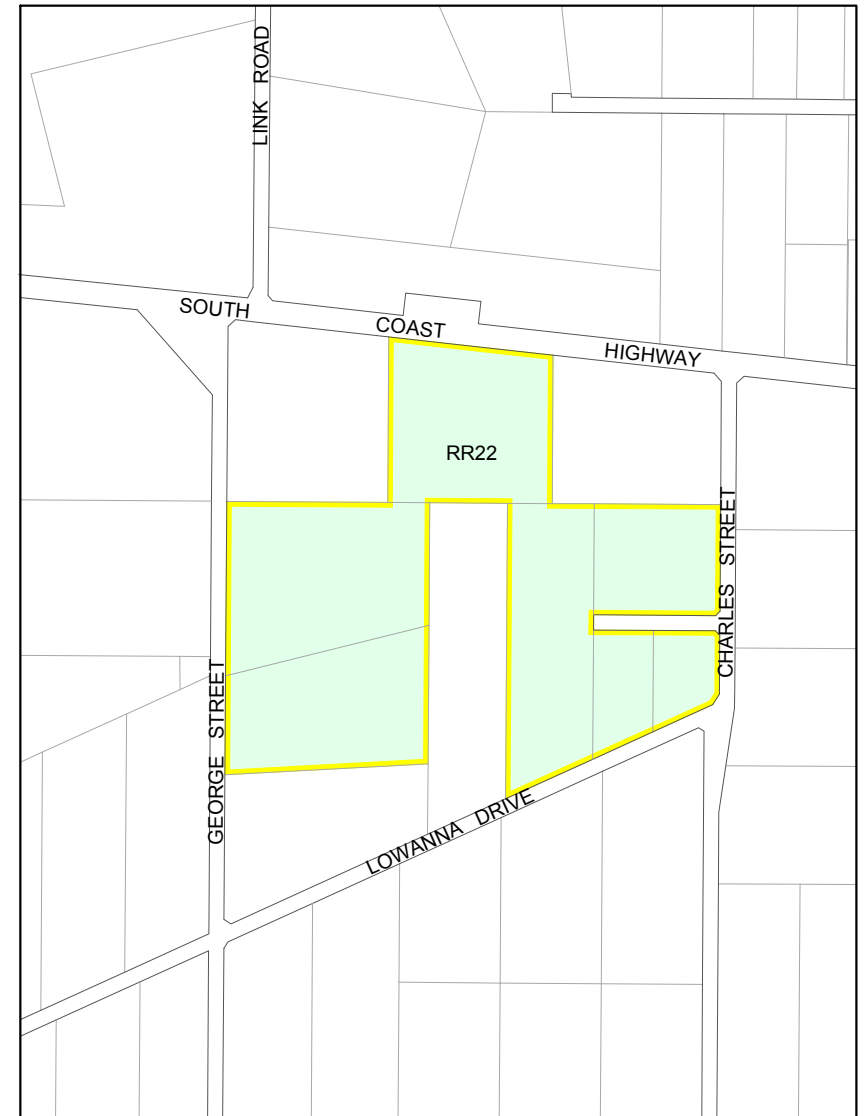
-  Parks & Recreation Reserve
-  Major Road Reserve

ZONES

-  General Agriculture
-  Rural Residential
-  Rural Small Holding



Proposed Zoning



REPORT ITEM PD094 REFERS

ADOPTION

Adopted by resolution of the Council of the City of Albany at the Meeting of the Council held on the _____ day of _____ 20____.

Mayor

Chief Executive Officer

FINAL APPROVAL

Adopted for final approval by resolution of the City of Albany at the Meeting of the Council held on the _____ day of _____ 20_____ 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

Recommended/Submitted for Final Approval

**Delegated Under S.16
of the PD Act 2005**

Date

Final Approval Granted

Minister for Planning

Date



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Thursday, 20 August 2015

1:4000



CITY OF ALBANY LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 6

SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|--|---|-----------------|--------------------------|
| 1 | Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850 | The Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) and that it is not necessary to provide any advice or recommendations. | Nil. | The submission is noted. |
| 2 | ATCO Gas 81 Prinsep Road JANDAKOT WA 6164 | ATCO Gas Australia has no comments to make in regard to the proposal. | Nil. | The submission is noted. |
| 3 | Water Corporation PO Box 100 LEEDERVILLE WA 6902 | The Corporation has no objection to the amendment. An existing 200mm water supply main located in Nanarup Road feeds the area. The lots can be served via extension along Kula Road. | Nil. | The submission is noted. |
| 4 | Western Power Locked Bag 2520 PERTH WA 6001 | No objection to the proposal. | Nil. | The submission is noted. |
| 5 | Department of Health PO Box 8172 PERTH BC WA 6849 | No objection to the proposal. | Nil. | The submission is noted. |
| 6 | Department of Parks and Wildlife South Coast Region 120 Albany Highway | The Department of Parks and Wildlife has no objection to the proposed amendment and provides the following advice. | Nil. | The submission is noted. |

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD095 REFERS

AMENDMENT No. 6

SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|---|---|---|---|
| | ALBANY WA 6330 | <p>Parks and Wildlife support the transfer of a portion of Lot 106 to the 'Parks and Recreation' local scheme reserve to provide greater of the ecological corridor along the foreshore. The corridor will likely support the movement of a range of fauna including threatened species such as black cockatoo species and the Western Ring-tail Possum.</p> <p>These species are likely to utilise remnant vegetation within the proposed lots as depicted in the subdivision guide plan including area of good quality vegetation in the southern sections of Lot 106 and in parkland cleared areas in the balance of Lot 106 and Lot 105. The retention of the good quality vegetation and trees in parkland cleared area outside of building envelopes and low fuel setbacks will be important to maintain these habitat values. Parks and Wildlife consider that the current fire plan and subdivision guide plan adequately achieve this outcome.</p> | | |
| 7 | Department of Water South Coast Region PO Box 525 ALBANY WA 6331 | <p>The Department of Water provides the following comments.</p> <p>Oyster Harbour</p> <p>The subject sites are located adjacent to Oyster Harbour, a regionally significant waterway, with high ecological, social and economic values. The development of</p> | <p>The proposed subdivision guide plan includes a requirement that all building envelopes shall be located to the north of the 'low fuel link', as indicated. This will place the building envelopes within the cleared area to the northern extent of proposed Lots 7 and 8.</p> | <p>The submission is noted.</p> <p><u>Modifications required:</u></p> <p>The subdivision guide plan notations shall be updated as follows:</p> <p><i>"Lots where building envelopers are</i></p> |

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD095 REFERS
AMENDMENT No. 6
SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|---------------------------|---|---|---|
| | | proposed Lots 7 and 8 should be restricted to the cleared areas at the north of the lots. This will minimise the amount of native vegetation cleared, providing a greater vegetative buffer to the harbour. | This notation highlights that the proposed updated subdivision guide plan still refers to provisions from former <i>Town Planning Scheme No. 3</i> . These notations should be updated to refer to the provisions contained within <i>Local Planning Scheme No. 1</i> , where still relevant. | <p><i>not to exceed 1200m² (refer Provision 5.5)</i>" shall be replaced by 'Lots where building envelopes shall not to exceed 1200m² (refer Provision 6)'.</p> <p><i>"All building envelopes are to be located north of the low fuel link (refer Provision 5.5)"</i> shall be replaced by 'All building envelopes shall be located north of the low fuel link'.</p> <p><i>"Subject to provision 6.4 & 6.5 – No boundary fencing shall be permitted south of the low fuel link"</i> shall be replaced by 'No boundary fencing shall be permitted south of the low fuel link'.</p> <p><i>"Subject to provision 7.2 & 14.0 – Invasive weeds to be controlled and areas incrementally revegetated"</i> shall be replaced by 'Subject to provision 10 – Invasive weeds shall be controlled and areas incrementally revegetated'.</p> |
| 8 | | Observation: Access/egress to the Kalgan Heights residential development envelope has only one formal vehicular access road. This situation will remain unchanged with increased development proposed in | The subdivision has been designed with an 8m wide pedestrian access way linking the proposed extension to Kula Road to an existing right-of-way that runs to the south-east from | The submission is noted. |

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD095 REFERS

AMENDMENT No. 6

SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|---------------------------|--|--|----------------------|
| | 6330 | <p>Amendment No. 6.</p> <p>Comment/request: Single access/egress to the development should be increased to at least two (2) roads. Furthermore, if increased to two roads BUT for emergency purposes only, this second egress point should be easily accessible and useable by ALL members of the Kalgan Heights precinct, or locality.</p> <p>A standard requirement of all developments should be a proportional contribution to Public Open Space.</p> | <p>Nanarup Road, along the western boundary of Lot 104. This connection will provide egress to residents of Kalgan Heights in an emergency situation.</p> <p>The Western Australian Planning Commission's <i>Development Control Policy 2.3 – Public Open Space in Residential Areas</i> does not require contributions to be made to public open space at the time of subdivision of 'Special Residential' zoned lots. Due to the large lot sizes in these areas and the lower population densities, the provision of public open space, other than that placed over foreshores, is not desirable, as it tends to be underutilised and creates a maintenance burden for the City.</p> | |

Attachment 3 – Albany Local Planning Strategy Excerpts

Section 8.3.1 Strategic Settlement Direction

Section 8.3.1 *Strategic Settlement Direction* of the *Albany Local Planning Strategy 2010* (ALPS) sets the following strategic objective:

“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”

The ALPS sets out the following aims to achieve this objective:

“The ALPS aims to contain the spread of fragmented urban and rural living areas in the City by:

- *Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.*
- *Minimising the development footprint on the landscape to help protect biodiversity and the environment.*
- *Promoting energy conservation.*
- *Providing greater housing choice.*
- *Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*
- *Reducing government expenditure on servicing current and future populations.”*

Section 8.3.5 Rural Living

Section 8.3.5 *Rural Living* of the ALPS sets the following strategic objectives:

“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”

“Ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner by being located either adjacent to Albany as designated on the ALPS maps, or within existing rural townsites in accordance with Table 5 along with adequate services and community infrastructure.”

The ALPS expands on this by stating that *“The strategy’s objectives for Rural Living areas are to:*

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 4, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.”*

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 6

MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

| | |
|--|------------------------------------|
| LOCAL AUTHORITY: | CITY OF ALBANY |
| DESCRIPTION OF LOCAL PLANNING SCHEME: | LOCAL PLANNING SCHEME No. 1 |
| TYPE OF SCHEME: | DISTRICT SCHEME |
| SERIAL No. OF AMENDMENT: | AMENDMENT No. 6 |

PROPOSAL:

- i. To rezone Lot 105 and a portion of Lot 106 Nanarup Road, Lower King, from the 'General Agriculture' zone to the 'Special Residential' zone (SR10).*
- ii. To transfer portion of Lot 106 Nanarup Road, Lower King, from the 'General Agriculture' zone to the 'Parks and Recreation' Reserve.*

LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 6

CONTENTS

1. RESOLUTION
2. REPORT
3. EXECUTION

PLANNING AND DEVELOPMENT ACT 2005

**RESOLUTION DECIDING TO AMEND A
LOCAL PLANNING SCHEME**

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

DISTRICT SCHEME

AMENDMENT No. 6

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

- i. Rezoning Lot 105 and a portion of Lot 106 Nanarup Road, Lower King, from the 'General Agriculture' zone to the 'Special Residential' zone (SR10).*
- ii. Transferring portion of Lot 106 Nanarup Road, Lower King, from the 'General Agriculture' zone to the 'Parks and Recreation' Reserve.*

Dated this _____ day of _____

CHIEF EXECUTIVE OFFICER

CITY OF ALBANY

LOCAL PLANNING SCHEME NO. 1

AMENDMENT NO. 6

**ADDITIONS TO SPECIAL RESIDENTIAL ZONE NO. 10
LOTS 105 & 106 NANARUP ROAD, LOWER KING**

PLANNING REPORT

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| 2.1 LOCATION, AREA & ZONING | 1 |
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| EXTRACT FROM LPS 1 SCHEME MAP | 2 |
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| 5. SERVICES AND INFRASTRUCURE | 7 |
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APPENDIX A: ENVIRONMENTAL REPORT – LAND ASSESSMENT PTY LTD

APPENDIX B: FIRE PLAN

1. INTRODUCTION

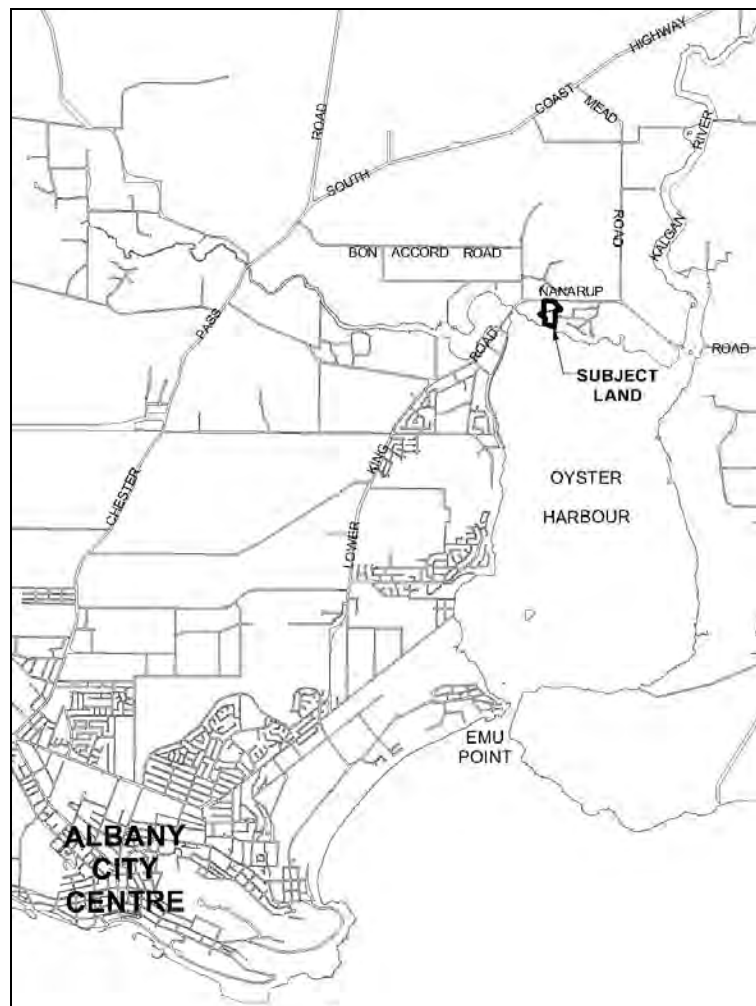
This Scheme amendment proposes to rezone Lots 105 & 106 Nanarup Road, Lower King, from the General Agriculture zone to the Special Residential zone and incorporate the land within Area No. 10 (SR10). A portion of Lot 106 is also to be transferred to the Parks and Recreation Reserve and serve as an addition to the adjoining reserve system.

This rezoning has been foreshadowed by the original rezoning and creation of Special Residential Zone Area No. 10 as well as the Albany Local Planning Strategy.

2. BACKGROUND

2.1 Location, Area & Zoning

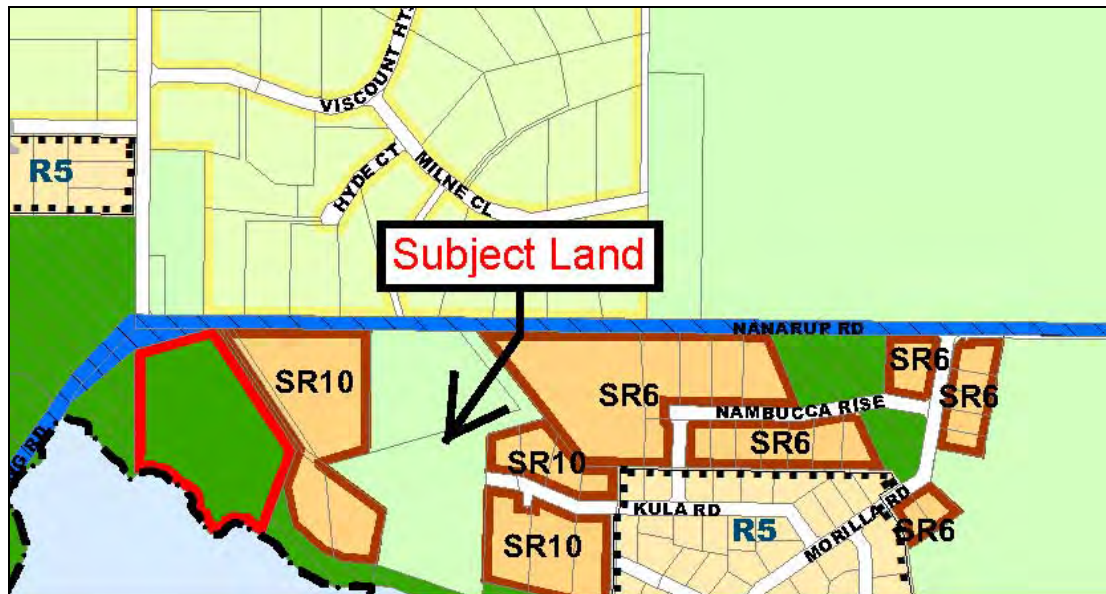
Lots 105 & 106 are situated 13km from the Albany City Centre and are accessed via Lower King Road and Nanarup Road.



Location Plan

Lot 105 is 2.73ha in area with Lot 106 comprising some 4.15ha.

Both lots are zoned General Agriculture and are surrounded by existing Special Residential development (east and west), the Oyster Harbour Foreshore (parks and recreation reserve to the south) and Nanarup Road and existing Special Rural development to the north.



Extract from LPS 1 Scheme map

2.2 Site Description

Lot 105 is mostly flat occupying a low hilltop at approx. 37mAHD. Lot 106 is located immediately south of Lot 105 and slopes gently to the south from approx. 35mAHD to 10mAHD flanking the Oyster Harbour Parks and Recreation Reserve.

Lot 105 and the northern majority of Lot 106 are open or attractively parkland cleared. The southernmost portions of Lot 106 are relatively good condition native regrowth of varying density and formation.

Both lots are currently used as high amenity rural retreats with well looked after landscaped parkland grounds. As well as substantial dwellings, both lots accommodate associated garaging and outbuildings. Lot 105 also accommodates a boutique hobby scale Textel Sheep Stud.

Both lots enjoy direct access to Nanarup Road via a long driveway (Lot 105) or a winding battleaxe (Lot 106).

2.3 Surrounding Land Use and Zoning

Immediately north of Nanarup Road is the Sheringa Park Special Residential Estate accommodating lots from 1ha in size. This is an established and quality development providing high amenity house sites in a spacious environment.

To the east and west is Special Residential Zone Area No. 10 (SR10) accommodating established lots from 4000m² in area. Further east, this zone melds into the Kalgan Heights residential zone which provides quality high amenity house sites from 2000m² in size.

South of the subject land is the Oyster Harbour foreshore and the associated reserve (reserve width ranges from 25m to 40m with an average of 30m).

The subject land is therefore the only land zoned "General Agriculture" in the immediate area and is clearly an anomaly given both the established surrounding landuses and the size of the subject two lots.

3. PLANNING CONTEXT

The key planning documents that relate to the subject land are the City of Albany's Local Planning Strategy (ALPS) and Local Planning Scheme No. 1 (LPSNo.1).

Along with these documents some context is provided by the original creation of Special Residential Zone Area No. 10 in Amendment No. 131 to then Shire of Albany Town Planning Scheme No. 3.

The Albany Local Planning Strategy identifies the land within a rural residential/special residential precinct and shown the land as suitable for rezoning and special rural subdivision and development.

Local Planning Scheme No. 1 identifies the land as "General Agriculture" and notes in cl4.2.20, the objectives to:

- "(a) Provide for the sustainable use of land for agricultural and rural activities;*
- (b) Support complementary land uses where those land uses do not detract from adjoining agricultural and rural activities and are compatible with the character and amenity of the area;*
- (c) Prevent land uses and development within the zone that may adversely impact on the continued use of the zone for agricultural and rural purposes;*
- (d) Provide for value-adding opportunities to agricultural and rural products on-site; and*
- (e) Provide for tourism experiences where those developments do not impact upon adjoining agricultural and rural land uses."*

Clearly the zoning, context and the objective of the current zone does not match the on ground realities of the land.

The Local Planning Scheme Special Residential Zone best suits the land and its subdivision potential. Objectives are;

- "To provide for large, spacious residential lots which—*
- (a) Removes the land from rural development pressures;*
- (b) Preserves and enhances the landscape quality and visual amenity of the locality;*
- (c) Provides for the protection of remnant vegetation, significant fauna/flora values, rivers, foreshore areas, creek lines, floodplains;*
- (d) Incorporates appropriate levels of fire control and management;*

- (e) Promotes quality outcomes in built design and the siting and appearance of buildings;*
- (f) Incorporates community infrastructure to support the planned community;*
- (g) Ensures that on-site effluent disposal systems are appropriately sited and constructed to ensure all nutrients/waste is retained on site;*
- (h) Require revegetation with native species of areas within subdivisions to minimise visual impacts from surrounding properties and roads; and*
- (i) Minimises any potential land use conflicts with existing or planned surrounding uses.”*

Amendment No. 131 to TPS No. 3 rezoned surrounding land and provided for its subdivision and development to Special Residential standards. In doing so it foreshadowed the rezoning and subdivision of the subject land. To guide this process, specific measures were reviewed or incorporated into the scheme for adjoining land. This included:

- A 4000m² minimum lot size.
- A 75m wide building and effluent disposal system setback to the harbour (HWM).
- Minimise access to Nanarup Road.
- Continue foreshore widening as POS on the alignment identified by the widening provided by lots to the east and west.
- Provide for a PAW or similar link through the area for pedestrian/cycle and possibly emergency vehicle use.
- Provision of future road connections via transferrable rights of way from the interim turning heads on Kula Road and Nambucca Rise.
- Continue the 18m protection area/setback/widening for the Western Power overhead line.
- Link the established low fuel areas on the foreshore lots to the east and west so as to reduce risks for the wider area.

4. SITE ASSESSMENT

Land Assessment PTY LTD has completed a detailed assessment of the site for the proposed Special Residential development. This is attached in Appendix A.

In summary;

- Small areas of potentially good horticultural land exists but are mitigated by the small usable area available and are further constrained by remnant vegetation, water supplies for irrigation and potential for conflict with surrounding residential development.
- The land has an overall moderate capability to sustain non sewerred special residential type development.
- Elevated areas and areas near Nanarup Road are open or parkland cleared while the southern slopes near the foreshore are less disturbed.
- Invasive Sydney Wattle and Pampas Grass was noted along with landowner control.
- Native vegetation complexes on site are (or were) noted as Marri/Jarrah/Peppermint Woodland in the north running through to Melaleuca Low Forest in the south.
- None of the vegetation units on site could be considered poorly reserved/protected on a local scale.
- Albany Greenways shows the vegetation on the southern portion of Lot 106 and that in the foreshore as part of a green corridor.
- Six landform/soil units were identified being; on upland areas, Uc2 Crest (shallow gravels), Uc3 Crest (pale shallow grey sand), and Us2 Upper slopes (shallow gravels); on slopes, Sm2 Upper slope (deep sandy gravel), Ss2 Mid slope (sandy duplex soils), Sm3 Lower slope (grey deep sands).
- Due to the nature of the site's geology and elevated topography, depth to groundwater would not be a limiting factor for unsewerred residential development.
- The sites exceeded minimum requirements for the key soil properties for unsewerred residential development (permeability, nutrient retention and soil depth).
- Capability for special residential development was found to be fair to high. The only areas found where development/dwelling construction should be avoided were localized adjacent to the foreshore and in the north west around some shallow laterite.

5. SERVICES AND INFRASTRUCTURE

5.1 Roads & Access

For the existing two lots access is made via Nanarup Road with direct frontage for Lot 105 and a winding battleaxe leg driveway for Lot 106.

Additional road connections to this section of Nanarup Road has not favoured in previous development. As a result, access for the proposed development may be made by transferring the Rights of Way to extend Kula Road and Nambucca Rise to the development site. This action was foreshadowed by the previous planning in the area and the original provision of these rights of way.

In the extension of Kula Road it may be necessary to remove or relocate an existing garage/shed on Lot 106. This will be ratified following detailed survey.

5.2 Potable Water Supply

Reticulated water supplies are available in Kalgan Heights and may be extended to the site.

5.3 Effluent Disposal

Disposal of effluent on the two properties and in the wider area is by way of on-site effluent disposal systems as scheme sewer is not available.

In accord with the land assessment, new development will be required to utilise high performance nutrient retaining systems.

