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# MINUTES

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## PLANNING AND DEVELOPMENT COMMITTEE

**05 October 2016**

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

**VISION**

Western Australia's most sought after and unique regional city to live, work and visit.

**VALUES**

All Councillors, Staff and Volunteers at the City of Albany will be...

**Focused: on community outcomes**

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

**United: by working and learning together**

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

**Accountable: for our actions**

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

**Proud: of our people and our community**

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

**TERMS OF REFERENCE**

**(1) Function:**

The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:

- (a) To advocate, plan and build connected, liveable communities;
- (b) To create a community that supports people of all ages and backgrounds;
- (c) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

**(2) It will achieve this by:**

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community ; and
- (g) Making recommendations to Council.

**(3) Chairperson:** Councillor N Mulcahy

**(4) Membership:** Open to all elected members, who wish to be members

**(5) Meeting Schedule:** 1<sup>st</sup> Wednesday of the Month

**(6) Meeting Location:** Council Chambers

**(7) Executive Officer:** Executive Director Planning & Development

**(8) Delegated Authority:** None

PLANNING AND DEVELOPMENT COMMITTEE  
MINUTES –05/10/2016

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PLANNING AND DEVELOPMENT COMMITTEE  
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1. **DECLARATION OF OPENING** [5:58:23 PM](#)

2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

*“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”*

*“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.*

*We would also like to pay respect to Elders both past and present”.*

3. **RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

**Mayor**

Mayor D Wellington

**Councillors:**

Member

N Mulcahy (Chair)

Member

B Hollingworth (Deputy Chair)

Member

A Goode JP

Member

G Stocks

Member

R Hammond

Member

J Shanahun

Member

R Sutton

**Staff:**

Executive Director Development Services

D Putland

Manager Planning

J van der Mescht

Senior Planning Officer/Statutory Compliance

Tom Wenbourne

Minutes

J Cobbold

Councillor

S Smith

Councillor

A. Moir

**Apologies:**

Chief Executive Officer

A Sharpe

PLANNING AND DEVELOPMENT COMMITTEE  
MINUTES –05/10/2016

4. DISCLOSURES OF INTEREST - Nil
5. REPORTS OF MEMBERS - Nil
6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE - Nil
7. PUBLIC QUESTION TIME - Nil
8. APPLICATIONS FOR LEAVE OF ABSENCE - Nil
9. PETITIONS AND DEPUTATIONS - Nil
10. CONFIRMATION OF MINUTES

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT the minutes of the Planning and Development Committee Meeting held on 08 June 2016, and 07 September 2016 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 8-0**

**11. PRESENTATIONS**

Tom Wenbourne - Alison Hartman Gardens Heritage Assessment.

**COMMITTEE RECOMMENDATION**

**Moved: MAYOR WELLINGTON**

**SECONDED: COUNCILLOR STOCKS**

**The Committee requested that a report concerning Alison Hartman Gardens Heritage Assessment be prepared for consideration by Council at the October 2016 Ordinary Council Meeting.**

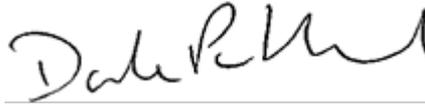
**CARRIED 8-0**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil**

**PD141: TORBAY HILL BUSHFIRE MANAGEMENT STRATEGY**

**Proponent / Owner** : City of Albany  
**Attachments** : Torbay Hill Bushfire Management Strategy.  
**Report Prepared By** : Manager Ranger and Emergency Services (T Ward)  
**Responsible Officers:** : Executive Director Development Services (D Putland)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Bushfire Plan 2014-2019.

**Focus Area 2 – Preparedness for Bush Fire:**

- a. **1.1.10 - Community.** The City of Albany will develop community education preparedness programs with special focus on those people living in identified high fire risk areas.
- b. **1.16 – Financial.** The City of Albany is committed to providing sufficient resources to meet the objectives and requirements of this Strategic Plan.

**In Brief:**

- The Community of Torbay Hill has been identified as being in the highest category of risk from the effects of bushfire.
- A Community based strategy has been created following a consultative process.
- The Strategy had been funded in part by the Commonwealth Natural Disaster Resilience Program.
- The report contains recommendations for Council, Community and various State Government Departments.