5.4 Power & Telecommunication

The properties have access to power and telecommunication services which have been placed underground. There will be the need to continue the protection area/setback/widening adjacent to Nanarup Road which serves the Western Power HV Overhead Line.

5.5 Schools and Community Facilities

Local, Neighbourhood and Regional services and facilities are readily accessible and available in Lower King, Bayonet Head and the Albany City Centre respectively.

Great Southern Grammar is located to the east of Kalgan Heights and is linked by a dedicated pathway system.

6. PLANNING

Clause 5.5.8.3 of Local Planning Scheme No.1 requires a number of issues to be addressed. These include:

- Compliance with the outcomes and recommendations of the Albany Local Planning Strategy;
- Land Capability and suitability assessment;
- Protection and enhancement of the natural environment;
- Protection and enhancement of visual amenity;
- Provision of infrastructure and services;
- Impacts on adjacent land uses;
- Any potential for site contamination;
- Effluent disposal;
- Location of building envelopes, development exclusion areas;
- Preparation of a Subdivision Guide Plan for the subdivision showing proposed roads and connectivity between proposed /future and existing developments, lots, recreation areas, location of building envelopes, as relevant.

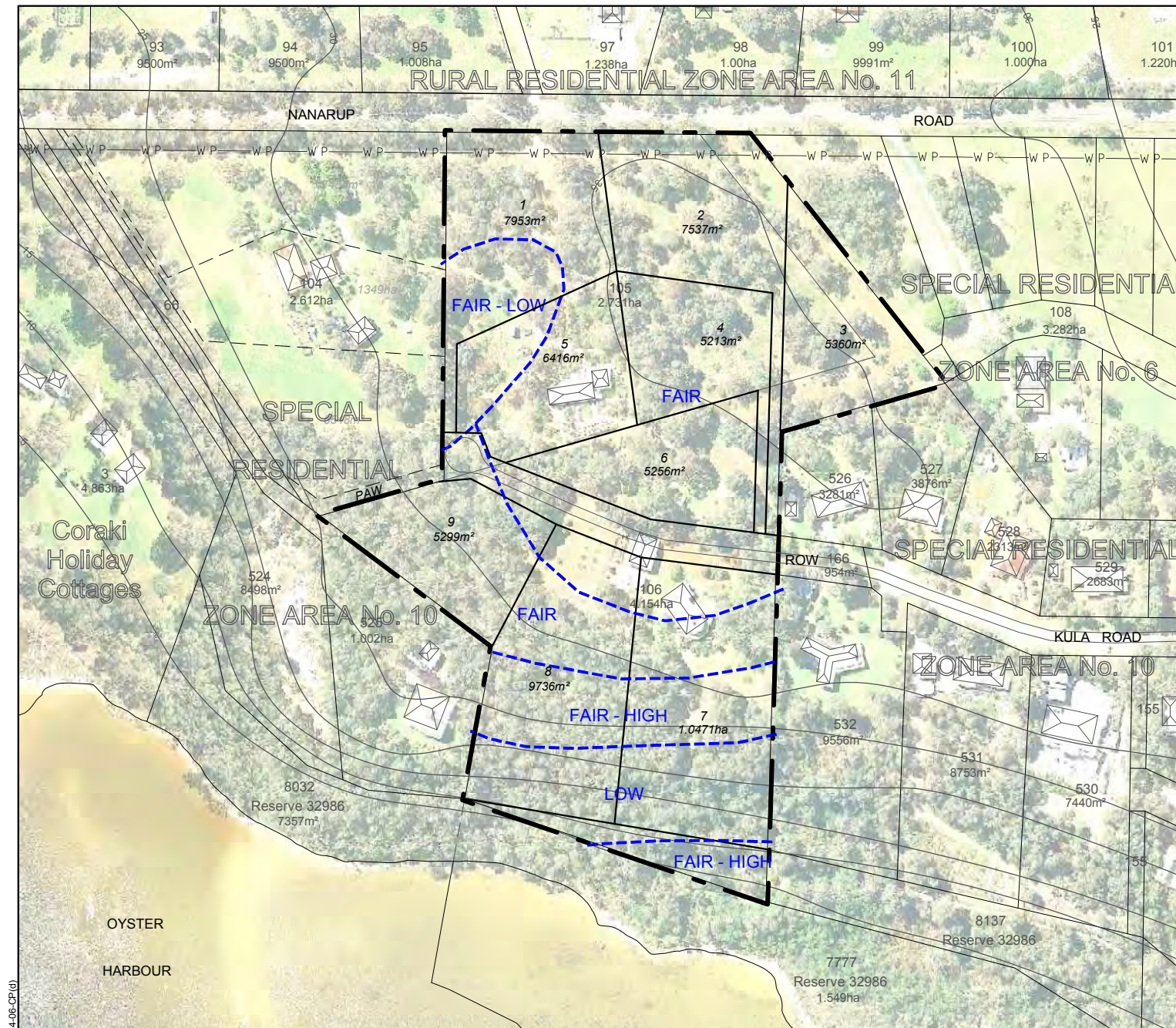
In this case, the rezoning and future subdivision of Lots 105 & 106 represents infill development within established Special Rural Zone Area No. 10. As a result, not all scheme issues are relevant as they have been met or set by the establishment of the existing zone.

6.1 Subdivision Guide Plan and Zone Provisions

A subdivision layout is shown for the two lots overleaf. This plan will be used to update the Subdivision Guide Plan for the wider SR10 area.

Measures such as lot layout, access and servicing, Public Open Space and Pedestrian Access Way/s have carried through the requirements of the original zoning particularly in terms of providing for the PAW/Road link through the area for recreational and emergency use and the extension of the Public Open Space area adjacent to the Oyster Harbour foreshore and the provision of larger lots with large foreshore setbacks in the south and smaller lots in the more elevated flatter land.

CONCEPT PLAN
 Lots 105 & 106 Nanarup Road
 Lower King, City of Albany



LEGEND

- Subject Land
- Existing Lot Boundaries
- Proposed Lot Boundaries
- Future Possible Lot Boundaries
- Existing Buildings
- Landform Units (Refer to Land Assessment Report)
- Western Power

ORIG A4
 SCALE 1:3000

0 10 20 30 40 50

6.2 Fire Safety

A fire hazard assessment and fire management proposals are included as Appendix B. This plan ranks hazards and following liaison with Council's Fire/Emergency Management Officers notes fire safety requirements to be included in the development.

Requirements include:

- Hazard Separation Areas.
- Building Protection Zones.
- Dwelling construction to BAL 12.5 & 19 (AS 3959) on nominated lots.
- Modified perimeter fire break requirements.
- Onsite water for fire fighting purposes (ie, hydrant).
- Strategic fire break connection via PAW.
- Continuation of the east west Low Fuel Link.

6.3 Landscape

The rezoning will extend the existing building height and colouring controls within SR10 across the new lots. This will couple with the low density of development proposed, retention of foreshore vegetation, the open parkland setting of the new lots and the density of roadside vegetation to ensure development fits in with the nature and context of the area.

6.4 Capability and Site Assessment

A site and capability assessment is included within the Land Assessment Report (Appendix A). This assessment found minimal site constraints for the proposed low density residential so long as development is confined to the capable and suitable areas shown, the setbacks to Oyster Harbour are retained and high performance onsite effluent disposal devices are utilised.

Each lot has access to capable and suitable house sites and is capable of supporting onsite effluent disposal.

6.5 Servicing

When the plan is fully implemented, both accesses to Nanarup Road can be decommissioned and all access will be via Nambucca Rise and Kula Road. With an allowance of approximately 5vpd per new lot, there will not be a significant impact on these existing access roads.

Battleaxe legs will be provided with reciprocal rights where necessary and the tuning head constructed so that the Pedestrian Access Way planned from adjoining Lot 104 can provide an emergency vehicle and pedestrian link from Nanarup Road near the Lower King Bridge/Coraki Park through to Kalgan Heights.

Site conditions and the extremely low density of development allow for the continued use of swale based infiltration for hard packed surfaces and swale or soak wells for structure runoff overflow.

Electrical power and telecommunications service the site with new connections required for the new lot. The Western Power HV Overhead Line adjacent to Nanarup Road will need to be protected by an extension of the protection measures established in existing areas of SR10.

Potable water supplies can be supplied via extensions of the existing reticulated network.

6.6 Existing Provisions

The development contained within the new Subdivision Guide Plan is adequately covered by the existing general provisions of the scheme and the specific provisions applying to SR10. No modification appears necessary to account for the additional seven new house sites.

7. CONCLUSION

The rezoning /amendment proposal is a simple one providing for nine lots to be incorporated into existing SR10.

This rezoning was foreshadowed in the original creation of SR10 and is provided for by the Albany Local Planning Strategy. The proposal is on the land surrounded by existing development and thus provides for a form of subdivision and development already established and popular in the locality.

This is achieved whilst maintaining a very low density of development and also providing for the continued protection of the foreshore and associated remnant vegetation, fire safety requirements and site sensitive development generally.

As a result, the proposal has clear merit and accords with the principals of orderly and proper planning.

Appendix A

Land Capability Assessment

Lots 105 & 106 Nanarup Road, Lower King

Land Assessment Pty Ltd

LAND CAPABILITY ASSESSMENT - Special Residential Development

**Lots 105 & 106 Nanarup Road, Lower King
City of Albany**

Prepared for

AYTON BAESJOU PLANNING

on behalf of

Mr G Clark and Mr J Kennedy

by

Land Assessment Pty Ltd



LA Report No 1403
15 April 2014

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1.0 INTRODUCTION

This report has been prepared for Ayton Baesjou Planning (on behalf of the landowners) as part of its submission to the City of Albany to initiate rezoning of Lots 105 and 106 Nanarup Road from 'Rural' to "Special Residential" and their subsequent subdivision to create lots of not less than a minimum 2000 m² in size.

The combined area of existing Lots 105 and 106 is approximately 6.9 ha and their location on the southern side on Nanarup Road in the Lower King locality is shown in Figures 1a and 1b.

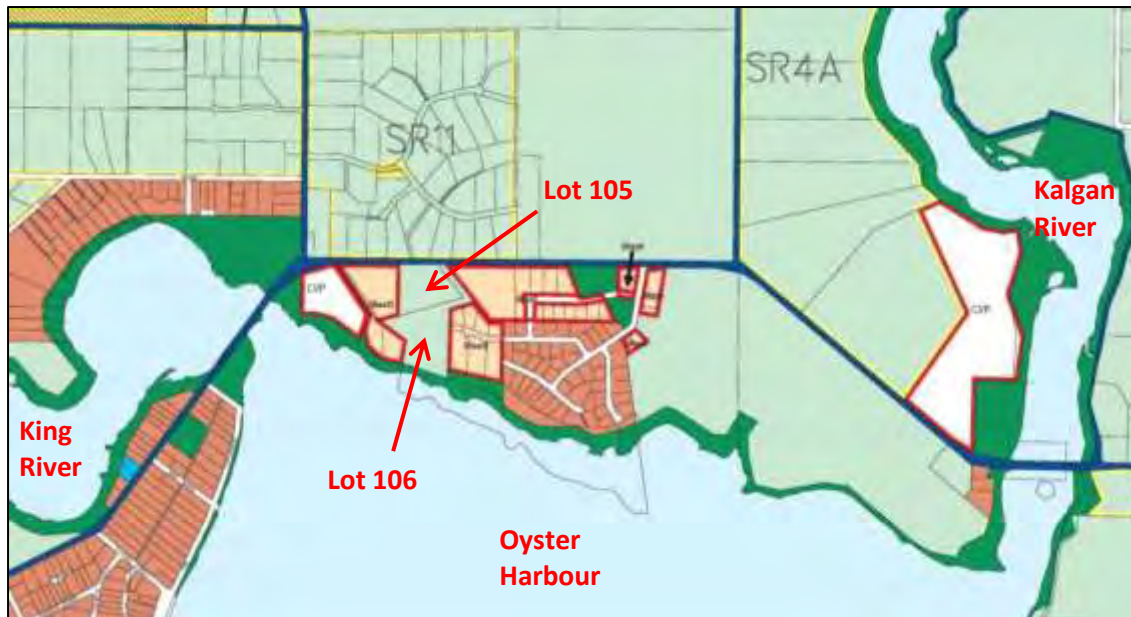
The subject land has been identified within the Local Planning Strategy (City of Albany 2010) as being provisionally suitable for 'Special Residential' development. Adjacent land to the east and west is already zoned and used for that purpose.

Under Town Planning Scheme No 3 (City of Albany 1980) Special Residential zones permit the creation of lots of between 2000 m² and 1 ha in suitable locations based on consideration of matters including appropriate physical and landscape conditions.

A proposed plan for subdivision needs to demonstrate that landform, vegetation and physical constraints have been taken into account in terms of the size and shape of proposed lots as well as road layout. This report seeks to address those requirements. It is based on a site inspection and soil survey conducted by Martin Wells of Land Assessment Pty Ltd during the period from the 17th to the 20th of March 2014, and an associated review of land resource and environmental planning and policy documents.

The capability of the land for Special Residential development (including on-site effluent disposal) has been assessed in general accordance with the methodology outlined in Department of Agriculture and Food publications (van Gool et al 2005, Wells and King 1989) and with due consideration of the requirements of the Draft Country Sewerage Policy (Government of Western Australia 1999).

FIGURE 1a: LOCATION PLAN (over scheme zoning map)



Source: Adapted from City of Albany Town Planning Scheme No 3 Map 19 of 33.

FIGURE 1b: LOCATION PLAN (over aerial image)



2.0 NATURE AND CAPABILITY OF THE LAND

2.1 Hydrology

The subject land is part of the catchment area to Oyster Harbour. This is a regionally significant estuary threatened by eutrophication due to excessive nutrient input mainly from agricultural areas in the catchment (Water and Rivers Commission 1997).

The topography of the lower portion of the Oyster Harbour catchment area is dominated by a gently undulating plain sloping towards the coast. This area is incised by the King and Kalgan Rivers as well as by numerous smaller drainage lines

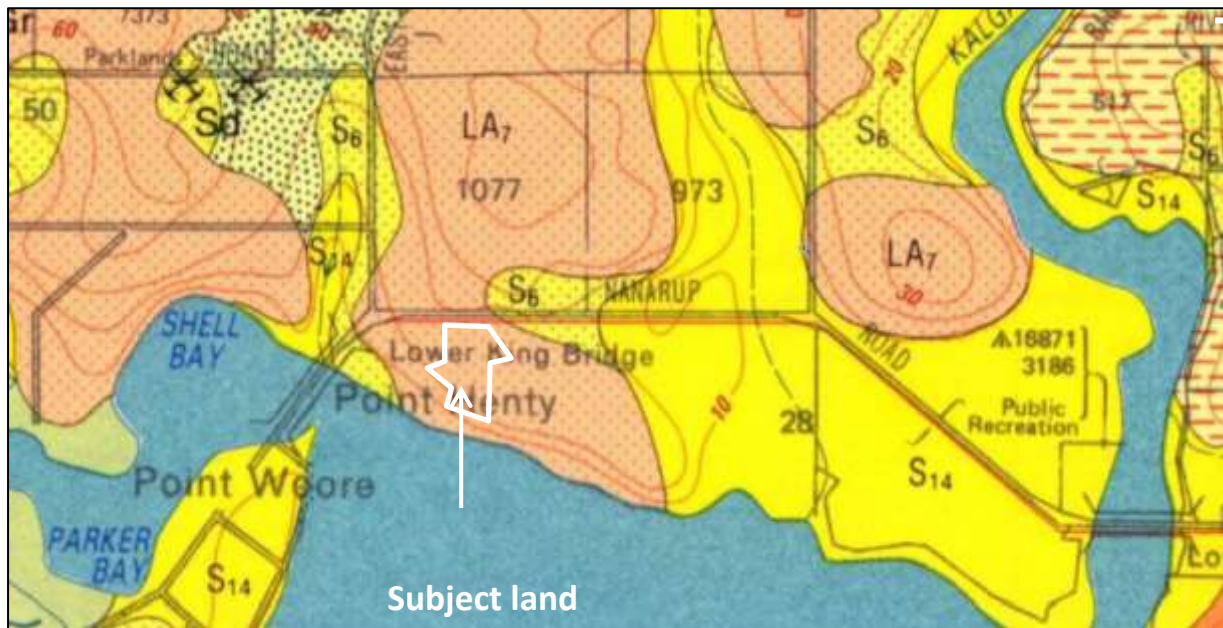
2.2 Geology

Geologically the area is underlain by Proterozoic rocks including granites and metamorphic gneiss which are exposed as hills along the coastal and near coastal fringe (Muhling and Brakel 1985). Tertiary marine sediments (Plantagenet group) lie above much of this basement rock, and a mantle of Cainozoic laterite extends over much of the gently undulating plain with Quaternary sand deposits in the valleys.

Environmental geology mapping, produced by the Geological Survey of Western Australia (Gozzard 1989), contains interpretive information for land use planning purposes. Figure 2 shows the geology of the subject area with Lots 105 and 106 occurring entirely within an area of Cainozoic laterite (LA₇).

Gozzard (1989) describes the laterite as being *massive, friable to strongly indurated, vesicular, some sand content, and being developed on siltstone of the Plantagenet Group. It provides variable foundation conditions and is usually excavated by blasting*. These factors are described as providing *possible problems associated with the use of the land for septic tanks* (i.e. excavation difficulties and limited soil material for absorption and purification of liquid effluent)

FIGURE 2: GEOLOGY

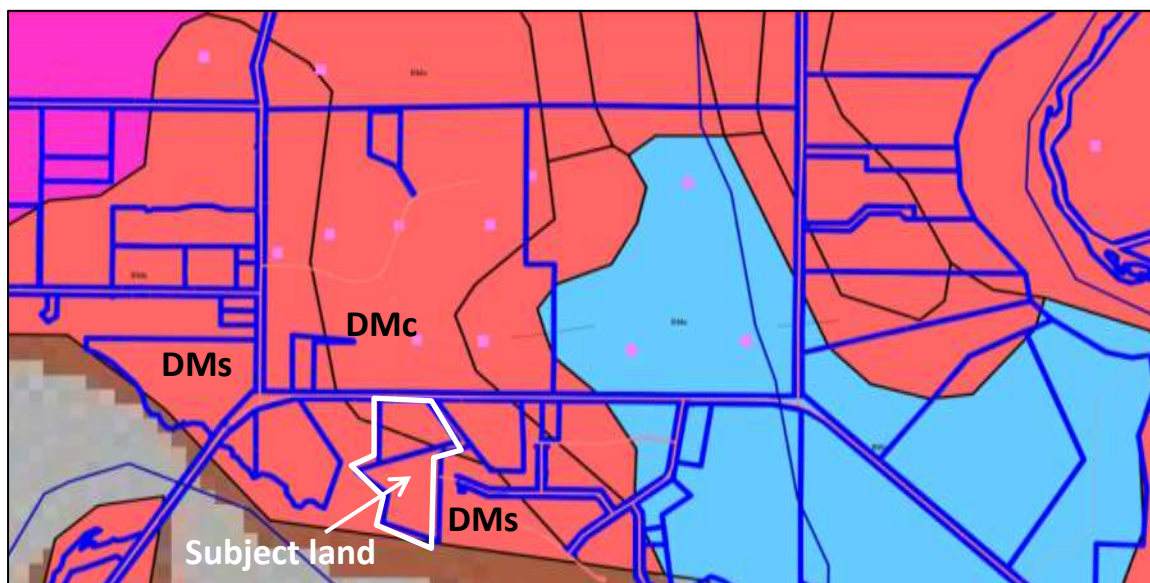


Source: Adapted from Environmental Geology Mapping Albany Sheet (Gozzard 1989).

2.3 Soil - Landscapes

A long history of weathering of the geological parent materials has resulted in a complex variety of soils and landforms as identified by CSIRO (Churchward et al 1988) and subsequently forming part of the Department of Agriculture and Food (DAFWA) soil-landscape mapping database from which broad-scale assessments of land use capability have been made. Figure 3 shows the relevant area.

FIGURE 3: SOIL LANDSCAPE MAPPING



Source: DAFWA (<http://spatial.agric.wa.gov.au/slip>) based on Churchward et al (1988).

Legend to Figure 3.

King (Kg) Soil Landscape System (Reddish brown colour) - *Dissected siltstone and sandstone terrain, on the southern edge of the Albany Sandplain Zone, with shallow gravels, sandy gravels, grey sandy duplex soils, and pale deep sands.*

DM -Dempster Subsystem - Ridges formed by dissection of lateritic plateau (upland plain)

DMc- Dempster crest phase - Sands and laterite on elongate crests;

DMs- Dempster slope phase - Sands and gravels on smooth slopes

DAFWA have produced land capability interpretations based on this broad-scale mapping. Due to the inevitable degree of variability of landform and soil conditions within any broad-scale mapping unit, the DAFWA assessments utilise the concept of 'proportional capability classes'. Instead of assigning a single specific (high, moderate or low) capability rating to all areas of a particular map unit, a proportional assessment is used. This expresses the capability more conservatively as a range (e.g. 50-70%) of the total area of a map unit is expected to contain land of a certain capability rating. Table 1 shows the assessment results for the Dempster (DMc and DMs) map units.

TABLE 1. BROAD-SCALE LAND CAPABILITY RATINGS

| Map Unit (Dempster Subsystem) | Perennial Horticulture (incl vines) | Annual Horticulture (vegetables) | Grazing | Cropping | Septic Tanks |
|---|---|--|----------------|-----------------|---------------------|
| DMc | B1 | B1 | B2 | C1 | B2 |
| DMs | A2 | B1 | B1 | C2 | B1 |

A1 = >70% has high capability; A2 = 50-70% high capability; B1 = >70% moderate to high capability; B2 = 50-70% moderate to high capability; C1= 50-70% low capability; and C2 = >70% low capability.

Essentially this broad-scale interpretation indicates the land is of moderate capability for un-sewered rural-residential development. For the sloping portions, unit DMs, this land could potentially be considered good horticultural land. However this is surpassed by the necessity to consider remnant vegetation, water supply for irrigation, and the identification of the subject land within the endorsed Local Planning Strategy (City of Albany 2010) as being provisionally suitable for non-agricultural land-use.

2.4 Topography and Land Use

The subject land encompasses part of a broad crest of gravelly lateritic terrain on the southern side of Nanarup Road that gives way to moderately steep slopes leading down to the northern edge of Oyster Harbour. It ranges in elevation from a maximum of approximately 35 m AHD within Lot 105, to around 12 m AHD within the footslope at the southern edge of adjacent Lot 106.

An existing residence occurs on each lot, and both lots contain modest areas of horticultural activity within the shallow gravelly soils and common surface laterite.

2.5 Vegetation and Conservation Values

As shown in Figure 1b and site photographs, the upland areas closest to Nanarup Road are parkland cleared, while the southern slopes descending to Oyster Harbour are apparently less disturbed* and more substantially vegetated.

The Albany Regional Vegetation Survey, ARVS (Sandiford and Barrett 2010) identifies the more intact patches of the existing upland vegetation within Lots 105 and 106 as part of its vegetation unit 10 (Marri/Jarrah Forest/Peppermint Woodland). The southerly aspect slope within Lot 106 is shown as containing vegetation unit 36 (*Callistachys spp* thicket) leading down to vegetation unit 65 (Coastal *Melaleuca cuticularis* Low Forest) along the Oyster Harbour foreshore (outside of Lot 106).

Although the ARVS results indicate that vegetation units 10 (upland Marri, Jarrah etc) and 65 (Coastal Melaleuca – beyond Lot 106) have less than 10% of their ARVS extent occurring in conservation reserves, Sandiford and Barrett (2010) state that care needs to be used in interpreting this reservation status data. This is because significant areas of conservation reserve occur within the ARVS context area (a roughly 35 km radius of Albany encompassing about 209,000 ha) but outside the actual survey area (of around 125,400 ha).

Taking known vegetation occurrences in these reserves into account, none of the vegetation units within the subject land can be considered poorly reserved on a local scale. Notwithstanding this, the City's *Albany Greenways* (2002) project broadly identifies the vegetated slope within Lot 106 as part of an ecological corridor which extends around most of Oyster Harbour. Furthermore, action statements within the Local Planning Strategy (City of Albany 2010) indicate that clearing and location of building envelopes within the vegetated slope between the lateritic upland and Oyster Harbour would not be permitted.

* Some rehabilitation activity involving removal of invasive Sydney Wattle (*Acacia longifolia*) has occurred, and there is also scattered Pampas grass (*Cortaderia spp*).

2.6 Land Unit Mapping

Given the broad scale of soil-landscape mapping depicted in Figure 3, some ‘on-ground’ variation can be expected in soil and landform conditions. More detailed survey and mapping of the site conditions was therefore undertaken as a basis for a ‘property-specific’ consideration of the capability of the land.

Soil and landform conditions within Lots 105 and 106 were surveyed in general accordance with the methodology outlined in Department of Agriculture and Food publications (van Gool et al 2005, Wells and King 1989). This involved examination of aerial photos followed by the field survey work during March 17 - 20. The soils were examined at fourteen preliminary soil hand auger observation sites (1 - 14) followed by a further eight, mainly shallow, pit sites (M N O, P, R, S, T and U) excavated by backhoe. Appendix A includes an aerial image with site locations and a results summary.

Sites, particularly for the excavated pits, were located to enable description of representative areas of each slope class and aerial photo pattern. The most likely areas for building envelopes were also considered given vegetation and landscape protection objectives expressed within the Local Planning Strategy (City of Albany 2010).

The soils were classified in accordance with the WA Soil Group nomenclature (Schoknecht 2002) and slope gradients were measured using a hand-held inclinometer correlated with available 2 m interval contour mapping. Site positions were recorded using a hand-held GPS unit.

Depth to groundwater was not able to be recorded as the watertable (perched or otherwise) was not encountered within any of the excavated pits. Furthermore, there are no bores within either Lot 105 or 106 from which depth to groundwater data might be obtained. Notwithstanding this, the nature of the geology and the elevated topography indicate that depth to groundwater would not be a limiting factor for unsewered ‘Special Residential’ development within Lots 105 and 106.

The results of the more-detailed mapping of land units (soil-landform types) are shown overleaf in Figure 4. The six delineated land units are described in the legend, and further appreciation of site conditions can be gained by reference to the photographs following Figure 4, as well as those accompanying the soil pit descriptions in Appendix B.

Land Units

| | | |
|--------------------------------------|-------------------|---|
| Upland terrain | Uc2 Uc3 Us2 | Crest; shallow gravels and common surface laterite Crest; pale very shallow grey sand over laterite Upper slopes (< 5 % gradient); shallow gravels and common surface laterite. |
| Slopes (to Oyster Harbour) | Sm2 Ss2 Sm3 | Upper slope; moderate gradient (10-15%); deep sandy gravel; some laterite. Mid slope; moderately steep gradient (15 – 25%); sandy duplex soils. Lower slope; moderate gradient (10-15%); grey deep sands. |

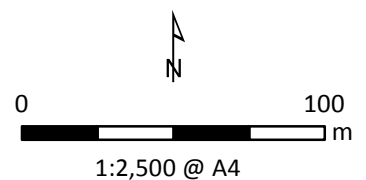




Photo 1. Land unit Uc2 Crest with shallow gravels - Lot 105.



Photo 2 Land unit Uc2 Common surface laterite - Lot 105.



Photo 3. Unit Uc2 Laterite boulders, rather than extensive hardpan, enable permeability.



Photo 4. Land unit Uc2 Crest with shallow gravels - Lot 106.



Photo 5. Land unit Uc2 Remnants; mainly Marri & Jarrah upland vegetation



Photo 7. Land unit Uc3 Lot 105. Crest with pale, very shallow, grey sands over laterite



Photo 6. Land unit Us2 Lot 106 - inverted leach drains within house pad.



Photo 8. Land unit Sm2 Upper, moderate slope with deep sandy gravel, Lot 106 site 9.



Photo 9. Unit Sm2 Upper slope Lot 106; remnant Marri, Jarrah, Peppermint.



Photo 10. Unit Ss2 Mid slope (moderately steep) - gradational vegetation.



Photo 11. Unit Sm3 Lower slope Lot 106; *Callistachys spp* thicket.



Photo 12. Foreshore vegetation fringing Oyster Harbour (outside Lot 106).

2.7 Key Soil Properties for Un-sewered Development

Permeability

The soil pit descriptions in Appendix B contain an estimated permeability (for the nominal 40 – 80 cm depth layer within the soil where, under natural conditions, a leach drain would be installed). Although restricted by shallow soil the 'well drained' permeability status is based on consideration of soil texture and structure in accordance with indicative rates listed in the relevant National Standards document, AS/NZS 1547 (Standards Australia & Standards New Zealand 2000).

Ability to retain nutrients

Subsoil sampling was undertaken at pit sites M, O and R (see Appendix B) for PRI (Phosphorus Retention Index) analysis. The results are included in Appendix C and Table 2 below. The results show the soils, although shallow, are moderately adsorbing of phosphorus using criteria established by the Chemistry Centre of Western Australia (Allen and Jeffery 1990). They exceed the recommended minimum value of 5 under the *Consultation Draft of the Government Sewerage Policy* (Department of Health 2012).

TABLE 2: SUMMARY OF SOIL PRI TEST RESULTS

| Site | Land unit | Field Texture (subsoil) | PRI | Category* |
|------|---------------|----------------------------|------|----------------------|
| M | Uc2 (Lot 106) | Sand (gravelly) | 12.5 | Moderately adsorbing |
| O | Sm2 (Lot 106) | Loamy sand | 9.5 | Moderately adsorbing |
| R | Uc2 (Lot 105) | Loamy sand | 5.5 | Moderately adsorbing |

* Allen and Jeffery (1990).

Soil Depth and Effect of Imported Material

It should be noted that the limited soil depth within most of the subject land will require leach drains to be either fully or partially inverted, and hence located within free draining soil material brought onto the site.

Commonly, yellow brown 'builders sand' is used to encompass leach drains in these situations where the natural soil is of inadequate depth. This material generally has a clayey sand texture and can be expected to have suitable permeability and a moderate to strongly adsorbing PRI to prevent excessive leaching of nutrients (phosphorous in particular) from on-site disposal of domestic effluent / wastewater.

2.8 Land Capability Assessment

Land capability' is a term used to express the ability of land to support a proposed change in use with minimal risk of degradation to its soil and water resources.

For Lots 105 and 106, the proposed change in land use is from 'Rural' to un-sewered rural-residential ('Special Residential') development. This new zoning category dictates minimum lot sizes of 2000 m². The primary 'new' land use activity with potential to affect soil and water resources is the location of additional houses and their associated systems for on-site effluent disposal.

The capability of the land for the proposed form of development has been assessed in general accordance with the methodology outlined in Department of Agriculture and Food (DAFWA) publications - van Gool et al (2005) and Wells and King (1989). Specific site requirements under the existing Draft Country Sewerage Policy (Government of Western Australia 1999) relating to soil permeability and separation from groundwater and surface waterbodies are also considered.

A five class rating system from 'very high' capability (class one) to 'very low' capability (class five) is used here (albeit with intergrade categories). Land of 'very high' capability is considered to have few inherent physical land use limitations and minimal associated risk of land degradation. At the other end of the scale, 'very low' capability land is severely constrained by the inherent soil or landform conditions and there is an associated high risk of land or water degradation.

The capability assessment results for Lots 105 and 106 are shown in Figure 5 overleaf, and are further detailed in Table 3.



Land Capability

- Fair to High - Minor Limitations
- Fair - Moderate Limitations
- Fair to Low - Moderate to Significant Limitations
- Low - Significant Limitations
- Very Low- Severe Limitations

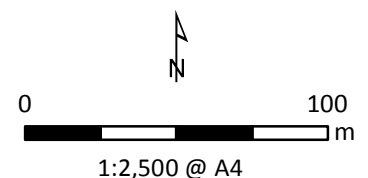
Land Units

Labels in bold
Descriptions in Figure 4

Limitations

Labels in brackets
e erosion risk
n nutrient retention (poor)
x excavation difficulties (shallow depth to laterite)

Figure 5:
Land Capability
Assessment for
Special Residential
Development



| TABLE 3: LAND CAPABILITY ASSESSMENT – SPECIAL RESIDENTIAL DEVELOPMENT | | | | | |
|--|--|--------------------|--|--|---|
| Land Unit | Description | Capability Rating | Major Limitations | Lesser Limitations | Comment / Planning Response |
| Upland Terrain (equivalent to DAFWA soil landscape - Dempster crests (DMc)) | | | | | |
| Uc2 | Crest (< 3%); shallow gravels and common surface laterite | Fair | | Excavation difficulties, Minimal soil | <p>See Appendix B Soil Pit Sites M, R, S and U.</p> <p>Limited depth of natural soil and common surface lateritic stones and boulders.</p> <p>The underlying laterite is however relatively permeable (preferred drainage pathways), is usually underlain by nutrient retentive clay at > 2m depth. There is also adequate separation from groundwater given elevated landscape position.</p> <p>In light of the above, conventional septic tanks with leach drains located within imported sand fill (inverted leach drain system) should be acceptable.</p> |
| Uc3 | Crest (< 3%); pale very shallow grey sand over laterite | Fair to Low | Excavation difficulties, Minimal soil | | <p>See Appendix B Soil Pit Site T.</p> <p>Shallower soil and possibly more competent underlying laterite, otherwise comments and planning response as for unit Uc2 above.</p> |
| Us2 | Upper slopes (3 - 5 % gradient); shallow gravels and common surface laterite | Fair | | Excavation difficulties, Minimal soil | <p>See Appendix B Soil Pit Site N.</p> <p>Comments and planning response as for unit Uc2 above.</p> |

| TABLE 3: LAND CAPABILITY ASSESSMENT – SPECIAL RESIDENTIAL DEVELOPMENT | | | | | |
|--|--|---------------------|--|--|---|
| Land Unit | Description | Capability Rating | Major Limitations | Lesser Limitations | Comment / Planning Response |
| Sloping Terrain (equivalent to DAFWA soil landscape - Dempster slopes (DMs)). | | | | | |
| Sm2 | Upper slope; moderate gradient (10-15%); deep sandy gravel; some laterite. | Fair to High | | Excavation difficulties, | <p>See Appendix B Soil Pit Sites O and P. Deeper gravelly soil than upland units, although lateritic stones and boulders within soil profile may still hinder excavation for leach drains.</p> <p>The underlying laterite is relatively permeable (preferred drainage pathways), and an uprooted tree shows it is underlain by nutrient retentive clay. Adequate separation from groundwater given elevated landscape position.</p> <p>Conventional septic tanks with leach drains partially located within imported sand fill (partially inverted leach drain system) should be acceptable.</p> <p>Much of this land unit encompasses remnant vegetation and it <u>might</u> be considered to intrude into the 'ecological corridor' delineated during the City's <i>Albany Greenways</i> (2002) project, and as reflected in its Local Planning Strategy (2010).</p> |
| Ss2 | Moderately steep (15 – 25%) mid slope; sandy duplex soils. | Low | Erosion risk | | All located within remnant vegetation and the broadly delineated 'ecological corridor'. <u>Not suitable</u> for building envelopes. |
| Sm3 | Moderate (10-15%) lower slope; grey deep sands. | Low | Proximity to Oyster Harbour (Pollution risk) | Limited nutrient retention or microbial purification ability | As above for Ss3 (i.e. <u>not suitable</u> , particularly considering likely setback requirement). |

3.0 CONCLUSIONS

Provisions within Town Planning Scheme No 3 (Schedule IV) relating to the adjacent *Nanarup Road Kalgan Heights* Special Residential Zone provide guidance on the key environmental planning matters in this portion of the City of Albany. They indicate the important environmental objectives associated with the rezoning of Lots 105 and 106 are retention of significant vegetation, and the minimisation of both nutrient export and visual impact. These matters, and the effect of the land capability assessment on the proposed rezoning and subsequent subdivision, are addressed as follows;

3.1 Retention of significant vegetation

None of the vegetation units within the subject land can be considered poorly reserved on a local scale. Notwithstanding this, the vegetated slope within the southern portion of Lot 106 is part of an 'ecological corridor' which extends around most of Oyster Harbour (City of Albany 2010). This portion of Lot 106 should therefore be considered as containing vegetation of significance and hence it is unlikely that any clearing and location of building envelopes here would be permitted.

3.2 Minimising nutrient export.

Potential sources of nutrients associated with 'Special Residential' land use and that might eventually find their way into Oyster Harbour are on-site effluent disposal systems and livestock excrement.

Soil PRI analysis shows the in-situ soil material is moderately adsorbing and exceeds (just) the recommended minimum value of 5 under the *Consultation Draft of the Government Sewerage Policy* (Department of Health 2012). Notwithstanding this, limited soil depth within most of the subject land will require leach drains to be either fully, or partially, inverted and hence located within free draining soil material brought onto the site. As this material is commonly free draining 'builders sand' (part of a house pad) with a clayey sand texture, it is likely that the nutrient retention ability of the site would be enhanced by this soil fill material.

Additional protection against nutrient loss from on-site effluent disposal systems might be provided through a condition requiring the use of Health Department approved alternative systems that have a phosphate removing capability. However this is considered unnecessary in light of the PRI values of the underlying in-situ soil material, and the likely application of a minimum 75 m setback for any building or effluent disposal system from the high watermark of Oyster Harbour.

A 75 m setback from Oyster Harbour is a specific provision (No 5.4) for the adjacent Nanarup Road Kalgan Heights Special Residential zone, and the keeping of livestock is not permitted without specific approval from Council. In view of the relatively poor shallow soils, the extent of existing tree cover in the parkland cleared upland areas, and the objective of minimising visual impact (through any additional clearing) it is suggested the keeping of livestock within lots created by rezoning and subdividing exiting Lot 105 and 106 would be inappropriate.

Given these conditions the potential for nutrient export associated with the proposed rezoning and subsequent subdivision is minimal.

3.3 Minimising visual impact.

The City of Albany Local Planning Strategy (2010) outlines the importance of considering visual impacts, particularly from recognised tourist routes. Lots 105 and 106 are partly bordered by Nanarup Road, although the effect of topography and roadside vegetation (see photo below) is such that only a minor portion of the northern boundary of existing Lot 105 affords views into the subject land.

Visual impacts can therefore be minimized through maintaining this roadside vegetation, and by extrapolation of the existing vegetation protection and building design, materials and colour provisions that currently apply to adjacent *Nanarup Road – Kalgan Heights* Special Residential zone.



Photo 13. View from Nanarup Rd at 'dog-leg' entrance to Lot 106 and showing vegetative screening of adjacent Lot 105.

3.4 Effect of land capability on plan of subdivision

A proposed plan for subdivision needs to demonstrate that landform, vegetation and physical constraints have been taken into account in terms of the size and shape of proposed lots as well as road layout.

Subject to avoiding location of building envelopes within the vegetated slope on the southern side of Lot 106 (i.e. within the designated 'ecological corridor') the remainder of Lot 106 and adjacent Lot 105 is however relatively uniform in relation to the capability of the land and hence exerts little influence over the pattern of subdivision or the position of access road/s.

To a varying degree, all lots created within this upland lateritic terrain will be affected by shallow soil and rock (laterite) outcrop. This presents a limitation to the installation of systems for on-site treatment and disposal of domestic effluent / wastewater. However this limitation is commonly addressed with conventional septic tanks linked to inverted or partially inverted leach drains that are contained within soil fill material (usually part of a house sand pad) so that effluent can pass through an appropriate depth of permeable soil for nutrient retention and microbial purification purposes.

Not forsaking the above, the best soil conditions for on-site effluent disposal occur within land unit Sm2 representing the upper portion of the slope on the southern side of Lot 106 where, although lateritic conditions are still present, the soils are generally deeper than on the upland crest. However, only limited areas in vicinity of pit sites O and P are clear of vegetation (see Appendix B photos).

Within existing Lot 105 the underlying laterite within land unit Uc3 appears more competent than in the other crest unit (Uc2). Although this can be addressed as described through inverted leach drains, development costs associated with excavation might be eased if, where practical, the configuration of newly subdivided lots enabled affected lots to encompass part of the adjacent Uc2 land type as a slightly better option for building.

In relation to agricultural land use capability the subject land is constrained by its existing small size, extent of vegetative cover, and the shallow gravelly soils. In addition, consideration of the potential loss of productive agricultural land would logically have formed part of the process of developing the City of Albany's Local Planning Strategy, under which the subject land is currently identified as having potential for Special Residential development rather than agriculture.

There is no indication from the site-specific land capability assessment to suggest that the earlier strategic planning decision to allow alienation of this small area from the agricultural land base was inappropriate.

4.0 REFERENCES

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APPENDIX A:

SITE LOCATIONS & RESULTS SUMMARY

APPENDIX A: SITE LOCATIONS & RESULTS SUMMARY



| Soil Site No ¹ | Easting | Northing | Elevation m AHD | Soil landscape ² | Landform ³ | Soil Group ⁴ | Other | LMU |
|---------------------------|-------------|----------|-----------------|-----------------------------|----------------------------|-----------------------------------|--|-----|
| Site 1 | 50 H 587283 | 6132838 | 35 m | Dc | Upland crest Slope 1-3% | Shallow gravel | Yellow brown shallow gravel with sandy matrix. | Uc2 |
| Site 2 | 50 H 587259 | 6132824 | 35 m | Dc | Upland crest Slope 1-3% | Shallow gravel | Yellow brown shallow gravel with sandy matrix. | Uc2 |
| Site 3 | 50 H 587238 | 6132898 | 34 m | Dc | Upland crest Slope 1-3% | Shallow gravel | Yellow brown shallow gravel with sandy matrix. | Uc2 |
| Site 4 | 50 H 587137 | 6132820 | 32 m | Ds | Upland crest Slope 1 % | Pale shallow sand (over laterite) | Shallow grey sand over gravel / laterite. | Uc3 |
| Site 5 | 50 H 587118 | 6132780 | 31 m | Ds | Upland crest Slope 1 % | Pale shallow sand (over laterite) | Shallow grey sand over gravel / laterite. | Uc3 |
| Site 6 | 50 H 587117 | 6132764 | 31 m | Ds | Upland crest Slope 1-3% | Pale shallow sand (over laterite) | Shallow grey sand over gravel / laterite. | Uc3 |
| Site 7 | 50 H 587211 | 6132732 | 33 m | Ds | Upland crest Slope 1-3% | Shallow gravel | Shallow gravel with sandy matrix. | Uc2 |
| Site 8 | 50 H 587158 | 6132682 | 29 m | Ds | Gentle upper slope 3-5% | Shallow gravel | Shallow gravelly grey sand over gravel / laterite. | Us2 |

| Soil Site No ¹ | Easting | Northing | Elevation m AHD | Soil landscape ² | Landform ³ | Soil Group ⁴ | Other | LMU |
|---------------------------|-------------|----------|-----------------|-----------------------------|------------------------------------|-------------------------|---|-----|
| Site 9 | 50 H 587168 | 6132623 | 26 m | Ds | Moderate mid to upper slope 10-13% | Deep sandy gravel | Grey sand over yellow brown gravel with sandy matrix then laterite. | Sm2 |
| Site 10 | 50 H 587224 | 6132615 | 26 m | Ds | Moderate mid to upper slope 10-13% | Deep sandy gravel | Grey sand over yellow brown gravel with sandy matrix then laterite. | Sm2 |
| Site 11 | 50 H 587273 | 6132569 | 18 m | Ds | Mid slope 26 % | Sandy duplex soil | Reddish brown sand over gravel layer at approx. 30 cm then clay. | Ss2 |
| Site 12 | 50 H 587271 | 6132532 | 10 m | Ds | Lower slope 10- 12% | Pale deep sand | Grey deep sand. | Sm3 |
| Site 13 | 50 H 587215 | 6132541 | 12 m | Ds | Mid to lower slope 18-20% | Sandy duplex soil | Reddish brown sand over gravel layer and then clay. | Ss2 |
| Site 14 | 50 H 587238 | 6132742 | 33 m | Ds | Upland crest Slope 1-3% | Shallow gravel | Yellow brown shallow gravel with sandy matrix. | Uc2 |
| Pit M | 50 H 587234 | 6132755 | 33 m | Ds | Upland crest Slope 1-3% | Shallow gravel | See Soil Pit Description | Uc2 |
| Pit N | 50 H 587145 | 6132695 | 29 m | Ds | Gentle upper slope 3-5% | Shallow gravel | See Soil Pit Description | Us2 |
| Pit O | 50 H 587162 | 6132621 | 26 m | Ds | Moderate mid to upper slope 10-13% | Deep sandy gravel | See Soil Pit Description | Sm2 |

| Soil Site No ¹ | Easting | Northing | Elevation m AHD | Soil landscape ² | Landform ³ | Soil Group ⁴ | Other | LMU |
|---------------------------|-------------|----------|-----------------|-----------------------------|------------------------------------|-----------------------------------|--------------------------|-----|
| Pit P | 50 H 587222 | 6132611 | 26 m | Ds | Moderate mid to upper slope 10-13% | Deep sandy gravel | See Soil Pit Description | Sm2 |
| Pit R | 50 H 587241 | 6132890 | 34 m | Dc | Upland crest Slope 1-3% | Shallow gravel | See Soil Pit Description | Uc2 |
| Pit S | 50 H 587282 | 6132830 | 35 m | Dc | Upland crest Slope 1-3% | Shallow gravel | See Soil Pit Description | Uc2 |
| Pit T | 50 H 587130 | 6132801 | 32 m | Ds | Upland crest Slope 1 % | Pale shallow sand (over laterite) | See Soil Pit Description | Uc3 |
| Pit U | 50 H 587121 | 6132881 | 32 m | Dc | Upland crest Slope 1-3% | Shallow gravel | See Soil Pit Description | Uc2 |

FOOTNOTES **1. Sites** 1 – 14 are hand auger observations. Pits M – U are excavated soil pit observations. **2. Soil-landscape** units are from 1: 100 000 scale DAFWA mapping. **3. Landform** descriptors as described by van Gool et al (2005). **4. Soils** classified to WA Soil Groups (Schoknecht (2002)).