**RECOMMENDATION**

**PD141: RESPONSIBLE OFFICER RECOMMENDATION**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR HAMMOND**

**THAT the Officer Recommendation is RECEIVED.**

**CARRIED 8-0**

**PD141: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Torbay Hill Bush Fire Management Strategy, which will guide the City's management of future fire mitigation actions in the Torbay Hill area, be RECEIVED.**

**BACKGROUND**

2. The locality of Torbay Hill, which lies within the Bornholm Volunteer Bushfire Brigade District, approximately 24 kilometres south west of Albany has long been considered as being at extreme risk of a major bushfire. This is due to a combination of topographical

features, heavy fuel loads and proximity of development to significant stands of native vegetation.

3. Previous work in the space of bushfire management and community awareness in Torbay Hill was initiated independently by community members under the guidance of the Bornholm Volunteer Bushfire Brigade, from 2012 – 2013.
4. The resultant Community Fire Strategy was prepared by the Bornholm Bushfire Brigade with the intention of identifying a series of preventative or responsive actions that residents, State Government Agencies and the City of Albany would undertake.
5. This work informed and was acknowledged by City Officers that further action was necessary in this area.
6. Although the intent of this work was recognised, several of the proposed actions were found to be unrealistic and unlawful, due to legislative restrictions and the City's inability to retrospectively enforce current planning policies or guidelines.
7. In response the City secured Commonwealth Government Natural Disaster Resilience Program funding of \$30,000 to engage the services of an experienced consultant, to work with the local community and improve their capacity for bushfire prevention and preparedness.
8. This funding was supplemented by in-kind resourcing from the City on a dollar for dollar basis.
9. The final report and recommendations were provided to the City of Albany Emergency Management team in April 2016, following an extensive community and stakeholder engagement process.

## DISCUSSION

10. The Torbay Hill Bushfire Management Strategy consists of three volumes: A Policy Statement, with recommendations for continuous improvement: A technical report which details the findings within the original scope of work and: An appendix containing supporting information.
11. The final report contains 47 recommendations, including both mandatory and voluntary measures, which focus predominately on the areas of prevention and preparedness, as outlined in the State Government policy document, Westplan - Fire.
12. Recommendations are made for the Community, Council, State Government agencies such as Parks and Wildlife and Department of Fire and Emergency Services (DFES), or a combination of each.
13. Eleven recommendations in relation to the City's annual Fire Management Notice have been implemented at the time of writing this report in line with industry best practice. Several involve minor changes in terminology to provide clarity in the areas of variations to firebreak notices, existing bushfire management plans and to avoid potential clashes with the Local Planning Scheme.
14. Additionally, recommendations relating to the planning scheme have also been addressed by the approval of the planning regulations.
15. The report highlights the need for minimum protection standards for future developments to be implemented in line with recent amendments to State Planning regulations. Whilst this is easily achieved with new buildings, the retrospective application of such laws can only be made on a voluntary basis and it is likely that change will also require considerable time to implement.
16. Other recommendations centre on enhanced community involvement in proactive volunteer groups to raise bushfire awareness at a local level. One such program is the revitalisation of a local Bushfire Ready Action Group (BRAG), a concept originated through DFES as an

effective way to empower local communities and promote a sense of ownership of bushfire risk.

17. City Officers are presently working with members of the Bornholm Volunteer Bushfire Brigade and local community representatives to develop an action plan for implementing a number of other recommendations. Further grant funding has also been secured through the State Government's 'AWARE' program for the purpose of additional community education and engagement.
18. The lessons learned from the Torbay Hill Bushfire Strategy and actions taken to date are easily transferrable to other high risk areas within the municipality.

### GOVERNMENT & PUBLIC CONSULTATION

19. Extensive consultation with State Government Agencies, internal and external stakeholders and local residents was undertaken during this community driven project.
20. Additionally, the Bushfire Advisory Committee and Local Emergency Management Committees were consulted and updated during the development of the Strategy.

### STATUTORY IMPLICATIONS

21. There are no statutory obligations related to this report.
22. Voting requirement for this item is **SIMPLE MAJORITY**

### POLICY IMPLICATIONS

23. There are no policy implications associated with Council receiving this report, however actions in relation recommendation 31 – strategic fire access tracks – if implemented, will require development of a new City policy in relation to their use.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Reputation.</b> <i>Torbay Community, may perceive that community input is not valued.</i></p> <p><i>The report may give rise to unrealistic community expectations.</i></p>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>Report presented for Council review and community input acknowledged in the formulation of the final report.</i></p> <p><i>Note: City Officers have already implemented changes to the annual Fire Management Notice under section 33(1) Bushfires Act 1954, which empowers Local Government to direct landowners to do certain things to mitigate or prevent the spread of bushfire.</i></p> <p><i>City Officers continue to engage with the community and progress recommendations in line with the City's 'Community Strategic Plan 2023'.</i></p>
<p><b>Legal and Compliance.</b> <i>If the final report is not formally received by Council, the funding body administrator may not acquit the grant.</i></p>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>Final report prepared for receipt (acknowledgement) by full Council.</i></p>

**FINANCIAL IMPLICATIONS**

25. There are no financial implications associated with noting this report, however some minor administrative costs will be incurred by the City in updating the Torbay Hill Community.
26. Costs associated with implementing a community engagement program in connection with any subsequent action plan will be administered by the existing AWARE grant.