APPENDIX B

SOIL PIT DESCRIPTIONS



APPENDIX B



SOIL PIT DESCRIPTIONS







REPORT ITEM PD095 REFERS



| | | |
|--|---|---|
| Site Number: M 50 587234E; 6132755 N | Soil landscape mapping: King System - Dempster slope Phase (Ds) | Land unit: Uc2 |
|  | | |
| Landform: Upland crest (1-3% gradient) | | |
|  | WA Soil Group: <i>Shallow gravel</i> | |
| | Depth (cm) | Description |
| | 0 – 5 | Dark brown (7.5YR 3/2) sand , with common medium to coarse ferruginous gravels; apedal with earthy fabric; clear boundary to |
| | 5 – 25 | Strong brown (7.5YR 4/6) sand with many medium to coarse ferruginous gravels loam ; massive with earthy fabric; abrupt boundary to; |
| | 25+ | Laterite boulder (backhoe refusal). |
| Indicative subsoil permeability and AS 1547:2000 drainage class: (at 40 – 80 cm leach drain depth) Not applicable – below soil material. Comment: Common surface lateritic stones and boulders. Sand fill and septic tanks with inverted leach drains needed due to inadequate depth of natural soil. However, the underlying laterite is relatively permeable (preferred drainage pathways), is usually underlain by clay at > 2m depth, and there is adequate separation from groundwater given elevated position in landscape. | | |



| | | |
|---|---|--|
| Site Number: N 50 587145E; 6132695 N | Soil landscape mapping: King System - Dempster slope Phase (Ds) | Land unit: Us2 |
|  | | |
| Landform: Gentle to upper slope (3-5% gradient) | | |
|  | WA Soil Group: <i>Shallow gravel</i> | |
| | Depth | Description |
| | 0 – 5 cm | Very dark greyish brown (10YR 3/2) sand, few medium sized ferruginous gravels apedal with earthy fabric; clear boundary to; |
| | 5 – 20 | Yellowish brown (10YR 5/4) sand ; common medium to coarse sized ferruginous gravels massive with earthy fabric; abrupt boundary to; |
| | 20+ | Laterite boulder (backhoe refusal). |
| Indicative subsoil permeability and AS 1547:2000 drainage class: (at 40 – 80 cm leach drain depth) Not applicable – below soil material.. Comment: Common surface lateritic stones and boulders. Sand fill and septic tanks with inverted leach drains needed due to inadequate depth of natural soil. However, the underlying laterite is relatively permeable (preferred drainage pathways), is usually underlain by clay at > 2m depth, and there is adequate separation from groundwater given elevated position in landscape. | | |



| | | |
|---|---|---|
| Site Number: O 50 587162E; 6132621 N | Soil landscape mapping: King System - Dempster slope Phase (Ds) | Land unit: Sm2 |
|  | | |
| Landform: Moderate mid to upper slope (10-13% gradient) | | |
|  | WA Soil Group: <i>Deep sandy gravel</i> | |
| | Depth | Description |
| | 0 – 10 cm | Very dark greyish brown (10YR 3/2) sand ; common medium to coarse sized ferruginous gravels; apedal with earthy fabric; clear boundary to; |
| | 10 – 40 | Dark yellowish brown (10YR 4/6) loamy sand ; common coarse sized ferruginous gravels or cobbles; massive with earthy fabric; clear boundary to |
| | 40 – 100 | Yellowish brown (10YR 5/6) loamy sand ; common medium to coarse sized ferruginous gravels; massive with earthy fabric; abrupt boundary to |
| 100+ | Laterite boulder (backhoe refusal). | |
| Indicative subsoil permeability and AS 1547:2000 drainage class: (at 40 – 80 cm leach drain depth) > 3.0 m/day (Well drained). Comment: Few surface lateritic stones and boulders. These may also occur within soil profile and hinder excavation for leach drains. Partially inverted leach drains recommended. Adequate separation from groundwater given elevated position in landscape. | | |

| | | |
|---|---|--|
| Site Number: P 50 529300E; 6130088N | Soil landscape mapping: King System - Dempster slope Phase (Ds) | Land unit: Sm2 |
|  | | |
| Landform: Moderate mid to upper slope (10-13% gradient) | | |
|  | WA Soil Group: Deep sandy gravel | |
| | Depth | Description |
| | 0 – 10cm | Very dark greyish brown (10YR 3/2) sand ; common medium to coarse sized ferruginous gravels; apedal with earthy fabric; clear boundary to; |
| | 10 – 40 | Dark yellowish brown (10YR 4/6) loamy sand ; common coarse sized ferruginous gravels or cobbles; massive with earthy fabric; gradual boundary to; |
| | 40 – 100 | Yellowish brown (10YR 5/6) loamy sand ; common medium to coarse sized ferruginous gravels; massive with earthy fabric; abrupt boundary to; |
| | 100+ | Laterite boulder (backhoe refusal). |
| Indicative subsoil permeability and AS 1547:2000 drainage class: (at 40 – 80 cm leach drain depth) > 3.0 m/day (Well drained). Comment: Few surface lateritic stones and boulders. These may also occur within soil profile and hinder excavation for leach drains. Partially inverted leach drains recommended. Adequate separation from groundwater given elevated position in landscape. | | |

| | | |
|---|---|--|
| Site Number: R 50 587241E; 6132890N | Soil landscape mapping: King System - Dempster crest Phase (Dc) | Land unit: Uc2 |
|  | | |
| Landform: Very gently undulating crest (1-3 % gradient) | | |
|  | WA Soil Group: <i>Shallow gravel</i> | |
| | Depth | Description |
| | 0 –5 cm | Very dark greyish brown (10YR 3/2) sand ; common medium sized ferruginous gravels apedal with earthy fabric; clear boundary to; |
| | 5 - 40 | Yellowish brown (10YR 5/4) loamy sand ; massive with earthy fabric; many medium to coarse sized ferruginous gravels; massive with earthy fabric; abrupt boundary to : |
| | 40 + | Laterite boulder (backhoe refusal). |
| Indicative subsoil permeability and AS 1547:2000 drainage class: (at 40 – 80 cm leach drain depth) Not applicable – below soil material. Comment: Few surface lateritic stones and boulders. Sand fill and septic tanks with inverted leach drains needed due to inadequate depth of natural soil. However, the underlying laterite is relatively permeable (preferred drainage pathways), is usually underlain by clay at > 2m depth, and there is adequate separation from groundwater given elevated position in landscape. | | |

| | | |
|---|---|---|
| Site Number: S 50 587282E; 6132830N | Soil landscape mapping: King System - Dempster crest Phase (Dc) | Land unit: Uc2 |
|  <p>Landform: Very gently undulating crest (1 - 3 % gradient)</p> | | |
|  | WA Soil Group: <i>Shallow gravel</i> | |
| | Depth | Description |
| | 0 –5 cm | Very dark greyish brown (10YR 3/2) sand ; common medium sized ferruginous gravels apedal with earthy fabric; clear boundary to; |
| | 5 - 50 | Yellowish brown (10YR 5/4) loamy sand ; massive with earthy fabric; many medium to coarse sized ferruginous gravels; abrupt boundary to; |
| | 50 + | Laterite boulder (backhoe refusal). |
| Indicative subsoil permeability and AS 1547:2000 drainage class: (at 40 – 80 cm leach drain depth) Not applicable – below soil material. Comment: Few to common surface lateritic stones and boulders. Sand fill and septic tanks with inverted leach drains needed due to inadequate depth of natural soil. However, the underlying laterite is relatively permeable (preferred drainage pathways), is usually underlain by clay at > 2m depth, and there is adequate separation from groundwater given elevated position in landscape. | | |

| | | |
|---|---|---|
| Site Number: T 50 587130E; 6132801N | Soil landscape mapping: King System - Dempster slope Phase (Ds) | Land unit: Uc3 |
|  | | |
| Landform: Crest (1 % gradient) | | |
|  | WA Soil Group: <i>Pale shallow sand (over laterite)</i> | |
| | Depth (cm) | Description |
| | 0 – 15 | Grey (10YR 6/1) sand , apedal single grain with earthy fabric; very few medium sized ferruginous gravels; clear boundary to; |
| | 15 – 25 | Yellowish brown (10YR 5/4) sand ; massive with earthy fabric; common medium sized ferruginous gravels; abrupt boundary to; |
| | 25 + | Laterite boulder (backhoe refusal). |
| Indicative subsoil permeability and AS 1547:2000 drainage class: (at 40 – 80 cm leach drain depth) Not applicable – below soil material. Comment: Few surface lateritic stones and boulders. Sand fill and septic tanks with inverted leach drains needed due to inadequate depth of natural soil. However, the underlying laterite is relatively permeable (preferred drainage pathways), is usually underlain by clay at > 2m depth, and there is adequate separation from groundwater given elevated position in landscape. | | |

| | | |
|--|---|---|
| Site Number: U 50 587121E; 6132881N | Soil landscape mapping: King System - Dempster crest Phase (Dc) | Land unit: Uc2 |
|  | | |
| Landform: Very gently undulating crest (1 - 3 % gradient) | | |
|  | WA Soil Group: <i>Shallow gravel</i> | |
| | Depth | Description |
| | 0– 8cm | Very dark greyish brown (10YR 3/2) sand ; common medium to coarse sized ferruginous gravels; apedal with earthy fabric; clear boundary to; |
| | 8– 45 | Dark yellowish brown (10YR 4/6) sand ; common coarse sized ferruginous gravels or cobbles; apedal with earthy fabric; abrupt boundary to; |
| | 45 + | Laterite boulder (backhoe refusal).; |
| Indicative subsoil permeability and AS 1547:2000 drainage class: (at 40 – 80 cm leach drain depth) Not applicable – below soil material. Comment: Few to common surface lateritic stones and boulders. Sand fill and septic tanks with inverted leach drains needed due to inadequate depth of natural soil. However, the underlying laterite is relatively permeable (preferred drainage pathways), is usually underlain by clay at > 2m depth, and there is adequate separation from groundwater given elevated position in landscape. | | |

APPENDIX C

SOIL PRI TEST RESULTS



ANALYSIS REPORT

Generated: 4/04/2014 3:25:21 PM

| Lab No | WPSI4166 | WPSI4167 | WPSI4168 | WPSI4169 | WPSI4170 | WPSI4171 | WPSI4172 |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Name | C4 | FB | GB | MB | OB2 | RB | IIB |
| Code | 31/3/14 | 31/3/14 | 31/3/14 | 31/3/14 | 31/3/14 | 31/3/14 | 31/3/14 |
| Customer | MARIN WELLS | MARIN WELLS | MARIN WELLS | MARIN WELLS | MARIN WELLS | MARIN WELLS | MARIN WELLS |
| Depth | 0-10 | 0-10 | 0-10 | 0-10 | 0-10 | 0-10 | 0-10 |
| Phosphorus Retention Index | 0.5 | 0.7 | 78.9 | 12.5 | 9.5 | 5.5 | 115.3 |

Appendix B

Fire Plan

Lots 105 & 106 Nanarup Road, Lower King

FIRE PLAN**Lots 105 & 106 Nanarup Road****Lower King City of Albany**

Fire Plan & Assessment, Notes and Inclusions, refer plan attached.

Notes:

- Subject land is within an area of existing development containing residential lots ranging from 2000m². Lots on subject land range up from 4000m².
- Development on adjoining lots and the associated low fuel and hazard separation areas establish the southern extent of the low fuel area for the subject land.
- All cleared and parkland cleared areas north of the low fuel link/ Lot 7-9 firebreak are to be maintained in a low fuel/hazard reduced state. Implemented at subdivision and maintained by landowners (ie annual slashing/pruning).

Measures:

- Access. Road access via constructed road extension (Kula Road). Battleaxe legs to be constructed where shown (Lots 1-5).
- On subdivision of adjoining Lot 104, strategic firebreak within 8m wide Pedestrian Access Way will extend from the new Kula Road extension up to Nanarup Road.
- Interim SFB link to be provided to Nanarup Road via Lot 2 access leg. To be decommissioned when Lot 104 link is provided.
- Firebreaks. Perimeter firebreak to be provided as shown on plan for Lots 7-9.
- Water Supplies. Hydrant to be provided on extension to water main on Kula Road, preferably at turning head.
- Hazard Separation. All land north of low fuel link/ Lot 7-9 firebreak to be maintained as a hazard separation area in a low fuel condition.
- Building Protection Zone. All dwellings to be provided with a minimum 20m wide Building Protection Zones.
- 30m BPZ required to southern edge of BPZ on Lots 7, 8 & 9.
- BAL Construction. Lots 1 – 6, BAL12.5 applies. Lots 7, 8 & 9, BAL 19 applies.
- As condition of subdivision, developer to provide road access, fire water point, constructed battleaxes, perimeter fire break & cleared and parkland cleared areas in a low fuel state.
- Arrangements to be made to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the Homeowners Bushfire Survival Manual, the scheme provisions, this Fire Plan and the landowner responsibilities to:
 - Design and construct within identified building envelopes to BAL 12.5/19 as appropriate.
 - Maintain perimeter firebreak where it crosses individual lots and provide appropriate gates where fenced.
 - Slash or otherwise appropriately maintain Building Protection Zones and Hazard Separation Areas in a low fuel state.

FIRE PLAN

Lots 105 & 106 Nanarup Road

Lower King, City of Albany

REPORT ITEM PD095 REFERS

AYTON BAESJOU
P L A N N I N G
11 Duke Street
Albany WA 6330
PH 9842 2304 Fax 9842 8494

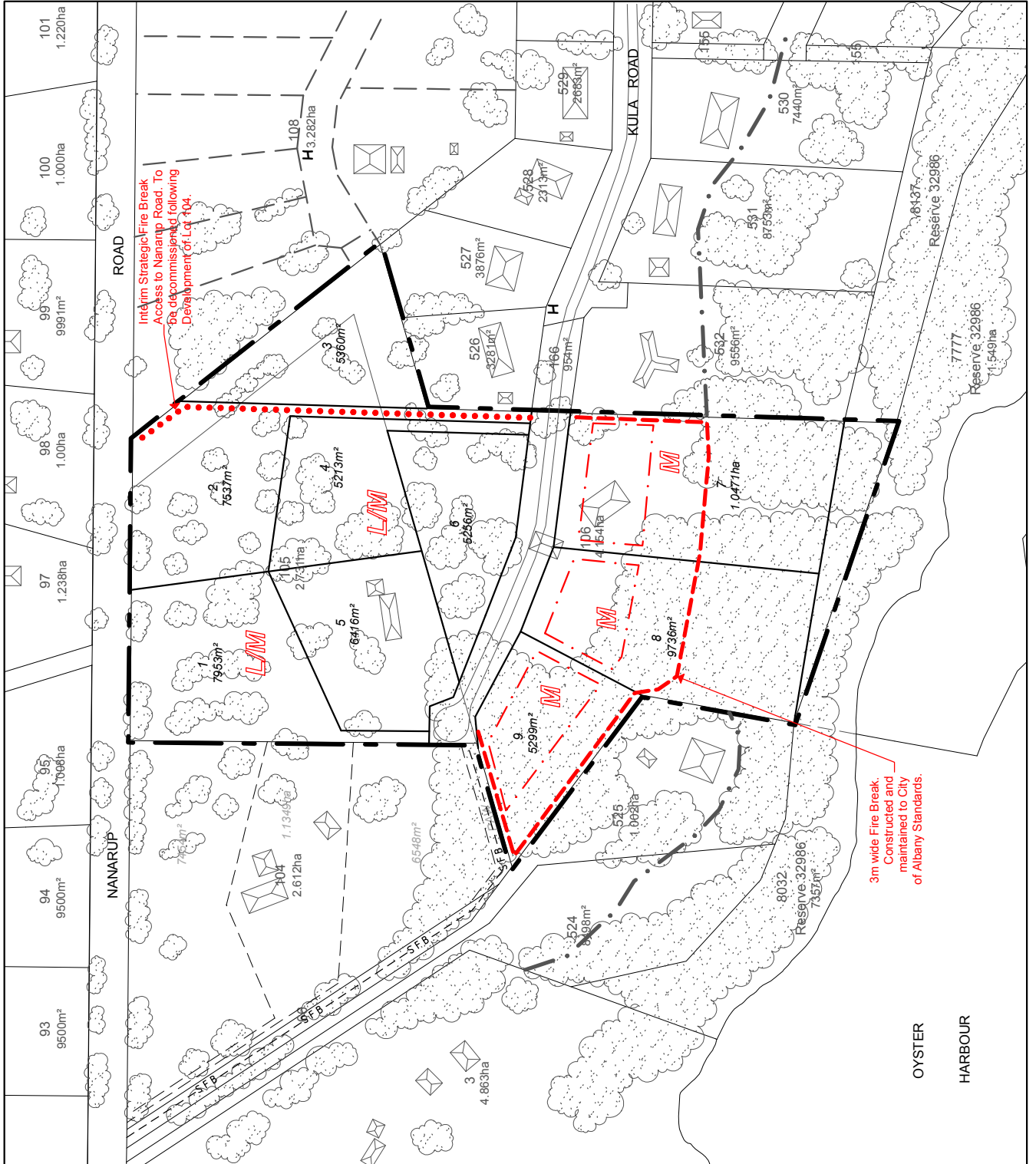
LEGEND

- Subject Land
- Existing Vegetation
- Existing Buildings
- Existing Hydrants
- Existing Low Fuel Link
- Proposed Low Fuel Link
- Strategic Fire Break
- Interim Strategic Fire Break
- Indicative Building Envelope
- Low to Moderate Fire Hazard
- Moderate Fire Hazard

ORIG A4
SCALE 1:3000
0 10 20 30 40 50

BAL Construction & Building Protection Zone Requirements

- Lots 1 - 6 BAL 12.5
- Flat open woodlands / parkland.
- 20m Building Protection Zone to be provided.
- Building Location free within setback constraints.
- Lots 7 - 9 BAL 19
- 5° slope to woodland.
- 30m Building Protection Zone to be provided.
- Building Envelopes Defined.



OYSTER
HARBOUR

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

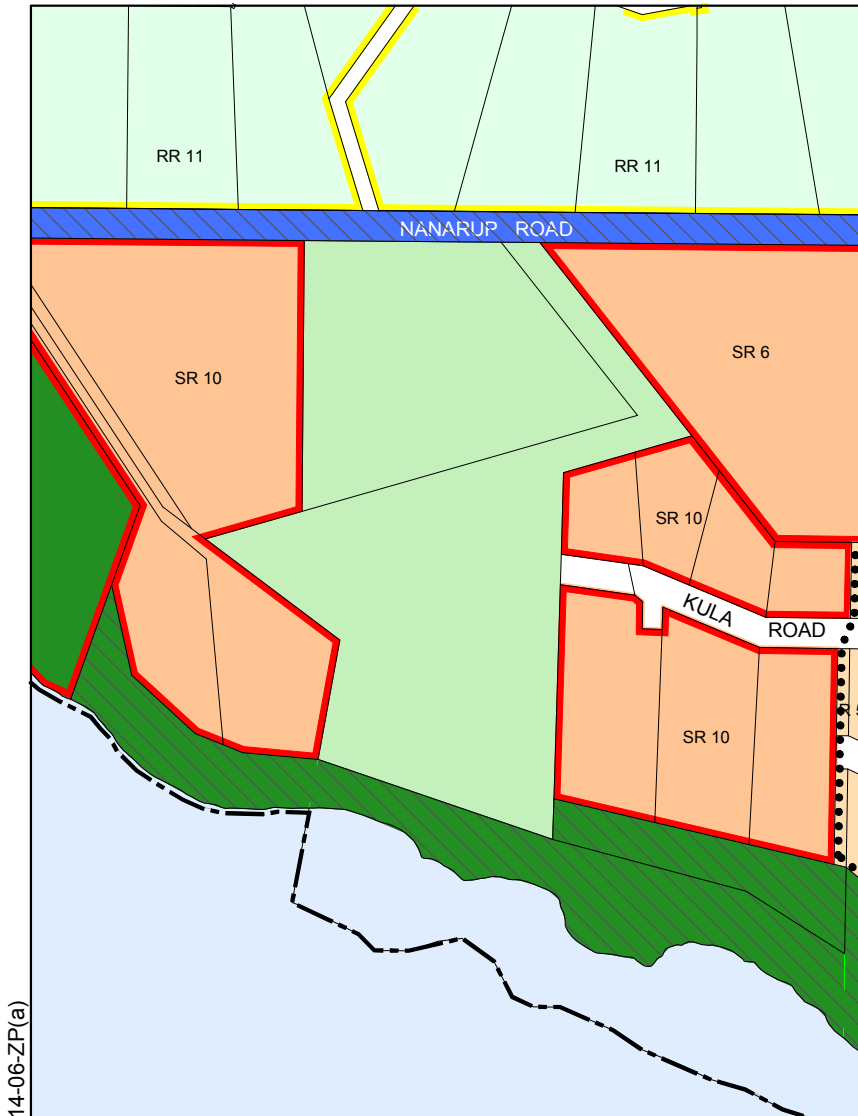
LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 6

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:

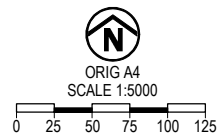
- i. Rezoning of Lot 105 and a portion of Lot 106 Nanarup Road, Lower King, from the 'General Agriculture' zone to the 'Special Residential' zone (SR10).*
- ii. Transferring a portion of Lot 106 Nanarup Road, Lower King, from the 'General Agriculture' zone to the 'Parks and Recreation' Reserve.*
- iii. Including Lots 105 & 106 Nanarup Road, Lower King, within Schedule 15 – Special Residential Zones Area No. 10.*
- iv. Amending the Scheme Maps accordingly.*

Existing Zoning

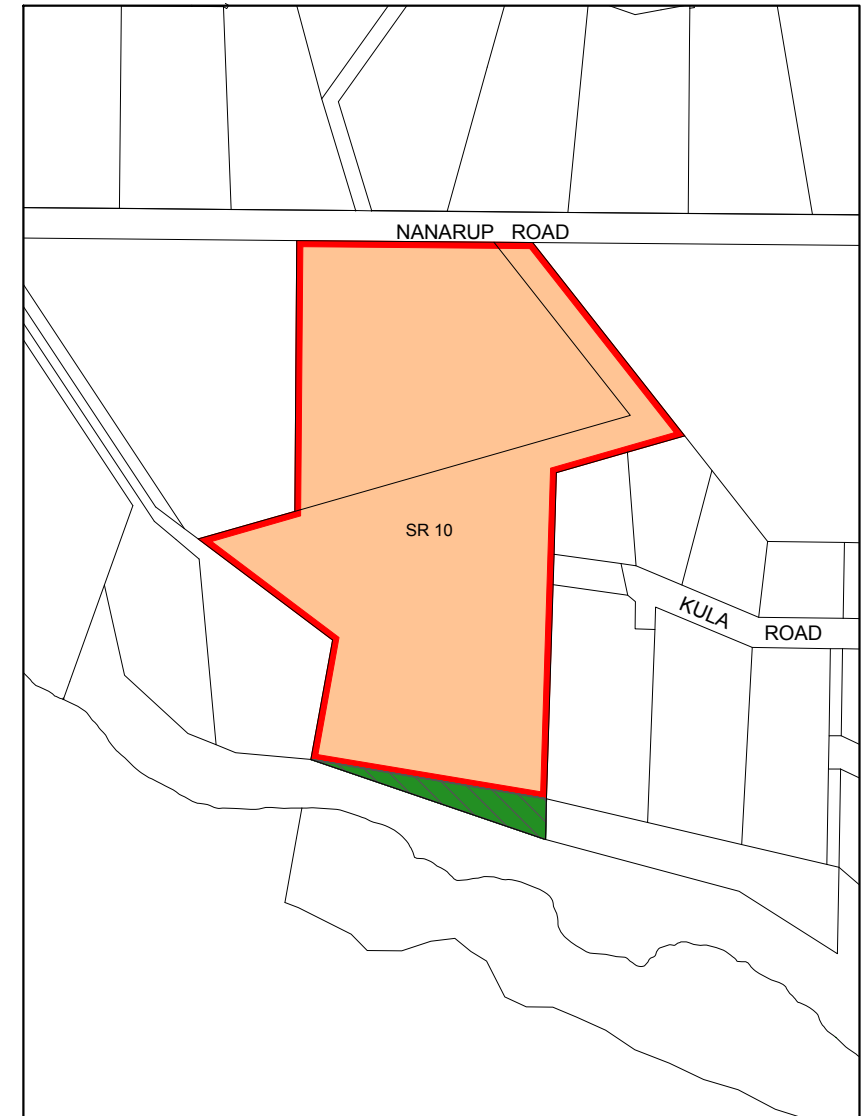


LEGEND

- Municipal Boundary
- R Code Boundary
- LOCAL SCHEME RESERVES**
 - Parks & Recreation
 - Priority Road
- ZONES**
 - Residential
 - Special Residential
 - Rural Residential
 - General Agriculture
 - Caravan & Camping



Proposed Zoning













CITY OF ALBANY
LOCAL PLANNING SCHEME No. 1
AMENDMENT NUMBER 6

AYTON BAESJOU
PLANNING

11 Duke Street
Albany WA 6330
Ph 9842 2304 Fax 9842 8494

LEGEND

-  Subject land
-  Foreshore Reserve
-  Existing Structures
-  Existing Vegetation
-  Proposed Revegetation
-  100m High Water Mark
-  Low Fuel Link
-  8m wide Pedestrian Access Way (Emergency Access / Strategic Fire Break)
-  Right of Way
-  Areas of Dense Invasive Weed Cover

● Lots where the keeping of stock may be considered.

▲ Lots where building envelopes are not to exceed 1200m² refer Provision 5.5).

NOTES:

- All building envelopes are to be located north of the low fuel link (refer Provision 5.5).
- Uniform fencing on lot boundaries to Council's satisfaction.
- No direct access from Lot 104 to Nanarup Road.
- Subject to provision 6.4 & 6.5 - No boundary fencing shall be permitted south of the low fuel link.
- Subject to provision 7.2 & 14.0 - Invasive weeds to be controlled and areas incrementally revegetated.



SCALE 1:2 000
DATE Sept.'97

AYTON, TAYLOR & BURRELL
Consultants in Town Planning and Civic Design
11 Duke Street, Albany, Western Australia 6330
Phone 08 9842 2304 Fax 08 9842 1340

SUBDIVISION GUIDE PLAN

Special Residential Area No. 10

Lot 4, 104, 105, 106 & 107 Nanarup Road Kalgan Heights

Original Plan Sept '97
Updated Sept 2014
LPS 1 Amendment No. 6

ADOPTED BY RESOLUTION OF THE COUNCIL OF THE
_____ OF _____
AT THE _____ COUNCIL MEETING
ON THE _____ DAY OF _____
CHIEF EXECUTIVE OFFICER _____

**ALL AREAS AND
DIMENSIONS
SUBJECT TO SURVEY**

REPORT ITEM PD095 REFERS

ADOPTION

Adopted by resolution of the Council of the City of Albany at the Meeting of the Council held on the _____ day of _____ 20____.

Mayor

Chief Executive Officer

FINAL APPROVAL

Adopted for final approval by resolution of the City of Albany at the Meeting of the Council held on the _____ day of _____ 20____ 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

Recommended/Submitted for Final Approval

**Delegated Under S.16
of the PD Act 2005**

Date

Final Approval Granted

Minister for Planning

Date



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Thursday, 20 August 2015

1:4000



CITY OF ALBANY LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 10

SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|--|--|--|--------------------------|
| 1 | Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850 | The Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) and that it is not necessary to provide any advice or recommendations. | Nil. | The submission is noted. |
| 2 | ATCO Gas 81 Prinsep Road JANDAKOT WA 6164 | ATCO Gas Australia has no comments to make in regard to the proposal. | Nil. | The submission is noted. |
| 3 | Water Corporation PO Box 100 LEEDERVILLE WA 6902 | The Corporation has no objection to the amendment. An existing 150mm water supply main located in Nanarup Road feeds the area. The lots can be served via extension from Nanarup Road. | Nil. | The submission is noted. |
| 4 | Western Power Locked Bag 2520 PERTH WA 6001 | No objection to the proposal. | Nil. | The submission is noted. |
| 5 | Department of Health PO Box 8172 PERTH BC WA 6849 | The DOH provides the following comment: Wastewater Disposal While DOH has no objection to the rezoning proposal, the creation of proposed Lot F is not supported as the water table at the lot is reported to be at 0.45m below natural ground surface and does not comply with | The Department of Health's concerns are noted. However, the lot can be filled as part of the subdivisional works to ensure that adequate vertical separation can be achieved between the water table and any future on-site effluent disposal systems. | The submission is noted. |

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1
REPORT ITEM PD096 REFERS
AMENDMENT No. 10
SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|---|---|---|---|
| | | <p>the minimum site requirements of the draft <i>Country Sewerage Policy</i>.</p> <p>Also, based on the permeability of the soils as reported, wastewater disposal areas must be designed using infiltration rates given for Soil Category 4 – Clay Loams under Table L1 for Trenches and Beds or Table M1 for irrigation systems under AS/NZ 1547.2012.</p> | | |
| 6 | Department of Water South Coast Region PO Box 525 ALBANY WA 6331 | The Department of Water advises that as the site capability report has determined that on-site disposal of wastewater can be safely managed, it has no objections to the proposal and has no further comments to make. | Nil. | The submission is noted. |
| 7 | Department of Lands Level 2, 140 William Street PERTH WA 6000 | The Department of Lands has no comments or objections. | Nil. | The submission is noted. |
| 8 | | <p>As the owners of 3 Kalgonak Lane, we have no objection in principle to the amended zoning.</p> <p>We do, however, wish to advise our objection to the proposed access to the subdivision that utilises Kalgonak Lane as the entry point. This entrance to the subdivision has, in our opinion, no merit. We can only surmise that the proposal to utilise Kalgonak Lane as the subdivision</p> | The City's Manager of Building and Engineering has assessed the proposal and determined that the existing crossover near the centre of the lot frontage would be the most suitable location to take road access from. It is therefore recommended that the proposed subdivision guide plan be modified to reflect this. | <p>The submission is upheld.</p> <p><u>Modifications required:</u></p> <p>The Subdivision Concept Plan shall be modified to indicate a vehicle access point from Nanarup Road at the location of the existing crossover near the centre of the lot frontage.</p> |

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD096 REFERS

AMENDMENT No. 10

SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|---------------------------|--|---|---|
| | | <p>entrance is a marketing strategy to imply that the subdivision is closer to the Kalgan River.</p> <p>The lot already has two existing entrances off Nanarup Road and there seems to be no impediment to these remaining as the entrance(s) to the subdivision. To utilise Kalgonak Lane will increase traffic on and off Nanarup Road near the Kalgan River bridge, creating unnecessary traffic complications and risk at the Kalgonak Lane entry, to the detriment of Kalgonak Lane residents and passing traffic. On this basis, we request that the proposed access to the subdivision be rejected by the City of Albany.</p> | | |
| 9 | | <p>We would like to raise our concerns regarding the proposed rezoning of Lot 11 Nanarup Road, Kalgan from 'Residential' R1 to 'Residential' R5.</p> <p>The site identified for the proposed changes is in close proximity to the School's residential accommodation area and the proposed density change together with the small distance between the existing Boarding Houses will, we believe, disadvantage the School and boarding students. The Boarding House buildings house over 160 students from Year 7 to Year 12 and the School has a high duty of care in relation to the students that will likely</p> | <p>The Great Southern Grammar's concerns are noted; however, the submission does not explain how the proposal is perceived to 'disadvantage'.</p> <p>Staff communicated with the school Principal in an effort to clarify the school's concerns. The Principal advised that the concerns relate primarily to the influence that additional residents adjacent to the school may have on their day-to-day operation and future expansion plans. He expressed concern that these new residents may complain about noise</p> | <p>The submission is upheld.</p> <p>Modifications required:</p> <p>A notation shall be added to the Subdivision Concept Plan as follows:</p> <p>'The City of Albany may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring a notification to be placed on the certificates of title of the proposed lots. The notification shall advise that the lots may be affected by the</p> |

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD096 REFERS

AMENDMENT No. 10

SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|---------------------------|--|--|---|
| | | be impacted by this proposed development. | <p>and disturbance caused by outdoor activities and sports and that they may object to the future expansion of the school, in accordance with the school's master plan.</p> <p>In order to allay these concerns, a notation can be added to the Subdivision Concept Plan to require a condition to be placed on any future subdivision that notifications are placed on the titles of new lots, advising of the ongoing operation and possible future expansion of the school on the adjoining lot.</p> | ongoing operation and possible future expansion of the Great Southern Grammar.' |
| 10 | | <p>Observation: This development is located on a portion of the Lower King – Nanarup Road that lies between the Lower Kalgan bridge and the Great Southern Grammar school. This section of road is notoriously dangerous and not a meeting of the Lower Kalgan Progress Association passes without association members expressing their ongoing and pressing concern about this section of the road. Time and again it is said that someone will be killed either accessing or crossing the road, whether it be by vehicle or on foot. These concerns were most recently expressed to Council staff attending the quarterly meeting of the Lower Kalgan Progress Association.</p> | <p>The Lower Kalgan Progress Association's point of view is acknowledged. However, the recommended modification to the proposed subdivision guide plan, outlined in response to submission 8 (see above) results in the best possible lines of sight along Nanarup Road in both directions, from the proposed subdivisional road.</p> <p>The Western Australian Planning Commission's <i>Development Control Policy 2.3 – Public Open Space in Residential Areas</i> does not require contributions to be made to public open space at the time of subdivision</p> | The submission is dismissed. |

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD096 REFERS

AMENDMENT No. 10

SCHEDULE OF SUBMISSIONS AND MODIFICATIONS

| No. | Name/Address of Submitter | Summary of Submission | Officer Comment | Staff Recommendation |
|-----|---------------------------|---|--|----------------------|
| | | <p>Comment/Request: Access/egress for the proposed development onto Nanarup Road must be relocated to the extreme north-west corner of the development site. This point of view is provided to Council after both i) our discussions with Council Planning Staff regarding this issue on Wednesday, 27 May, and ii) a visit to the site by Lower Kalgan Progress Association members following Staff suggestion that an access point midway along the length of the Nanarup Road lot boundary would meet legal requirements.</p> <p>A standard requirement of all developments should be a proportional contribution to Public Open Space.</p> | <p>of 'Special Residential' zoned lots. Due to the large lot sizes in these areas and the lower population densities, the provision of public open space, other than that placed over foreshores, is not desirable, as it tends to be underutilised and creates a maintenance burden for the City.</p> | |



Harley Dykstra

PLANNING & SURVEY SOLUTIONS

Amendment No.10

Lot 11 (No.264) Nanarup Road, Kalgan

City of Albany Local Planning Scheme No.1

Prepared by Harley Dykstra Pty Ltd for R and JL Buegge

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PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

CITY OF ALBANY

LOCAL PLANNING SCHEME NO.1

AMENDMENT NO.10

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Rezoning Lot 11 (No.264) Nanarup Road, Kalgan from 'Residential R1' to 'Residential R5', and amending the Scheme Maps accordingly;

Dated this _____ day of _____ 20____ .

CHIEF EXECUTIVE OFFICER

DOCUMENT CONTROL

| Control Version | DATE | Status | Distribution | Comment |
|-----------------|----------|--------|----------------|--|
| A | 13.10.14 | Draft | Client | Draft for Comment and Approval |
| B | 10.11.14 | Final | City of Albany | Final Document for Lodgement with the City of Albany |
| C | | | | |
| D | | | | |
| E | | | | |

Prepared for: Mr Robert Buegge

Prepared by: SDP

Reviewed by: LB and SD

Date: 10.11.14

Job No & Name: 13688 Buegge

Version: B

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MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

| | |
|---|----------------------------|
| LOCAL AUTHORITY: | CITY OF ALBANY |
| DESCRIPTION OF TOWN | |
| PLANNING SCHEME: | LOCAL PLANNING SCHEME NO.1 |
| TYPE OF SCHEME: | DISTRICT PLANNING SCHEME |
| NO. OF AMENDMENT: | AMENDMENT NO.10 |
| REZONING LOT 11 (NO.264) NANARUP ROAD, KALGAN FROM 'RESIDENTIAL R1' TO 'RESIDENTIAL R5' AND AMENDING THE SCHEME MAPS ACCORDINGLY. | |

1 INTRODUCTION & PROPOSAL

The purpose of this Amendment to the City of Albany Local Planning Scheme No.1 (LPS 1) is to rezone Lot 11 (No.264) Nanarup Road, Kalgan (herein referred to as the subject site) from *Residential R1* to *Residential R5*.

This proposal has sound planning grounds, as justified by the following:

- The subject site is located directly adjoining the Great Southern Grammar School;
- The subject site is directly adjoined by lots of a minimum size of 2599m², which is more reflective of the R5 density coding of the Residential Design Codes (R-Codes);
- The land has been demonstrated to be capable of supporting additional density of residential development, as indicated in the attached Site Capability Assessment (**Appendix B**); and
- The rezoning of the subject site to a higher density would be reflective of the development pattern in the immediate vicinity and would finalise the enclave of residential development in this locality.

As was evidenced in the previous submission on the draft LPS 1, the proposal to increase the residential density on the subject site is strategically sound. Subsequently, following officer comments being prepared on the submission and adoption of that recommendation by the Council of the City of Albany, the landowner has sought the preparation of a Site Capability Assessment to demonstrate that the subject site is capable of the higher density of residential development, particularly relating to on-site effluent disposal.

It is respectfully requested that the City of Albany initiate the proposal to rezone the subject site to 'Residential R5' in LPS 1.

1.1 Objectives of Amendment

The following key objectives are applicable to the Amendment:

- Providing for the finalisation of the development pattern in this locality;
- Providing appropriately located and serviced lots adjacent to a highly popular private school;
- Respecting the landform and providing future subdivision and development opportunities that consider the site's opportunities and constraints.

1.2 Project History

1.2.1 Submission on draft LPS 1

During the public advertising period of the draft LPS 1, a submission was made by Harley Global Pty Ltd (now Harley Dykstra Pty Ltd) on behalf of the landowners of the subject site. In summary, the submission requested that the subject site be zoned *Residential R5* through the gazettal of LPS 1, as justified by the following:

- The 'R5' density would be more consistent with the existing development in the immediate vicinity, with lot sizes smaller than that which would normally occur within a R1 density area;
- The higher density of development would be more consistent with the City's objectives for residential development, given it enables a better utilization of land where that land has been proven to be capable of supporting such a use;
- Make efficient use of the subject site, which has connections to reticulated water, power and telecommunications.

Due to the timing of the submission period, a Land Capability Assessment was not able to be provided supporting the further subdivision of the subject site, as submissions closed in July and late winter testing is more appropriately carried out in late August/early September. The submission also included a draft Subdivision Guide Plan to show the proposed subdivision and development of the subject site. This has also been included within this Amendment, identified as a Subdivision Concept Plan (attached in **Appendix C**).

In responding to the submission, the City's Planning Department comment, which was adopted by the Council of the City of Albany, was:

"The ALPS includes the subject area in the Rural Residential designation surrounding by the Major Public Purpose Use for the grammar school (Strategic Map: Urban Map 9B).

5a/f

Comments noted. The lot is zoned Rural under existing TPS3 whilst the adjoining lots to the east are zoned Residential. Irrespective of ALPS, this lot has been zoned Residential under draft LPS 1 which is supported by the submission.

This lot and the 3 lots to the east have been included within the Residential Zone in draft LPS 1 presumably to reflect their size and general use for residential purposes rather than rural or rural residential. All of the lots are included within the R1 density code.

Whilst the landowners intentions are clear from the submission and the land may have more potential than reflected in the R1 density coding, any change to increase the amount of lots on Lot 11 or the other lots should be supported by an appropriate land capability assessment for consideration and approval by the City to determine the maximum potential for the land. Until this is completed, no change to the density is supported.

Conclusion

There are no modifications required to the draft LPS1."

As is evidenced in the above, whilst the City of Albany did not adopt the recommendations of the submission to rezone the land to *Residential R5*, the reasoning for not adopting the submission was not on a strategic basis, but rather the demonstration of land capability for proposed development. It is intended for this document to provide the additional information needed to demonstrate to the City of Albany that the subject site is capable of *Residential R5* development.

1.2.2 Strategic Consideration

Albany Local Planning Strategy (ALPS)

As was previously outlined in the officer's comments responding to a submission on the draft LPS 1, the subject site is identified as 'Rural Residential' by the ALPS. However, this classification of the subject site was not deemed consistent with the prevailing land use, being low density residential in a small enclave between the Great Southern Grammar School and Kalgan River/Oyster Harbour. This resulted in the subject site being rezoned to 'Residential R1' by the gazettal of LPS1.

As commented by the officer, any further increase in the density of land use on the subject site would need to be accompanied by a Land Capability Assessment, demonstrating the ability of the land to support a higher density of residential development without connection to reticulated sewer, which is not envisioned to be available in the locality for the long term.

Accordingly, when considering the proposal to rezone the subject site to *Residential R5*, it is not believed that the strategic identification of the subject site for 'Rural Residential' within ALPS should be considered with any weight, as this was clearly dismissed by Council and the City's Planning Officers when considering the zoning of the land in LPS 1.

2 CONTEXT ANALYSIS

2.1 Site Description

2.1.1 Location and Description

The subject site is comprised of Lot 11 (No.264) Nanarup Road, Kalgan. The subject site has a total area of 1.45ha. The subject site is 15km from the Albany CBD via Nanarup, Lower King and Ulster Roads and Lockyer Avenue.

For a location plan, refer to **Figure 1**.

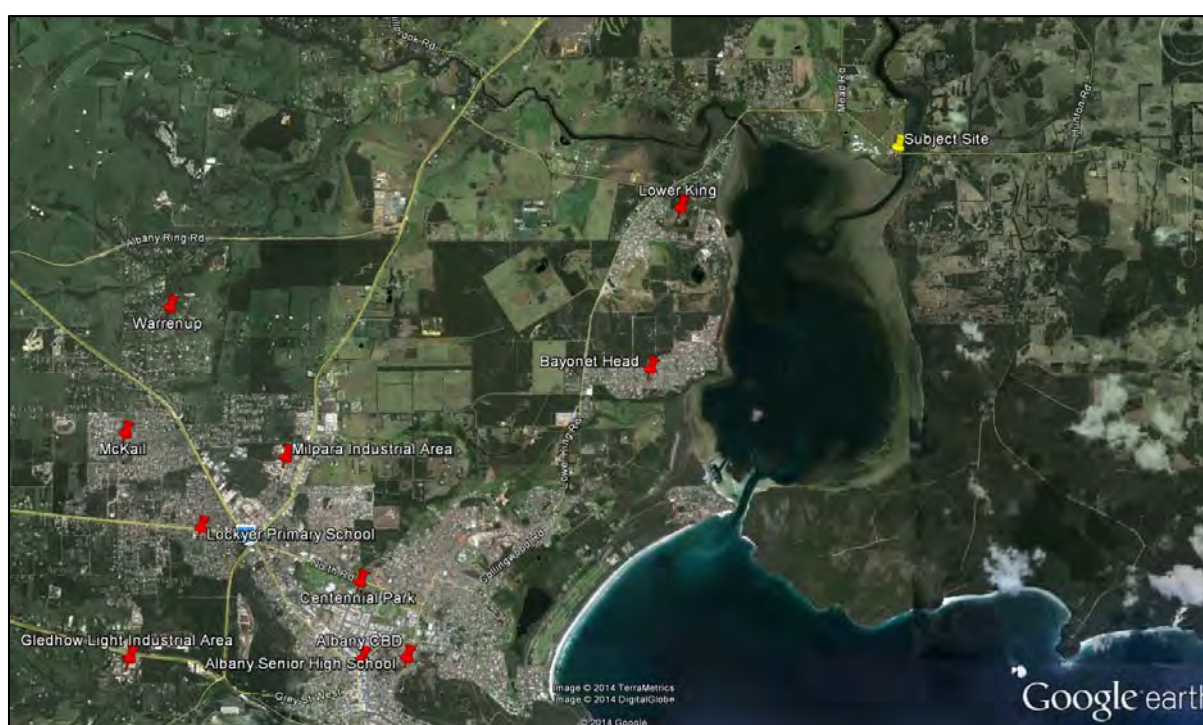


Figure 1: Location Plan

[Source: Google Earth]

2.1.2 Land Ownership

The registered proprietors of the subject site are Robert Christian Buegge and Jaime Lea Buegge. The legal description of the subject site is detailed in **Table 1. Appendix A** provides the Certificate of Title applicable to the Amendment.

| Lot Description | Lot Area | Certificate of Title | Landowner Details |
|-------------------------|----------|-------------------------|--|
| Lot 11 on Diagram 42859 | 1.45ha | Volume: 1352 Folio: 621 | Robert Christian Buegge & Jaime Lea Buegge |

Table 1: Land ownership details.

2.2 Land Use

2.2.1 Existing Land Use

The subject site is currently majority cleared and used as residential property mixed with lifestyle uses.

2.2.2 Surrounding Land Use and Zonings

The subject site is surrounded by a variety of zones and reserves (refer to **Figure 2** below).

Adjoining the subject site to the east and accessed via Kalgonak Lane is land zoned *Residential R1*. This land contains three (3) lots which are between 2599m² - 5980m² in area. These lots are used for low density residential uses. Interestingly, the lot sizes of the existing lots do not comply with the density allocated to them (*R1*), which has a minimum lot size of 8500m², as outlined by Clause 5.6.2 (a) of LPS 1. The intent of the proposed rezoning is to increase the density of development on the subject site to mirror existing neighbouring residential development. At this time, the Amendment does not include the neighbouring lots to be rezoned to *Residential R5*, as this would likely give subdivision potential to Lot 10, over which a land capability assessment has not been undertaken. Furthermore, the City of Albany did not include these at this density in LPS 1.

To the west and south of the subject site is land reserved for *Public Use (School)* by LPS 1, being the Great Southern Grammar School. Adjacent to the subject site on Nanarup Road (north) is land zoned *Caravan and Camping* by LPS 1, which is used for the Kalgan River Chalets and Caravan Park. Also adjacent to the north is land reserved for *Parks and Recreation Reserve*, which contains the Albany Rowing Club and access to the Kalgan River.

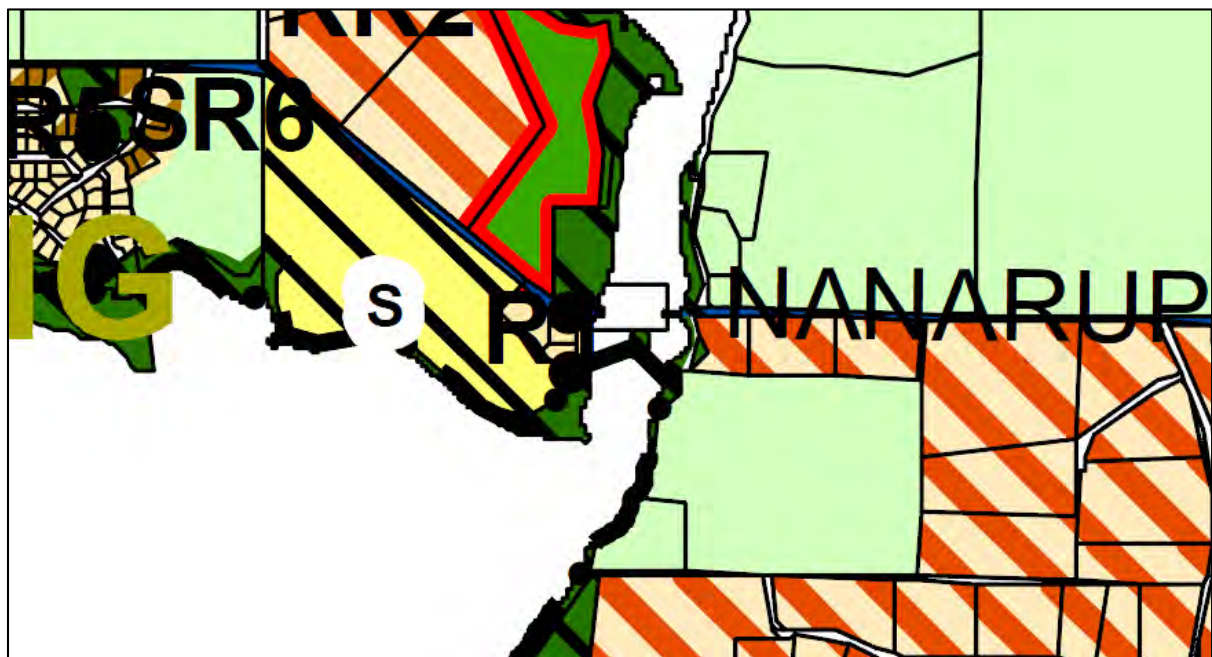


Figure 2: Land Zoning

[Source: City of Albany]

2.3 Community Consultation

In accordance with the requirements of the *Planning and Development Act 2005*, the Amendment is required to be advertised for 42 days for public submissions. These submissions are then presented to Council at its final consideration of the Amendment.

2.4 Environmental

2.4.1 Topography

The subject site is flat, with an elevation less than 5m AHD.

2.4.2 Land Capability

Following the lodgment of the submission on LPS 1 with the City of Albany, the landowner commissioned the preparation of a Site Capability Assessment by Great Southern Bio Logic, which is included in **Appendix B**. A summary of the results is outlined below:

- The site is suitable for the receipt of on-site effluent disposal;
- Test Pit F was the only test pit with less than 500mm clearance to groundwater. In all other test pits clearance to groundwater was in excess of 900mm;
- The soils of the site have medium permeability;
- The Phosphorous Retention Index (PRI) results were generally good across the site, with all test pits having soils with a high PRI within their profile;
- The site is likely to be compliant with the requirements of the *Draft Country Sewerage Policy* should it be subdivided.

As evidenced in the Site Capability Assessment prepared by Great Southern Bio Logic, the site is capable of receiving on-site effluent disposal in accordance with the requirements of the *Draft Country Sewerage Policy* and the City of Albany/Health Department of Western Australia.

2.4.3 Remnant Vegetation

The subject site has been cleared of remnant vegetation, with a small number of remnant trees and fence-line trees scattered throughout. A number of remnant trees are located on the boundary of the subject site, forming a visual distinction between it and land owned and managed by Great Southern Grammar School.

2.5 Bush Fire Hazard Management

A Fire Management Plan has not been prepared as part of the Amendment documentation. The subject site would not be considered to have any moderate to extreme fire hazard features. Furthermore, the land surrounding the subject site is either fully cleared or parkland cleared, with fuel levels maintained. As such, it is believed that fire would not pose a risk to any development proposed for the subject site.

2.6 Setback to Nanarup Road

As is shown on the Subdivision Concept Plan, it is proposed to implement screening vegetation along the boundary of Nanarup Road, primarily as a means of screening development from the road and maintaining the rural nature of the area. The width and type of screening will be discussed with the City of Albany at the time of subdivision, however, it is envisaged that it will be similar to that employed by the Kalgan Heights Estate fronting Nanarup Road.

2.7 Infrastructure

2.7.1 Access

Access to the subject site is via two crossovers onto Nanarup Road. As depicted on the Subdivision Concept Plan (**Appendix C**), it is intended for primary access to the subject site to be from a road connecting to the existing access to Kalgonak Lane, which will connect with a small internal road reserve to service the proposed lots. Please be advised that this method of access would be subject to approval at the time of subdivision.

Should the attached Subdivision Concept achieve approval, it is envisaged that the existing crossovers to Nanarup Road will be removed.

2.7.2 Services

Water

A reticulated water service is currently available from Nanarup Road and is connected to the subject site. It is envisaged that this service would be of sufficient capacity to service the relatively small subdivision and development proposed for the subject site.

Power

The subject site is currently serviced by an overhead low voltage power supply. New transformers and switch gear will be required throughout to service future subdivision and development.