**LEGAL IMPLICATIONS**

27. There are no legal implications related to this report.

**ENVIRONMENTAL CONSIDERATIONS**

28. There are no environmental considerations related to this report.

**ALTERNATE OPTIONS**

29. Nil.

**CONCLUSION**

30. The Torbay Hill Bushfire Strategy contains recommendations that are designed to enhance community resilience and increase awareness of the threat of Bushfire.
31. The report was the result of a collaborative approach between State and Local Government agencies, in consultation with the local community.
32. It contains recommendations that are applicable to demographically similar areas within the municipality.
33. It is recommended that the Torbay Hill Bush Fire Management Strategy be received.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Bushfires Act 1954</i></li><li>• <i>City of Albany Strategic Bushfire Plan 2014-2019</i></li></ul>
<b>File Number (Name of Ward)</b>	:	West Ward
<b>Previous Reference</b>	:	OCM 28/04/2015 Resolution BFA002

**PD142: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOT 1 JASON ROAD, LOT 476 SIBBALD ROAD AND LOT 1001 LOWER KING ROAD, BAYONET HEAD**

**Land Description** : Lot 1 Jason Road, Lot 476 Sibbald Road and Lot 1001 Lower King Road, Bayonet Head

**Proponent** : Edge Planning & Property

**Owner** : Lowe Pty Ltd, M B Cameron

**Business Entity Name** : Lowe Pty Ltd, Heath Developments

**Attachments** : Local Planning Scheme Amendment No. 22 report  
: *Ministerial Statement No. 942 – Statement that a Future Proposal(s) Identified in a Strategic Proposal May be Implemented*

**Supplementary Information & Councillor Workstation:** : Nil

**Report Prepared by** : Planning Officer (C McMurtrie)

**Responsible Officer** : Executive Director Planning and Development (D Putland)

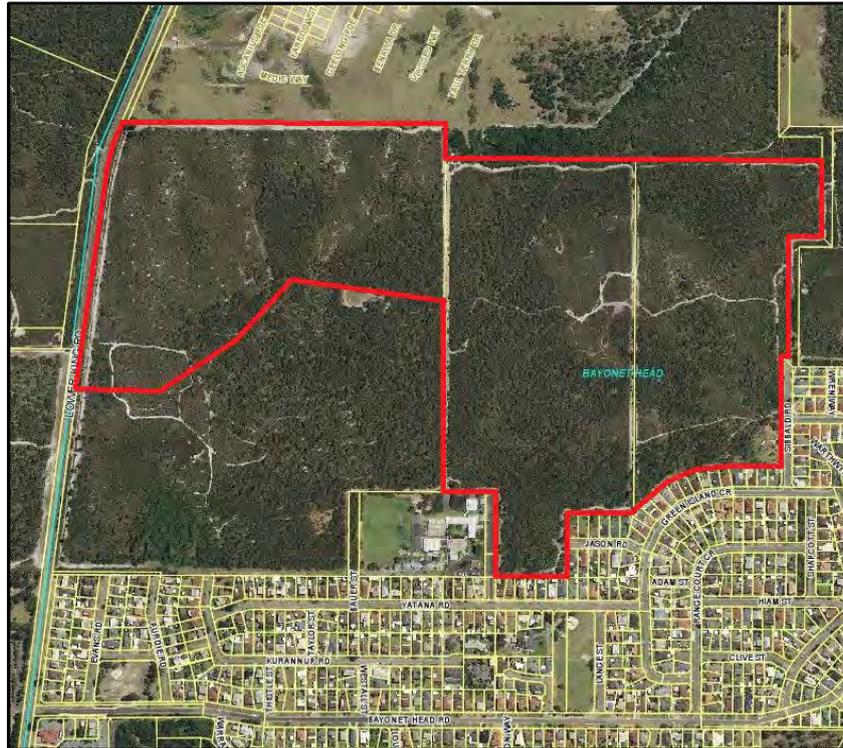
**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