On-site Effluent Disposal

The size of the proposed lots and distance from the Water Corporations Albany Sewerage Scheme requires that future development is serviced by on-site effluent disposal. As is demonstrated in the Site Capability Assessment prepared by Great Southern Bio Logic, the subject site is capable of supporting on-site effluent disposal through the use of alternative treatment units (ATUs).

When considering the ability of enforcing the use of ATUs on the subject site for future residential development, attention is drawn to Clause 5.8.2.2 of LPS 1, which states:

"The Local Government shall require the use of alternative treatment effluent disposal systems, in the following situations:

- (a) *Where the setback requirements of clause 5.3.6 cannot be achieved;*
- (b) *Where soil conditions are not conducive to the retention of nutrients on-site;*
- (c) *In low-lying areas; and*
- (d) *In areas where there is a perched winter water table.”*

As such, it is believed that the Amendment demonstrates through the Land Capability Assessment that the land is capable of supporting on-site effluent disposal and through LPS 1 demonstrates that the City will be able to impose appropriate controls on on-site effluent disposal.

Telecommunications

The subject site is currently connected to telecommunications and will retain this connection as a result of future subdivision and development.

3 PLANNING CONTEXT

3.1 State and Regional Planning

Applicable State Planning Policies are SPP1 – “State Planning Framework Policy (variation No.2)”, SPP3 “Urban Growth and Settlement” and SPP3.1 – “Residential Design Codes” (R-Codes). There are a number of applicable Development Control Policies (DCP), with those summarized below including DCP2.3 “Public Open Space in Residential Areas” and DCP2.5 “Special Residential Zones”

3.1.1 State Planning Policy No.1 – State Planning Framework Policy

The purpose of SPP1 is to bring together the State and regional policies that apply to land use and development in Western Australia and to establish the general principles for land use planning and development in WA. SPP1 states “*the primary aim of planning is to provide for the sustainable use and development of land*”. It goes on to quantify this through identifying and expanding upon the five key principles that further define this statement, environment, community, economy, infrastructure and regional development.

The Amendment meets the objectives of SPP1, as evidenced by the following:

- The Amendment is not consistent with ALPS, however, the use of the land for residential purposes was also recognized in the zoning of the land by LPS 1, the more up-to-date document;
- The Amendment has demonstrated that the land is capable and the proposal is environmentally sound;
- It will provide an alternative source of land for settlement in the Albany hinterland, compliant with adjoining development and complimentary to the neighbouring Great Southern Grammar School;
- It will support the local economy by allowing the growth of Albany and providing an additional housing/lifestyle choice;
- The proposal will have minimal ability to generate land use conflicts; and
- It will utilise existing infrastructure for servicing.

The proposed Amendment is consistent with the objectives of SPP1.

3.1.2 State Planning Policy No.3 – Urban Growth and Settlement

The purpose of SPP3 is to promote a sustainable settlement pattern across Western Australia. The objectives of the policy are:

It specifically mentions rural residential development in Section 5.6 “Managing rural-residential growth”. When planning for rural-residential development, it states that development should-

- *“To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employments, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.”*

With regards to creating sustainable communities, SPP3 also outlines that:

- *“making the most efficient use of land in existing urban areas through the use of vacant and under-utilised land and buildings, and higher densities where these can be achieved without detriment to neighbourhood character and heritage values; the cost effective use of urban land and buildings, schools and community services, infrastructure systems and established neighbourhoods; and promoting and encouraging urban development that is consistent with the efficient use of energy.*

The Amendment complies with the requirements of SPP3, as evidenced by the following points:

- As evidenced in the Land Capability Assessment and recent zoning of the subject site by LPS 1, the land is capable of supporting an increased density of residential development;
- The future subdivision of the land would be consistent with the existing subdivision pattern established by neighbouring development;
- The future subdivision of the land would provide for residences located in close proximity to the Great Southern Grammar School, which although a private school, provides a valuable community service;
- The future subdivision of the land would utilise existing infrastructure; and
- The future subdivision would provide an alternative housing choice to that commonly available in the Albany market.

3.1.3 State Planning Policy No.3.1 – Residential Design Codes (R-Codes)

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. The residential density of the land, which is currently R1 and is proposed to R5, corresponds with the density coding listed within Table 1 of the R-Codes, which outlines the requirements for residential development. Table 2 shows the requirements of the R5 density coding proposed by this Amendment.

| 1 R-Code | 2 Dwelling type | 3 Minimum site area per dwelling | 5 Minimum frontage | 6 Open space | | 7 Minimum setbacks | | |
|-------------|----------------------------------|-------------------------------------|-----------------------|-----------------------|--------------------------------------|-----------------------|------------------|------------|
| | | | | min total (% of site) | min outdoor living (m ²) | primary street | secondary street | other/rear |
| R5 | Single house or grouped dwelling | Min 2000 | 30 | 70 | - | 20 | 10 | 10 |

Table 2: Extract of R-Codes Table 1 for the R5 density coding.

As shown above, the R5 density coding has a minimum lot area of 2000m². This is reflected on the Subdivision Concept Plan. The Subdivision Concept Plan complies with all other minimum requirements of the R5 density of the R-Codes.

3.1.4 Development Control Policy No.2.3 Public Open Space in Residential Areas

The purpose of DCP2.3 is to provide requirement for the contribution to or provision of public open space in residential subdivisions. The requirement is listed in Clause 3.1.1 of DCP2.3, which states that:

“The Commission's normal requirement in residential areas is that, where practicable, 10 percent of the gross subdivisible area be given up free of cost by the subdivider and vested in the Crown under the provisions of Section 20A of the Town Planning and Development Act, 1928 (as amended) as a Reserve for Recreation. In determining the gross subdivisible area the Commission deducts any land which is surveyed for schools, major regional roads, public utility sites, municipal use sites, or, at its discretion, any other nonresidential use site.”

Clause 3.1.5 of DCP2.3 is noted in that it is likely that a public open space contribution will be required of the future subdivision of the land, if it proposes more than five (5) lots as is shown on the Subdivision Concept Plan.

As shown on the Subdivision Concept Plan, it is not proposed to make a land contribution to public open space at this time. This is due to the size of the property, which is unlikely to yield public open space that is of a useful size or location for use by the community. As such, it is likely that if the subject site were developed for in excess of five (5) lots that a cash-in-lieu contribution to public open space would be made in accordance with Clause 4.3 of DCP2.3.

3.1.5 Development Control Policy No.2.5 Special Residential Zones

The purpose of DCP2.5 is to provide guidance and requirements applicable to special residential development throughout Western Australia. Whilst the proposal is not for a *Special Residential* zone to be applicable to the subject site, the type of development proposed is consistent with a *Special*

Residential zone. As such, the requirements of DCP2.5 have been taken into consideration for the Amendment.

Clause 3.2 lists the following design and servicing requirements for Special Residential development:

- Lot sizes of 2000m² and greater;
- Connection to a reticulated water supply;
- Road networks should take account of topography and be unobtrusive, with long cul-de-sacs being avoided;
- Lot size and design should achieve the best possible amenity;
- Direct access from major roads should not be permitted;
- Building setbacks should be considered to create a more interesting and spacious environment; and
- Provision of underground power should be required.

The Amendment complies with the requirements of DCP2.5, as evidenced by the following comments:

- Lot sizes and design comply with the requirements of the R5 density of the R-Codes;
- Future subdivision will be connected to reticulated water, underground power and telecommunications;
- The Subdivision Concept Plan has taken consideration of topography and lot constraints, to provide a development that will be screened from Nanarup Road and consistent with surrounding development; and
- No direct access will be provided from Nanarup Road, with access being obtained through Kalgonak Lane.

Clause 4.3 of DCP2.5 also mentions that any *Special Residential* zones should be considered the maximum density considered for the land, given that retrofitting these zones for a higher density of development is extremely difficult. The higher density development of the subject site is highly unlikely, given the likelihood that reticulated sewer would not be connected to the locality.

Although the Amendment is not for a *Special Residential* zone, it has been demonstrated that the proposal complies with DCP2.5 given the Amendment proposes lot sizes consistent with this zone type.

3.1.6 Draft Country Sewerage Policy

The Department of Health released a draft policy for wastewater treatment and dispersal in 2003. The draft Country Sewerage Policy sets minimum requirements for on-site wastewater disposal. This includes:

- A minimum lot size of 2000m² shall be established in areas proposed to utilise on-site effluent disposal techniques;

- The use of Aerobic Treatment Units (ATU's) where a clearance of 500mm from surface to groundwater can be achieved;
- The use of septic systems where a clearance of 2000mm from surface to groundwater can be achieved and suitable soil types are found; and
- A 30 metre setback to a dam, stream or private water supply.

As is outlined in the Site Capability Assessment, late winter testing of the Amendment Site was undertaken. It identified that the Amendment Site does meet the requirements of the draft Country Sewerage Policy.

3.2 Local Planning

3.2.1 City of Albany Local Planning Scheme No.1

Under the City of Albany Local Planning Scheme No. 1 (LPS 1), the subject site is zoned *Residential R1*. The purpose of the Amendment to LPS 1 is to rezone the subject site to *Residential R5*. The objectives of the *Residential* zone is:

- (a) *Maintain the character and amenity of established residential areas and ensure that new development, including alterations and additions, is sympathetic with the character and amenity of those areas;*
- (b) *Promote and safeguard the health, safety and convenience of residential areas and inhabitants by:*
 - (i) *Providing for increased dwelling density and encouraging urban renewal and consolidation in areas where land is sufficiently close to existing or planned facilities and infrastructure available to service the development;*
 - (ii) *Providing a range of lot sizes in appropriate locations to meet the needs of the City and its anticipated growth in population;*
 - (iii) *Providing for adaptable housing in areas where facilities are available to meet the needs of aged and disabled residents within the City;*
 - (iv) *Identifying those areas where a residential land use development requires additional development control standards to safeguard residents against an adjoining non-compatible land use activity or hazard;*
 - (v) *Encourage high standards of innovative housing design, which recognize the need for privacy and energy efficient design, whilst ensuring the building bulk and scale is compatible with adjoining sites; and*
 - (vi) *In low density areas, ensure that development (including dwellings, structures, outbuildings and access) are sited and designed to:*
 - *Minimise the clearing of stands of remnant vegetation and promotes the replanting of endemic vegetation species;*

- *Enhance the visual amenity of the area;*
- *Avoid areas affected by natural hazards or other impacts (including bushfire risk and/or floodplains, heavy haulage routes and the like) to reduce the potential for harm to buildings and their occupants.*

The Amendment is consistent with the objectives of the *Residential* zone, as evidenced by the following justification:

- (a) The purpose of the Amendment is to increase the density of residential development permitted on the subject site, and mirrors residential development which has already occurred to the east;
- (b) The proposal allows for the consolidation of land already identified for residential uses;
- (c) The development is appropriately located, being directly adjoining the Great Southern Grammar School and convenient to local goods and services provided in Lower King;
- (d) Suitable development controls are included within LPS 1 and other guiding policy documents of the City of Albany to control the future development of the subject site;
- (e) The proposal is on already cleared land, therefore, no further clearing will be needed to facilitate development. Furthermore, it is likely that some screening vegetation will be included to Nanarup Road as a result of future subdivision;
- (f) Subdivision of the subject site will enhance the visual amenity of the area, by allowing for the upgrading of the Kalgonak Lane entrance to Nanarup Road and implementation of vegetation screening; and
- (g) The subject site is relatively risk free from hazards such as flooding and bush fire, hence making it suitable for further subdivision and development.

It is believed that the Amendment complies with the objectives of the *Residential* zone of the City of Albany Local Planning Scheme No.1, as well as meeting general policies for lot size rationalization and use of existing zoned land for development.

4 SUBDIVISION CONCEPT PLAN

4.1 Introduction

To demonstrate the likely subdivision of the land, a Subdivision Concept Plan has been included with the proposed Amendment. Although the final subdivision layout will be determined upon lodgment of a future subdivision application, this Subdivision Concept demonstrates the key principles of subdivision that would be applicable.

4.2 Design Philosophy

The key influences on the design are as follows:

- Complying with the requirements of the Residential Design Codes relating to the R5 density, such as minimum size of 2000m² and minimum frontage of 30m;
- No direct access to Nanarup Road;
- Improvement of Kalgonak Lane intersection with Nanarup Road;
- Ensuring that the proposed subdivision complemented adjoining development; and
- Ensuring that the visual amenity of the area is not compromised by future subdivision.

The proposed subdivision aims to create large lot residential form that is responsive to landform and constraints and formalizes the final extent of residential uses in the locality.

4.3 Constraints to Development

As outlined in this report, there are relatively few constraints to the subdivision of the land, other than those listed in policy documents. Constraints for on-site effluent disposal and access have been adequately addressed to ensure that subdivision has relatively little impact.

4.4 Outcomes of Design Exercise

The Subdivision Concept Plan achieved the following:

- A lot yield of six (6) lots on the subject site, all with a minimum lot size of 2000m² and a minimum lot width of 30m;
- Access to the proposed lots by a 14.2m road reserve with 6m wide road and cul-de-sac, the minimum permitted by the City of Albany and Liveable Neighbourhoods, connecting to the existing Kalgonak Lane gravel access track;
- 10m separation between the proposed access road and Nanarup Road; and
- Implementation of screening vegetation along the northeast and northwest lot boundaries, from which the subject site is viewable from Nanarup Road.

The proposed subdivision design complies with all of the necessary requirements of the City of Albany and State Government and will achieve a long-term, rationalised use of the subject site.

5 JUSTIFICATION AND CONCLUSION

Amendment No.10 to the City of Albany Local Planning Scheme No.1 seeks to amend the density of the subject site from *Residential R1* to *Residential R5*.

This Amendment achieves the following objectives:

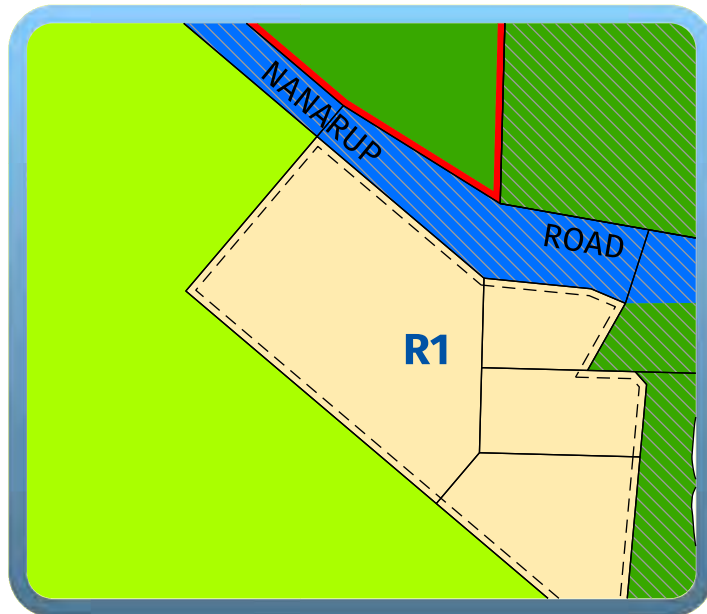
- Rationalising the *Residential* zoned land use of the subject site in accordance with the neighbouring land uses;
- Finalising residential land uses in this locality;
- Ensuring that the subject site can meet relevant requirements, such as site capability for on-site effluent disposal and the like;
- Addressing the key constraints and opportunities of the Amendment Site in a sensitive manner that will permit development;
- Providing for suitable land uses which complement their surrounding context.

The purpose of this Amendment is to increase the density of permitted residential development on the subject site, by demonstrating the site is capable and the land use can complement those surrounding. Endorsement of the Amendment is therefore respectfully requested.

CITY OF ALBANY

Local Planning Scheme No. 1

Amendment No. 10



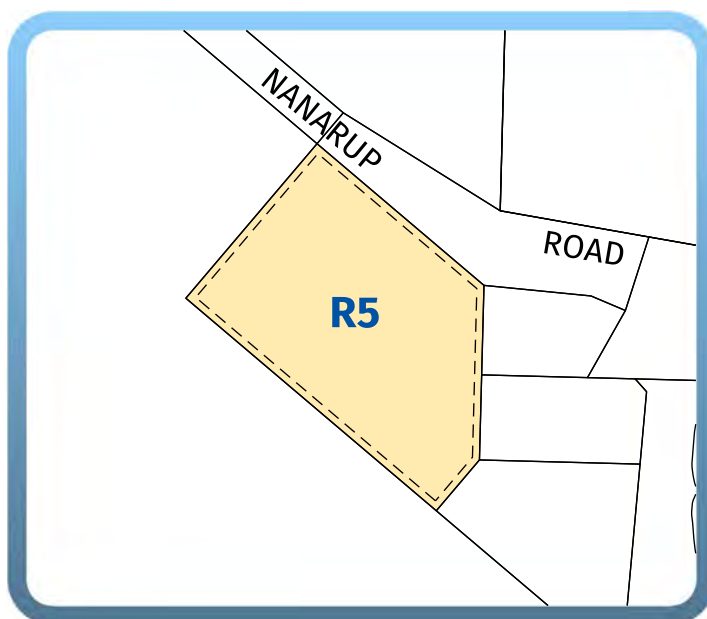
Existing Zoning

LOCAL SCHEME RESERVES

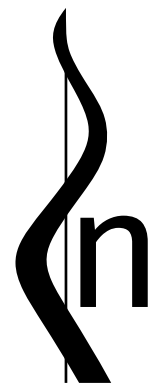
| | |
|---|----------------------|
|  | Local Roads |
|  | Priority Road |
|  | Parks and Recreation |

ZONES

| | |
|---|----------------------|
|  | Residential |
|  | Caravan & Camping |
|  | Clubs & Institutions |



Proposed Zoning



PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

LOCAL PLANNING SCHEME NO.1

AMENDMENT No.2

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. Rezoning Lot 11 (No.264) Nanarup Road, Kalgan from 'Residential R1' to 'Residential R5', and amending the Scheme Maps accordingly

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

LOCAL PLANNING SCHEME NO.1

AMENDMENT No.10

ADOPTION:

Adopted by resolution of the Council of the City of Albany at the meeting of the Council held on the _____ day of _____ 201__:

Mayor

Chief Executive Officer

FINAL APPROVAL:

Adopted for final approval by resolution of the City of Albany at the meeting of the Council held on the _____ day of _____ 201__ and the Common Seal of the municipality was pursuant to that resolution hereunto affixed in the presence of:

Mayor

Chief Executive Officer

RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

Delegated under s.16 of the PD Act 2005

Date

FINAL APPROVAL GRANTED:

Minister for Planning

Date

APPENDIX A – CERTIFICATE OF TITLE

WESTERN



AUSTRALIA

| | |
|-------------------------------------|---|
| REGISTER NUMBER 11/D42859 | |
| DUPLICATE EDITION 2 | DATE DUPLICATE ISSUED 18/5/2005 |

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

VOLUME
1352FOLIO
621

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 11 ON DIAGRAM 42859

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

ROBERT CHRISTIAN BUEGGE
JAIME LEA BUEGGE
BOTH OF 14 CAMPBELL ROAD, ALBANY
AS JOINT TENANTS

(T J200109) REGISTERED 2 MARCH 2005

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

1. J281725 MORTGAGE TO WESTPAC BANKING CORPORATION REGISTERED 12.5.2005.

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: 1352-621 (11/D42859).
PREVIOUS TITLE: 403-82A.
PROPERTY STREET ADDRESS: 264 NANARUP RD, KALGAN.
LOCAL GOVERNMENT AREA: CITY OF ALBANY.

APPENDIX B – SITE CAPABILITY ASSESSMENT – GREAT SOUTHERN BIO LOGIC



Site Capability Assessment of Lot 11 Nanarup Road - Kalgan

Prepared for: Robert Buegge
Lot 11 Nanarup Road
Kalgan, 6330

Report Date: 22 November 2013
Project Ref: GSBL126-site capability-Lot 11
Nanarup Rd-V1

Written and Submitted By

A handwritten signature in blue ink, appearing to read "J. Spencer", is written over a faint, light blue circular stamp.

Jeremy Spencer
Senior Environmental Scientist

RECORD OF DISTRIBUTION

| No. of copies | Report File Name | Report Status | Date | Prepared for: | Initials |
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| 1 | GSBL126-site capability- Lot 11 Nanarup Rd-V1 | V1 | 22 November 2013 | Great Southern Bio Logic | JS |

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Figure 1: Lot 11 Nanarup Rd showing the selected Test Pit Sites

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Appendix A: Soil Profile Photographs

Appendix B: Soil Permeability Calculations

Appendix C: PRI Laboratory Analysis Certificates

EXECUTIVE SUMMARY

Great Southern Bio Logic Pty Ltd were engaged by Robert Buegge of Lot 11 Nanarup Road, Kalgan (the site) to conduct a site capability assessment of the site, located approximately 11km northwest of the Albany Central Business District. The work has been undertaken in support of a proposal to subdivide the existing Lot 11 into multiple lots.

The site is situated on the floodplain of the Kalgan River close to the mouth of the river, where it meets Oyster Harbour. The Kalgan River lies approximately 140 meters to the east of the closest point of the existing lot and Oyster Harbour is approximately 300 meters to the south.

The site is predominantly level and cleared however some trees remain around the boundary and there is a slight elevation in the rear of the block where a localised granite extrusion is located.

The primary guideline document that provides guidance on the criteria required to assess suitability of a site to receive waste water effluent is the *Draft Country Sewerage Policy*. Should a site require ATU's, which it is understood to be the case for Lot 11 Nanarup Road, the *Code of Practice for the Design, Manufacture, Installation and Operation of Alternative Treatment Unit's (ATU's) Serving Single Dwellings* also applies.

Field observations recorded on the day of soil sampling identified a generally consistent soil profile of medium grained sands with high organic matter content over mottled kaolin clays. A layer of gravelly clay, consisting of lateritic gravel within the kaolin, was consistently identified at the top of the clay horizon.

Groundwater was encountered as a thin lens perched above the impeding clay horizon in four of the six Test Pit locations. Gravels in the upper clay horizon assist the permeability of the clay allowing groundwater to infiltrate through. The minimum vertical separation from observed groundwater ranged from 0.45m to 1.5m.

Soil permeability testing was conducted in the in-situ soil at each Test Pit location. All permeability results are consistent with silty sands with medium permeability.

PRI results were generally high to very high across the site, however 3 results are below the required PRI value of 20. These are the upper horizon from TP-A and TP-E, plus the soils from the intersection of the two soil horizons at TP- C. In all of these three Test Pits, soils with high PRI values were identified within the soil profile and would enable adequate retention of phosphorous released in treated effluent.

It is considered that Lot 11 Nanarup Road has sub-surface characteristics suitable for receiving treated wastewater effluent for disposal onsite.

1 INTRODUCTION

1.1 Background

Great Southern Bio Logic Pty Ltd were engaged by Robert Buegge of Lot 11 Nanarup Road, Kalgan (the site) to conduct a site capability assessment of the site, located approximately 11km northwest of the Albany Central Business District. The work has been undertaken in support of a proposal to subdivide the existing Lot 11 into multiple lots.

Requested works include an assessment of soil profile including the depth to groundwater, soil permeability and determination of the soils phosphorous retention index (PRI). The investigation was conducted using the Draft Subdivision Layout Plan as provided by Robert Buegge which identifies 6 separate lots.

1.2 Site Characteristics

The site is situated on the floodplain of the Kalgan River close to the mouth of the river, where it meets Oyster Harbour. The Kalgan River lies approximately 140 meters to the east of the closest point of the existing lot and Oyster Harbour is approximately 300 meters to the south.

The site is predominantly level and cleared however some trees remain around the boundary and there is a slight elevation in the rear of the block where a localised granite extrusion is located.

Observations from the test pit excavations showed a soil profile across the site consisting of sands over clay with each horizon of varied depth. More detail on the soil profile is provided in Section 4.

1.3 Objective

The objective of the site capability assessment was to:

- Assess the capacity of the soils to receive and effectively infiltrate local stormwater runoff and waste water effluent onsite in accordance with relevant guidelines.

1.4 Scope of Works

In order to meet the above objective the following scope of works was undertaken:

- Excavation of six test pits to log the soil profile and determine the depth of any ground water that may be present;
- Completion of six soil permeability tests using a constant head permeameter;
- Collection of soil samples from between the surface and the base of each test pit for Laboratory analysis of the soils Phosphorous Retention Index (PRI); and
- Reporting of results in a manner suitable for inclusion in the proposed application for subdivision.

Results of the permeability tests will be used to calculate the saturated hydraulic conductivity, or K_{sat} , of the soil. These values can be used by engineers in determining infiltration capacity and determining the specification of onsite infiltration systems.

Results of the PRI analysis provides an indication of the suitability of soils to receive treated waste water effluent for onsite disposal. The observed separation distance between the water table and the surface also provides information about the suitability of the site for on-site disposal of effluent.

2 METHOD

The investigation involved an intrusive site investigation to log the soil profile, collect soil samples, assess soil permeability and investigate the presence of the water table. The site investigation was conducted on Tuesday 29 October 2013 and involved the excavation of six soil test pits to a maximum depth of 2.2m below ground level (BGL), visual assessment of groundwater depth, six permeability tests and collection of samples for laboratory analysis of soil PRI. Excavation of the test pits was performed using a back hoe fitted with an extension boom to allow excavation to the required depths.

Permeability testing was conducted using a CL26100 constant head permeameter as suitable for compliance with Australian Standard 1547 and a hand augured 0.5m test hole. Permeability tests were performed following saturation of the soil which was achieved by filling the hole with water and allowing a minimum period of ten minutes for the water to saturate surrounding soils. The hole was then re-filled and following equilibration of water levels in the permeameter and the hole, the fall of water in the permeameter reservoir was measured at fixed time intervals until a consistent rate of fall within the permeameter had been established. The time taken for a fall of 10cm within the permeameter was determined from the average of two consecutive tests comprising timed readings at each location. The permeability testing and K_{sat} calculations were conducted with reference to the constant head permeability test methods presented in Standards Australia (2000). Permeability testing was conducted at each of the test pit locations shown in Figure 1.

Depth to ground water was determined by visual assessment after excavation and soil samples were collected from 0.1mBGL and just above the impeding layer at each test pit location. Soil samples were sent via overnight courier to Analytical Reference Laboratory (ARL) for analysis of PRI. The soil sampling locations are shown on Figure 1.

A PRI result provides a measure of the phosphorus-holding capacity of a soil. PRI is important as it provides an indication of whether phosphorus discharged in wastewater effluent will be bound to soils and held in the soil profile or leached directly to receiving environments. High PRI scores indicate a high phosphorus retention capability.



3 ASSESSMENT CRITERIA

The primary guideline document that provides guidance on the criteria required to assess suitability of a site to receive waste water effluent is the *Draft Country Sewerage Policy*. Should a site require ATU's, (Alternative Treatment Unit) which it is understood to be the case for Lot 11 Nanarup Road, the *Code of Practice for the Design, Manufacture, Installation and Operation of Alternative Treatment Unit's (ATU's) Serving Single Dwellings* also applies.

3.1 Draft Country Sewerage Policy

The *Draft Country Sewerage Policy* identifies;

Minimum site requirements, irrespective of on-site wastewater disposal system;

- Having at least 0.5 metres separation between the natural ground surface and the highest known groundwater level. Correctly engineered drainage solutions may be used to increase the clearance between the natural surface and the highest known ground water level, subject to such drainage works being environmentally acceptable.
- The site is required to have soil characteristics capable of receiving all wastewater likely to be generated on the site without risk to public health or the environment. Sites that have shallow or no permeable topsoils, underlain by rock or low permeability soils (eg. clays, etc.) are less able to receive wastewater. On such sites, proposals will need to be supported by a wastewater system design based on the site's capability and the proposal's details.
- The natural land slope on which wastewater disposal is to occur shall not exceed a one in five gradient. Proposals for sites with gradients exceeding this may be engineered to allow on-site wastewater disposal.
- Proposals should demonstrate that the intended wastewater disposal design prevents the risk of wastewater run-off.

Additional requirements defined in the *Draft Country Sewerage Policy* include setbacks from Environmentally Sensitive Areas;

- Setbacks from water courses defined as 100m in areas with soils with a PRI of less than 5 and 30m for areas with soils with a PRI greater than 5.

The Department of Health (DoH, 2001) state that soils receiving wastewater effluent require a PRI in excess of 20. Soils with a PRI value below 20 may require amendment via the addition of materials with a high PRI such as gypsum or clays.

3.2 Code of Practice for the Design, Manufacture, Installation and Operation of ATU's Serving Single Dwellings

The code of practice presents specifications for the design and manufacture of ATU's, requirements for the installation and operation of ATU's and defines site criteria required for lots receiving effluent from ATU's including setbacks and irrigation areas.

Minimum site requirements vary with regard to unit design and site characteristics. The full set of criteria for ATU's can be found in the code and should be assessed closely prior to installation. Relevant physical criteria associated with the site include:

- A minimum irrigation area of 150m²;
- A minimum of 300mm of permeable soil over impermeable soil horizons for surface irrigation;



- Soil PRI values greater than 20; and
- A minimum vertical separation from the maximum groundwater levels of 0.5m.



4 RESULTS AND DISCUSSION

4.1 Soil Profile

Field observations recorded on the day of soil sampling identified a generally consistent soil profile of medium grained sands with high organic matter content over mottled kaolin clays. A layer of gravelly clay, consisting of lateritic gravel within the kaolin, was consistently identified at the top of the clay horizon. The sand horizon extended from the surface to varied depths ranging from approximately 0.4mBGL (TP-B) to 0.83mBGL (TP-E). The clay horizon extended from the base of the sand horizon to the base of excavation in each test pit.

The only exception to this was noted in Test Pit C. Test Pit C is located at the rear of the block on a minor localised elevation where fractured granite protrusions were noted (Figure 1). In this location the basic soil profile remains similar to the remainder of the block however granite floaters of varying size were encountered. Test Pit C was excavated to a depth of 2mBGL demonstrating that the granite in this area does not represent an impeding layer. Appendix A shows photos for the soil profile from each test pit.

4.2 Groundwater

Groundwater was encountered as a thin lens perched above the impeding clay horizon in five of the six Test Pit locations. As described in Section 4.1, the clay horizon consists of an over-lying layer of permeable gravelly clay over impermeable clay. The gravel assists the permeability of the clay allowing groundwater to permeate through. Groundwater was identified in Test Pits A, C, D, E & F while Test Pit B was dry. The depth of groundwater varied from 0.45mBGL in Test Pit F to 1.5mBGL in Test Pit E. Test Pit F is the only location where groundwater was identified less than the required 0.5mBGL. The next shallowest groundwater was at Test Pit D @ 0.9mBGL. Variation in the depth to groundwater is attributed to variations in surface elevation and variability of the soil profile across the site.

Groundwater levels typically peak following winter as water permeates through soil and levels are maintained while rainfall continues. The monthly rainfall for September 2013 prior to the field assessment was 174.6mm (Ave 102.2mm) while October recorded 54.6mm (Ave 78.7) including 20.8mm which fell on October 20, eleven days prior to assessment (BoM 2013). Based on this information it is considered that the results will suitably reflect typical groundwater conditions for winter.

4.3 Permeability

A summary of the field parameters and the equation used to calculate the saturated hydrological conductivity (K_{sat}) are included in Appendix B.

Based on the average time for the falling head of water to fall 10cm, the K_{sat} values for each location are as follows:

- Average time of 62.5 seconds to fall 10cm, the K_{sat} value for Test Pit A was 1.46m/day
- Average time of 78.3 seconds to fall 10cm, the K_{sat} value for Test Pit B was 1.16m/day
- Average time of 64.3 seconds to fall 10cm, the K_{sat} value for Test Pit C was 1.42m/day
- Average time of 60 seconds to fall 10cm, the K_{sat} value for Test Pit D was 1.52m/day
- Average time of 76.6 seconds to fall 10cm, the K_{sat} value for Test Pit E was 1.19m/day
- Average time of 128.6 seconds to fall 10cm, the K_{sat} value for Test Pit F was 0.71m/day



All of these results are consistent with silty sands with medium permeability.

Soil permeability at location Test Pit F is notably lower than other sites. In this area the sand horizon only extends to 0.45mBGL which is the second shallowest depth observed. A shallow lens of groundwater was also observed at 0.45mBGL suggesting that the underlying clays are impeding the drainage from this area.

4.4 Phosphorous Retention Index

Chain of Custody documentation and Laboratory certificates for the PRI analysis are presented in Appendix C. Results from the laboratory analysis are as follows:

| PRI RESULTS – Lot 11 NANARUP RD | | | |
|---------------------------------|-----------------------|---------------|-------|
| Sample Site | Sample Depth m/BGL | Soil Type | PRI |
| Test Pit A | 0.1 | sand | 6.8 |
| | 0.7 | sandy gravel | 252.9 |
| Test Pit B | 0.1 | sand | 161.2 |
| | 0.6 | gravelly clay | 82.2 |
| Test Pit C | 0.1 | sand | 158 |
| | 0.65 | gravelly clay | 10.9 |
| Test Pit D | 0.1 | sand | 125 |
| | 0.7 | sandy gravel | 94.8 |
| Test Pit E | 0.1 | sand | 4.2 |
| | 0.8 | gravelly clay | 846.7 |
| Test Pit F | 0.1 | sand | 121.8 |
| | 0.5 | sandy clay | 534.5 |

Table 1: PRI results from Lot 11 Nanarup Rd

As shown in Table 1, the PRI results are generally high to very high across the site, however 3 results are below the required PRI value of 20. These are the upper horizon from TP-A and TP-E, plus the soils from the intersection of the two soil horizons at TP- C. In all of these three Test Pits, the soils either above or below the low PRI zone, have high PRI values and would enable adequate retention of phosphorous released in treated effluent.

5 SUITABILITY FOR ONSITE EFFLUENT DISPOSAL

The following information is a summary of the results presented in Section 4 in comparison with the assessment criteria presented in Section 3.

5.1 The Draft Country Sewerage Policy

- The minimum observed vertical separation to groundwater was 0.45m at TP-F, however it was generally greater than 0.9m at all other locations. With the exception of TP-F, the vertical separation to groundwater exceeds the required minimum 0.5m.
- The general soil profile consists of sands over gravelly clay over clay. The soil profile has generally high PRI values which have medium permeability, consistent with permeability values associated with fine sand. The impermeable layer sits below 0.45mBGL at the shallowest observed point (TP-F). However at all other locations it is below 0.9mBGL. It is considered that the soil characteristics are suitable of on-site disposal of treated effluent.
- The greatest slope across the site is negligible. At no location across the site does the slope exceed the maximum allowable gradient of one in five.
- Only one site recorded a PRI value of less than 5 (TP-E@0.1m). This site occurs at a location further than the required 100m setback from the nearest water course (Kalgan River) and also had soils with a PRI value of 846 lower in the profile. All other PRI values were greater than 5 and all locations are further than the required 30m setback from the Kalgan River.

5.2 Code of Practice for the Design, Manufacture, Installation and Operation of ATU's Serving Single Dwellings

- Site plans and water treatment system designs are not yet currently available, however, the proposed lot size is sufficient to allow for the required minimum irrigation area of 150m²;
- The permeable fraction of the soil horizon extends to a minimum depth of 0.45mBGL at TP-F however is generally deeper than 0.9mBGL. The highest permeability is in the top 0.5mBGL. These depths exceed the minimum requirement of 300mm of permeable soil over impermeable soil horizons for surface irrigation;
- Only three soil samples had PRI values less than 20 however soil of suitable PRI value was identified at every Test Pit location.
- The minimum observed vertical separation to groundwater was 0.45m at TP-F, however it was generally greater than 0.9m at all other locations. With the exception of TP-F, the vertical separation to groundwater exceeds the required minimum 0.5m.

5.3 Summary

With consideration of the information presented in Sections 4 and 5, it is considered that Lot 11 Nanarup Road has sub-surface characteristics suitable for receiving treated wastewater effluent for disposal onsite. It should however be noted that in the vicinity of Test Pit F, the vertical separation to groundwater is slightly below the required minimum and soil permeability at this site was also lower than the rest of the site, but is still considered adequate.

The site conditions associated with the results from TP-F do not restrict the capacity of this area receive treated wastewater effluent however it is recommended that either:

- Detailed site investigations be undertaken to identify potentially suitable areas within proposed Lot F that are better suited to receiving treated waste water effluent; or



- Engineering solutions be explored to improve the existing conditions. Such engineering solutions may include:
 - The importation of suitable fill material to increase the vertical separation to ground water; and
 - The irrigation area allocated to receive treated waste water is larger than the required minimum area of 150m².

6 REFERENCES

BoM (2013) <http://www.bom.gov.au/climate/data/>

DoH (2001) *Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATU's)* November 2001. Department of Health, Perth, WA.

Standards Australia (2000). *AS/NZS 1547:2000 On Site domestic-wastewater management.* Standards Australia International, Strathfield, NSW.

Western Australian Office of Waste Management (1999) *Draft Country Sewerage Policy.* Western Australian Government, Perth, WA

7 LIMITATIONS

This report was prepared for Robert Buegge, solely for the purposes set out in the scope of works and it is not intended that any other person use or rely on the contents of this report.

Whilst the information contained in the Report is accurate to the best of our knowledge and belief, Great Southern Bio Logic and its agents cannot guarantee the completeness or accuracy of any of the descriptions or conclusions based on the information supplied to it or obtained during the site investigations, site surveys, visits and interviews. Furthermore, field and / or regulatory conditions are subject to change over time, and this should be considered if this report is to be used after any significant time period after its issue.

Great Southern Bio Logic and its agents have exercised reasonable care, skill and diligence in the conduct of project activities and preparation of this report. However, except for any non-excludable statutory provision, Great Southern Bio Logic and its agents provided no warranty in relation to its services or the report, and is not liable for any loss, damage, injury or death suffered by any party (whether caused by negligence or otherwise) arising from or relating to the services or the use or otherwise of this Report.

This report must be read, copied, distributed and referred in its entirety.

Figures

Site Capability Assessment – Lot 11 Nanarup Road - Kalgan



GSBL126-Site Capability-Lot 11 Nanarup Rd-V1



Appendix A

Soil Profile Photographs

GSBL126-Site Capability-Lot 11 Nanarup Rd-V1

Photograph 1: Test Pit A



Photograph 2: Test Pit B



Photograph 3: Test Pit C



Photograph 4: Granite floaters from TP-C



GSBL126-Site Capability-Lot 11 Nanarup Rd-V1

Photograph 5:Test Pit D



Photograph 6: Test Pit E



Photograph 7:Test Pit F



GSBL126-Site Capability-Lot 11 Nanarup Rd-V1



Appendix B

Soil Permeability Calculations



CLIENT: Robert Buegge
PROJECT: Site Capability
LOCATION: Lot 11 Nanarup Rd
SUBJECT: Constant Head Permeability Testing
JOB NO: GSDL126
TEST NO: TP A

Depth of water in the test hole 45 cm
 Diameter of the test hole 8 cm
 Diameter of the reservoir 7 cm
 Diameter of air inlet tube 0.7 cm

 Time taken to fall 10cm 62.5 sec

The method of calculation is described in Appendix 4.1F of
 AS/NZS 1547:2000 'On-site domestic waste-water management'

$$K_{sat} = \frac{4.4Q \left[0.5 \sinh^{-1} \left(\frac{H}{2r} \right) - \sqrt{\left\{ \left(\frac{r}{H^2} \right) + 0.25 \right\} + \frac{r}{H}} \right]}{2\pi H^2}$$

where

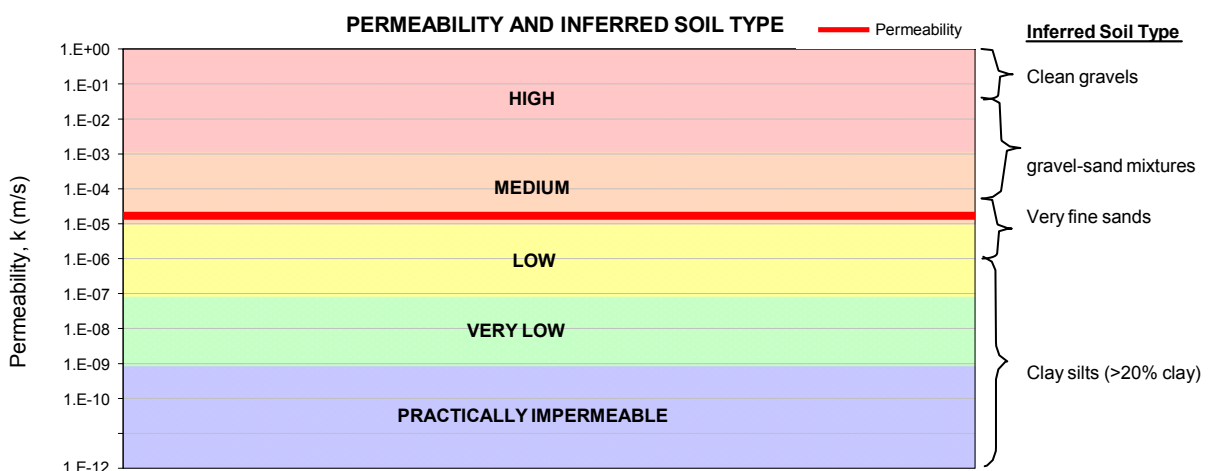
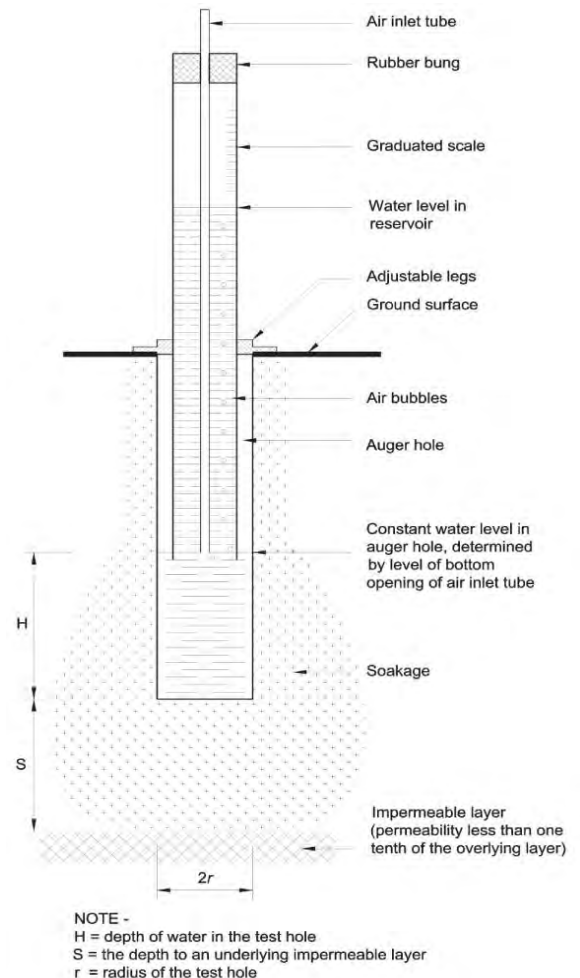
K_{sat} = saturated hydraulic conductivity of the soil in cm/min
 4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation
 Q = rate of loss of water from the reservoir in cm³/min
 H = depth of water in the test hole in cm
 r = radius of the test hole in cm

Rate of water loss

$Q = 0.00610$ L/sec
 365.76 cm³/min

Saturated Hydraulic conductivity

$K_{sat} = 0.1013$ cm/min
 1.46 m/day
 $1.69E-05$ m/sec





CLIENT: Robert Buegge
 PROJECT: Site Capability
 LOCATION: Lot 11 Nanarup Rd
 SUBJECT: Constant Head Permeability Testing
 JOB NO: GSBL126
 TEST NO: TP B

Depth of water in the test hole 45 cm
 Diameter of the test hole 8 cm
 Diameter of the reservoir 7 cm
 Diameter of air inlet tube 0.7 cm
 Time taken to fall 10cm 78.3 sec

The method of calculation is described in Appendix 4.1F of
 AS/NZS 1547:2000 'On-site domestic waste-water management'

$$K_{sat} = \frac{4.4Q \left[0.5 \sinh^{-1} \left(\frac{H}{2r} \right) - \sqrt{\left\{ \left(\frac{r}{H^2} \right) + 0.25 \right\} + \frac{r}{H}} \right]}{2\pi H^2}$$

where

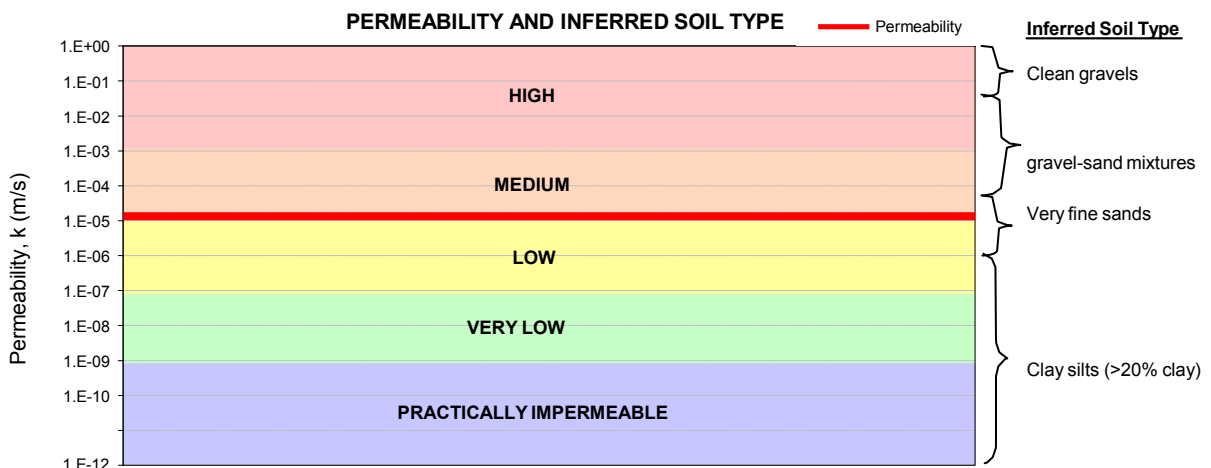
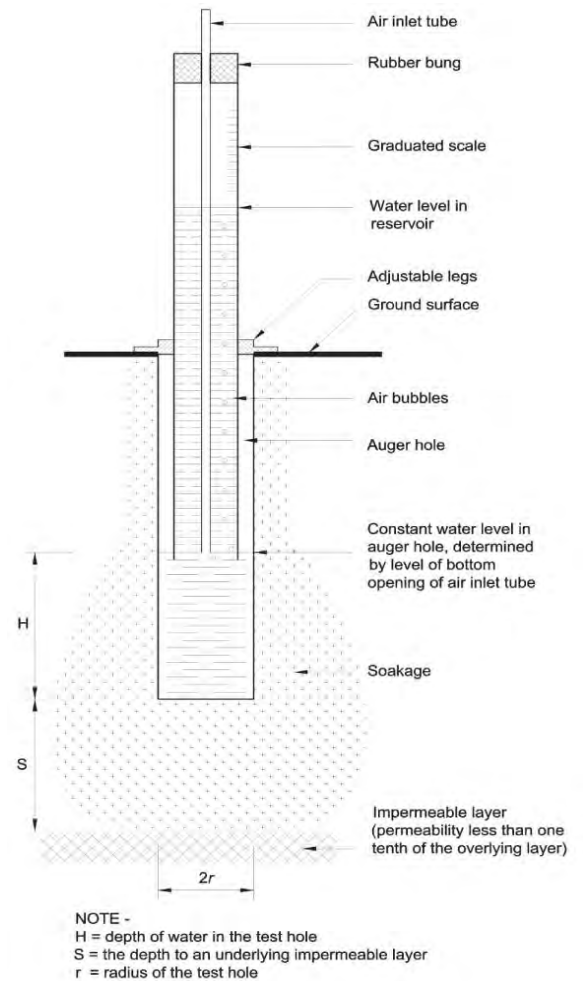
K_{sat} = saturated hydraulic conductivity of the soil in cm/min
 4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation
 Q = rate of loss of water from the reservoir in cm³/min
 H = depth of water in the test hole in cm
 r = radius of the test hole in cm

Rate of water loss

Q = 0.00487 L/sec
 291.95 cm³/min

Saturated Hydraulic conductivity

K_{sat} = 0.0809 cm/min
 1.16 m/day
 1.35E-05 m/sec



CLIENT: Robert Buegge
PROJECT: Site Capability
LOCATION: Lot 11 Nanarup Rd
SUBJECT: Constant Head Permeability Testing
JOB NO: GSBL126
TEST NO: TP C

REPORT ITEM PD096 REFERS



Depth of water in the test hole 45 cm
 Diameter of the test hole 8 cm
 Diameter of the reservoir 7 cm
 Diameter of air inlet tube 0.7 cm

 Time taken to fall 10cm 64.3 sec

The method of calculation is described in Appendix 4.1F of
 AS/NZS 1547:2000 'On-site domestic waste-water management'

$$K_{sat} = \frac{4.4Q \left[0.5 \sinh^{-1} \left(\frac{H}{2r} \right) - \sqrt{\left\{ \left(\frac{r}{H^2} \right) + 0.25 \right\} + \frac{r}{H}} \right]}{2\pi H^2}$$

where

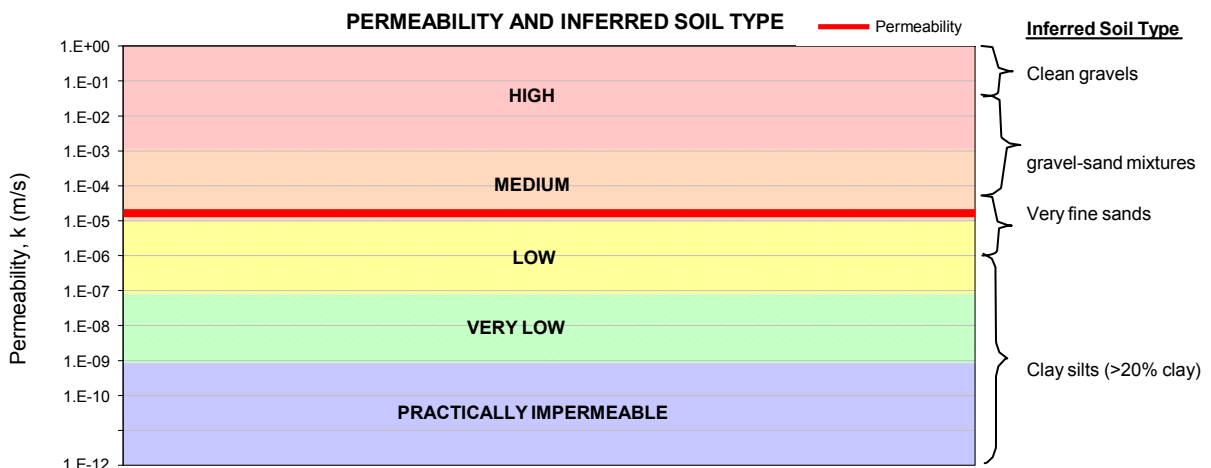
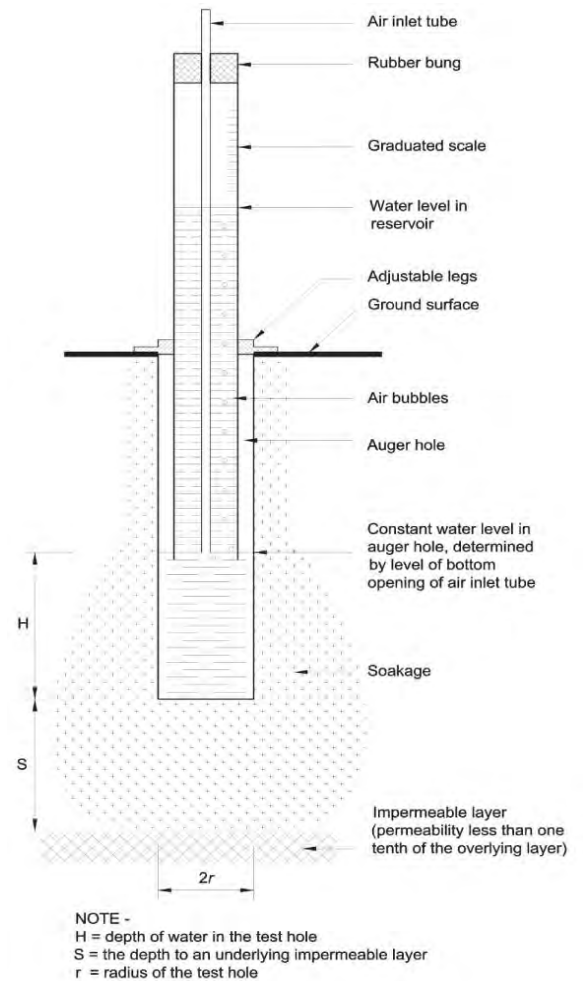
K_{sat} = saturated hydraulic conductivity of the soil in cm/min
 4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation
 Q = rate of loss of water from the reservoir in cm³/min
 H = depth of water in the test hole in cm
 r = radius of the test hole in cm

Rate of water loss

$Q = 0.00593$ L/sec
 355.52 cm³/min

Saturated Hydraulic conductivity

$K_{sat} = 0.0985$ cm/min
 1.42 m/day
 $1.64E-05$ m/sec



CLIENT: Robert Buegge
PROJECT: Site Capability
LOCATION: Lot 11 Nanarup Rd
SUBJECT: Constant Head Permeability Testing
JOB NO: GSBL126
TEST NO: TP D

REPORT ITEM PD096 REFERS



Depth of water in the test hole 45 cm
 Diameter of the test hole 8 cm
 Diameter of the reservoir 7 cm
 Diameter of air inlet tube 0.7 cm

 Time taken to fall 10cm 60 sec

The method of calculation is described in Appendix 4.1F of
 AS/NZS 1547:2000 'On-site domestic waste-water management'

$$K_{sat} = \frac{4.4Q \left[0.5 \sinh^{-1} \left(\frac{H}{2r} \right) - \sqrt{\left\{ \left(\frac{r}{H^2} \right) + 0.25 \right\} + \frac{r}{H}} \right]}{2\pi H^2}$$

where

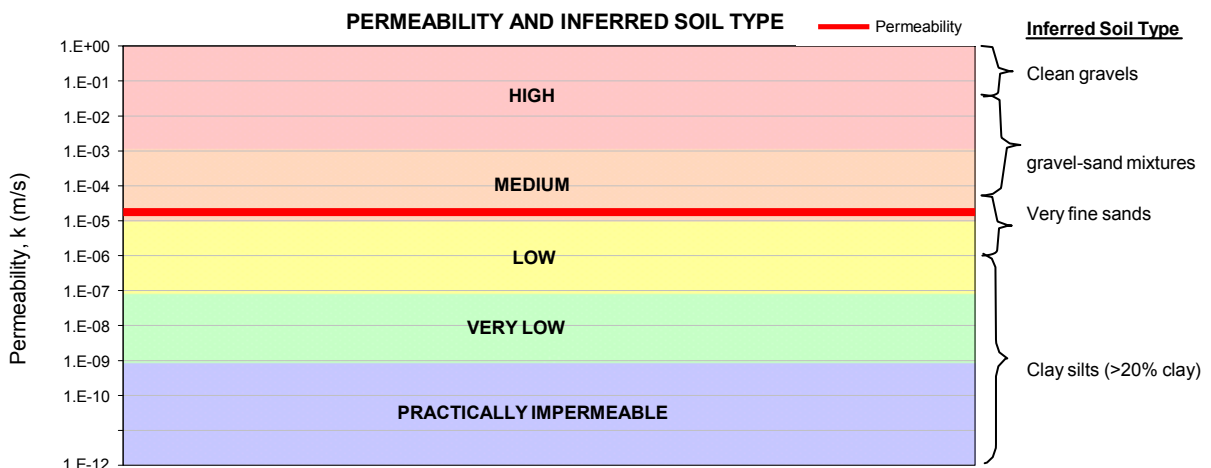
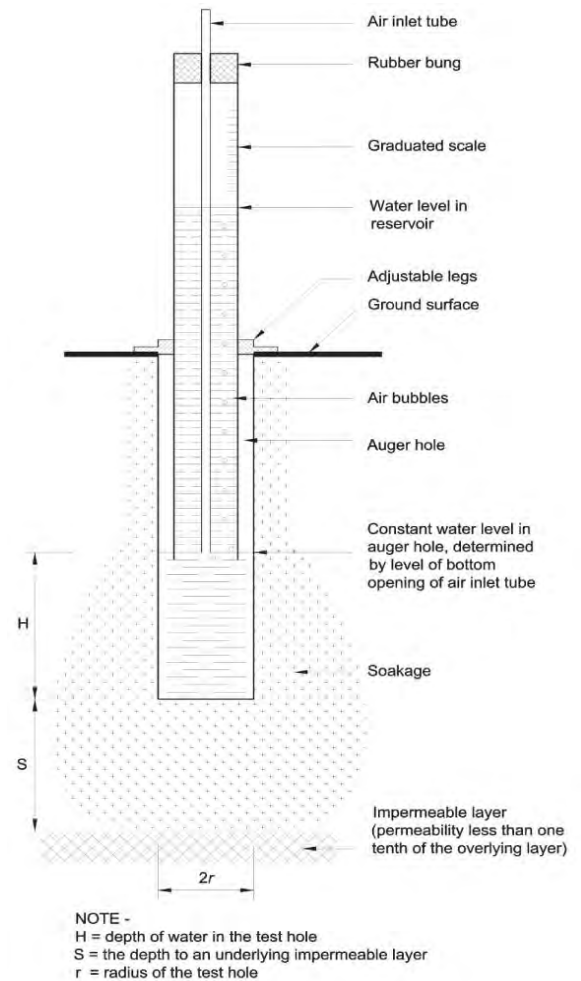
K_{sat} = saturated hydraulic conductivity of the soil in cm/min
 4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation
 Q = rate of loss of water from the reservoir in cm³/min
 H = depth of water in the test hole in cm
 r = radius of the test hole in cm

Rate of water loss

$Q = 0.00635 \text{ L/sec}$
 $381.00 \text{ cm}^3/\text{min}$

Saturated Hydraulic conductivity

$K_{sat} = 0.1055 \text{ cm/min}$
 1.52 m/day
 $1.76\text{E-}05 \text{ m/sec}$



CLIENT: Robert Buegge
PROJECT: Site Capability
LOCATION: Lot 11 Nanarup Rd
SUBJECT: Constant Head Permeability Testing
JOB NO: GSDL126
TEST NO: TP E

REPORT ITEM PD096 REFERS



Depth of water in the test hole 45 cm
 Diameter of the test hole 8 cm
 Diameter of the reservoir 7 cm
 Diameter of air inlet tube 0.7 cm

 Time taken to fall 10cm 76.6 sec

The method of calculation is described in Appendix 4.1F of
 AS/NZS 1547:2000 'On-site domestic waste-water management'

$$K_{sat} = \frac{4.4Q \left[0.5 \sinh^{-1} \left(\frac{H}{2r} \right) - \sqrt{\left\{ \left(\frac{r}{H^2} \right) + 0.25 \right\} + \frac{r}{H}} \right]}{2\pi H^2}$$

where

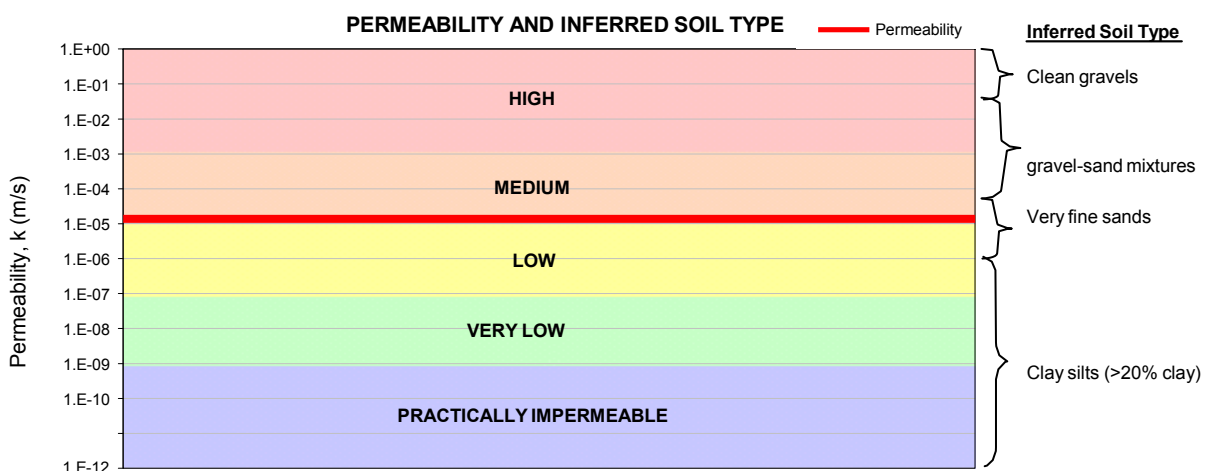
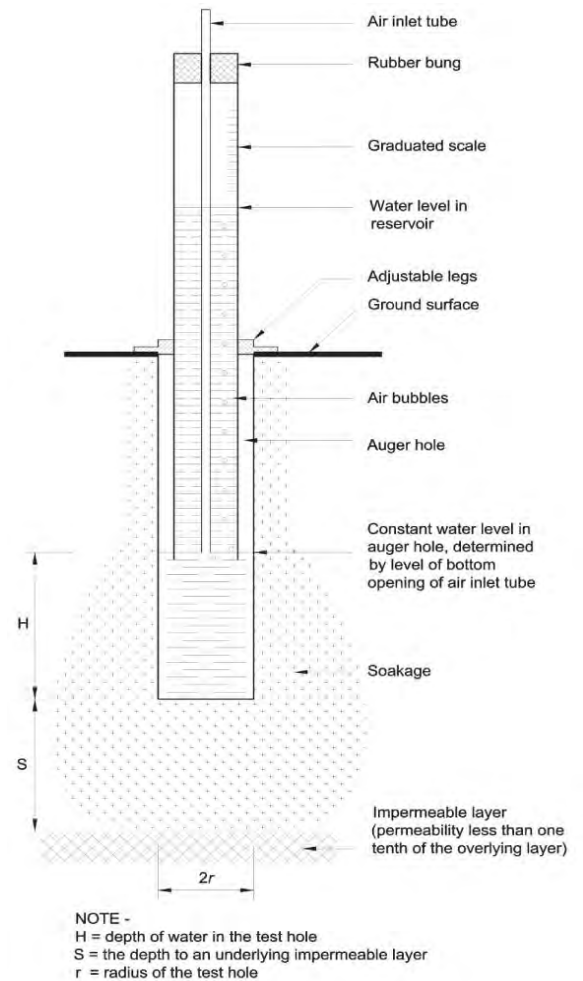
K_{sat} = saturated hydraulic conductivity of the soil in cm/min
 4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation
 Q = rate of loss of water from the reservoir in cm³/min
 H = depth of water in the test hole in cm
 r = radius of the test hole in cm

Rate of water loss

$Q = 0.00497$ L/sec
 298.43 cm³/min

Saturated Hydraulic conductivity

$K_{sat} = 0.0827$ cm/min
 1.19 m/day
 $1.38E-05$ m/sec





CLIENT: Robert Buegge
PROJECT: Site Capability
LOCATION: Lot 11 Nanarup Rd
SUBJECT: Constant Head Permeability Testing
JOB NO: GSBL126
TEST NO: TP F

Depth of water in the test hole 45 cm
 Diameter of the test hole 8 cm
 Diameter of the reservoir 7 cm
 Diameter of air inlet tube 0.7 cm

 Time taken to fall 10cm 128.6 sec

The method of calculation is described in Appendix 4.1F of
 AS/NZS 1547:2000 'On-site domestic waste-water management'

$$K_{sat} = \frac{4.4Q \left[0.5 \sinh^{-1} \left(\frac{H}{2r} \right) - \sqrt{\left\{ \left(\frac{r}{H^2} \right) + 0.25 \right\} + \frac{r}{H}} \right]}{2\pi H^2}$$

where

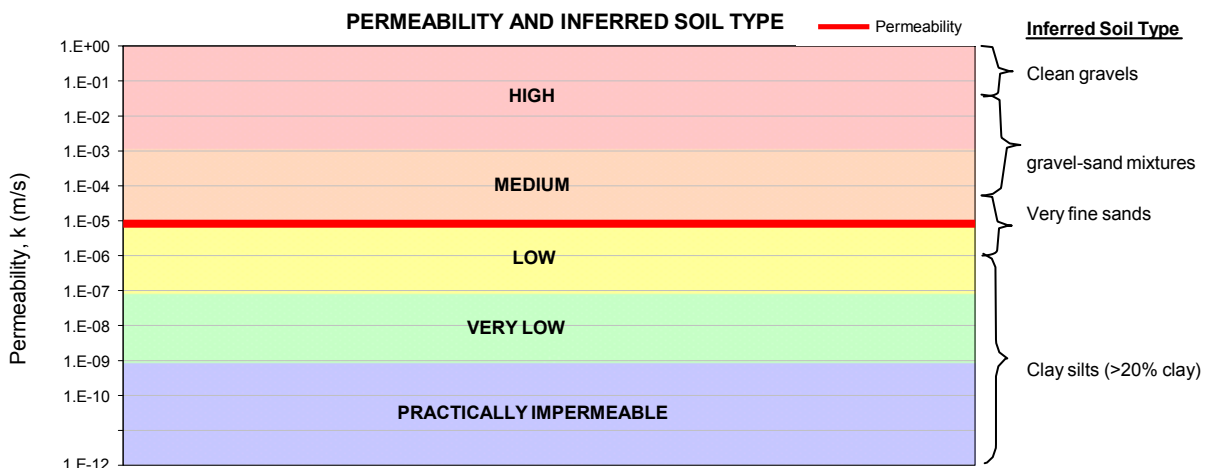
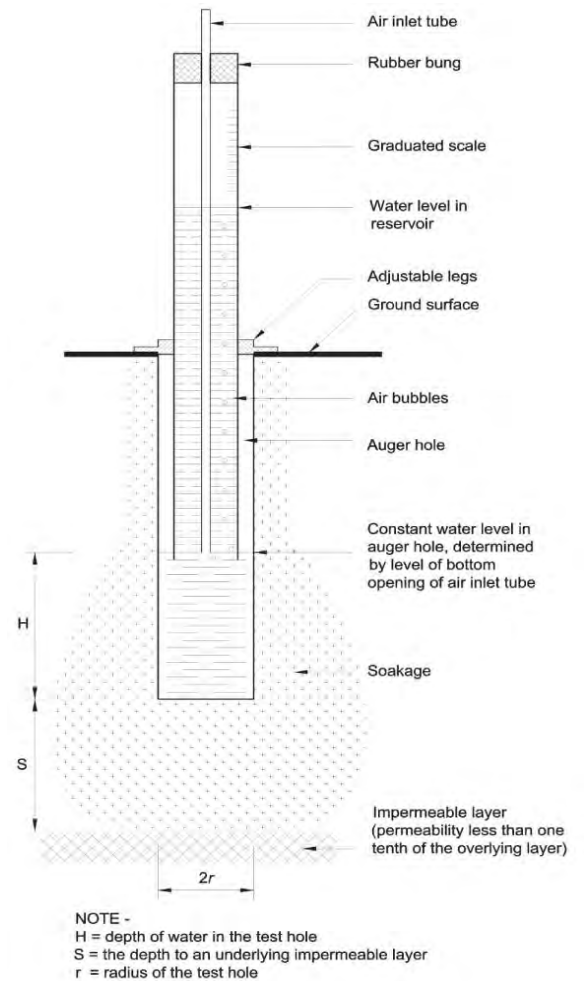
K_{sat} = saturated hydraulic conductivity of the soil in cm/min
 4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation
 Q = rate of loss of water from the reservoir in cm³/min
 H = depth of water in the test hole in cm
 r = radius of the test hole in cm

Rate of water loss

$Q = 0.00296$ L/sec
 177.76 cm³/min

Saturated Hydraulic conductivity

$K_{sat} = 0.0492$ cm/min
 0.71 m/day
 $8.21E-06$ m/sec



GSBL126-Site Capability-Lot 11 Nanarup Rd-V1



Appendix C

PRI Laboratory Analysis Certificates



PO Box 5573
ALBANY WA 6332
Telephone: 0400 113 093
gsbiologic@westnet.com.au

LABORATORY ANALYSIS & CHAIN OF CUSTODY RECORD

To: ARL
Address: 46-48 Banksia Rd Welshpool
Attention: Recievals
Telephone: 62534444
Facsimile:
Received by: *MASA (ARL)*
Date received: *31/10/13*

Project No.: GSBL126
Project: Lot 11 Nannaup Rd
Results required by: gsbiologic@westnet.com.au
Quote #
Delivery Method: courier
Sent By: Jeremy Spencer
Date Delivered: 31-Oct-13

Sample Type: Groundwater ☐ Surfacewater ☐ Other: soil

PLEASE SUPPLY LABORATORY QA/QC DATA AND QUOTE PROJECT NUMBER, PURCHASE ORDER NUMBER AND DATE ON ALL CORRESPONDENCE

13-7973

PLEASE PROVIDE A SIGNED CHAIN OF CUSTODY WITH ALL RESULTS

| Sample ID | | | Date Sampled | Container | Analyses | | | | | | | | | | | | | | | |
|------------|------|------|--------------|-----------|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | PRI | | | | | | | | | | | | | | | |
| <i>-1</i> | TP A | 0.1 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-2</i> | TP A | 0.7 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-3</i> | TP B | 0.1 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-4</i> | TP B | 0.6 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-5</i> | TP C | 0.1 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-6</i> | TP C | 0.65 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-7</i> | TP D | 0.1 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-8</i> | TP D | 0.7 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-9</i> | TP E | 0.1 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-10</i> | TP E | 0.8 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-11</i> | TP F | 0.1 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
| <i>-12</i> | TP F | 0.5 | 29-Oct-13 | plastic | ✓ | | | | | | | | | | | | | | | |
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DATE: *31/10/13*
CHECKED BY: *Masa*
No OF SAMPLES: *12*
No OF GLASS: *1*
No OF PLASTIC: *12*



Environmental and Analytical Laboratory

LABORATORY REPORT**Job Number:** 13-7973**Revision:** 00**Date:** 7 November 2013

ADDRESS: Great Southern Bio Logic
PO Box 5537
Albany WA 6332

ATTENTION: Jeremy Spencer

DATE RECEIVED: 31/10/2013

YOUR REFERENCE: GSBL126, Lot 11 Nannaup Rd

PURCHASE ORDER:

APPROVALS:

Douglas Todd
Laboratory Manager

REPORT COMMENTS:

Phosphorus Retention Index subcontracted to CSBP, Report Number 262287

METHOD REFERENCES:

Subcontracting See Report Comments section for more information.

**LABORATORY REPORT**

Great Southern Bio Logic

ARL Job No: 13-7973

Revision: 00

Date: 7 November 2013

RESULTS:

| Subcontracting Sample No: Sample Description: | LOR | UNITS | 13-7973-1 TP A 0.1 | 13-7973-2 TP A 0.7 | 13-7973-3 TP B 0.1 | 13-7973-4 TP B 0.6 | 13-7973-5 TP C 0.1 |
|---|-----|-------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Phosphorus Retention Index | | | 6.8 | 252.9 | 161.2 | 82.2 | 158.0 |

| Subcontracting Sample No: Sample Description: | LOR | UNITS | 13-7973-6 TP C 0.65 | 13-7973-7 TP D 0.1 | 13-7973-8 TP D 0.7 | 13-7973-9 TP E 0.1 | 13-7973-10 TP E 0.8 |
|---|-----|-------|------------------------|-----------------------|-----------------------|-----------------------|------------------------|
| Phosphorus Retention Index | | | 10.9 | 125.0 | 94.8 | 4.2 | 846.7 |

| Subcontracting Sample No: Sample Description: | LOR | UNITS | 13-7973-11 TP F 0.1 | 13-7973-12 TP F 0.5 |
|---|-----|-------|------------------------|------------------------|
| Phosphorus Retention Index | | | 121.8 | 534.5 |

Result Definitions

LOR Limit of Reporting

[ND] Not Detected at indicated Limit of Reporting

[NR] Analysis Not Requested

(SS) Surrogate Standard Compound

APPENDIX C – SUBDIVISION CONCEPT PLAN



LEGEND

- Existing Lot Boundaries
- Proposed Lot Boundaries
- DBYD Overhead Power
- DBYD Water
- DBYD Telstra

SUBDIVISION
CONCEPT PLAN
Lot 11 (No.264)
Nanarup Road
KALGAN



Harley Dykstra

PLANNING & SURVEY SOLUTIONS

| | | |
|-----------------------------|---------------------------------|-----------------------------|
| DRAWN SDP 12/10/2014 | CHECKED SD 13/10/2014 | DRAWING No 13688-03A.dgn |
| REV A | DESCRIPTION Original Drawing | DATE 12/10/2014 |
| SCALE AT A3 1:750 | | |
| 0 5 10 15 20 25 30 35 | | |
| ALL DISTANCES ARE IN METRES | | |

ALBANY OFFICE:
116 Serpentine Road, ALBANY WA 6330
T: 08 9841 7333 F: 08 9841 3643
E: albany@harleydykstra.com.au
W: www.harleydykstra.com.au
Offices also at Bunbury, Busselton, Kelmscott and Perth

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