## Maps and Diagrams



### In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
  - Create a new 'Environmental Conservation' reserve;
  - Add a notation to the Scheme Map legend;
  - Rezone Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from the 'General Agriculture' zone to the 'Future Urban' zone and 'Environmental Conservation' reserve;
  - Transfer Lot 1001 Lower King Road, Bayonet Head from the 'General Agriculture' zone to 'Environmental Conservation' reserve; and
  - Amend the Scheme Maps accordingly.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will facilitate the development of land between the existing Bayonet Head and Oyster Harbour urban areas and the connection of those areas via Sibbald Road.
- Structure planning of the subject lots has already taken place as part of the wider *Bayonet Head Plan for Development*. The proposed amendment seeks to rezone the land according to the *Bayonet Head Interim Outline Development Plan*. Therefore, the proposal may be entertained, as it does not conflict with the current moratorium on the initiation of significant local planning scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.

- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

## RECOMMENDATION

### PD142 RESPONSIBLE OFFICER RECOMMENDATION

**MOVED: COUNCILLOR SUTTON  
SECONDED: MAYOR WELLINGTON**

**THAT the Officer Recommendation is ADOPTED**

**CARRIED 8-0**

### PD142 RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to:

1. Adopt Amendment No. 22 to amend *City of Albany Local Planning Scheme No. 1* by:
  - (1) Creating a new 'Environmental Conservation' reserve;
  - (2) Adding a notation to the Scheme Map legend;
  - (3) Rezoning Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from 'General Agriculture' zone to 'Future Urban' zone and 'Environmental Conservation' reserve;
  - (4) Transferring Lot 1001 Lower King Road, Bayonet Head from 'General Agriculture' zone to 'Environmental Conservation' reserve; and
  - (5) Amending the Scheme Maps accordingly.
2. Note that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
  - The amendment is consistent with the *Albany Local Planning Strategy*, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;
  - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
  - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

## BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

5. Amendment No. 22 has been prepared to seek:
  - Create a new ‘Environmental Conservation’ reserve;
  - Add a notation to the Scheme Map legend;
  - Rezone Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from the ‘General Agriculture’ zone to the ‘Future Urban’ zone and ‘Environmental Conservation’ reserve;
  - Transfer Lot 1001 Lower King Road, Bayonet Head from the ‘General Agriculture’ zone to ‘Environmental Conservation’ reserve; and
  - Amend the Scheme Maps accordingly.
6. The subject lots are located approximately 6.5 kilometres north-north-east of York Street and have a cumulative area of approximately 71.47 hectares. They are largely covered by a mix of Jarrah and Jarrah-Sheoak low woodland. A ridge runs through the lots from the north-western corner of Lot 1001 towards the south-east, before sweeping through Lots 1 and 476 in a more westerly direction. The remainder of the land falls gently in all directions from the high point of the ridge.
7. The land to the west of the subject lots is covered by a ‘Parks and Recreation’ local scheme reserve, which is covered by remnant vegetation and a ‘Public Purposes’ local scheme reserve that is partly developed with Alambie Park Cemetery. The land to the south of the subject lots is covered by a ‘Future Urban’ zoned area of remnant vegetation, a ‘Public Purposes’ local scheme reserve, which is occupied by Flinders Park Primary School, and the existing Bayonet Head urban area, which is zoned ‘Residential’. The land to the west of the subject lots is partially occupied by the existing Bayonet Head urban area, which is zoned ‘Residential’, an area of remnant vegetation covered by the ‘Future Urban’ zone and cleared pasture covered by the ‘General Agriculture’ zone. The land to the north of the subject lots is partially covered by remnant vegetation under the ‘General Agriculture’ zone and partly developed with the Oyster Harbour Stage 2 subdivision under the ‘Future Urban’ zoning.
8. The amendment document states that:

*“the amendment proposes to rezone Lot 1 Jason Road, Lot 476 Sibbald Road, Lot 1001 Lower King Road, Bayonet Head (‘the site’) from ‘General Agriculture’ to ‘Environmental Conservation’ reserve and portion of Lot 1 and Lot 476 to ‘Future Urban’ zone.*

*The purpose of this report and associated plans are to explain the proposal and set out the planning merits of approximately 67% of the site (48.26 hectares) being included in an Environmental Conservation reserve and approximately 33% of the site (23.22 hectares) being included in the Future Urban zone.*

*The Amendment is consistent with the decision of the Minister for Environment; Heritage on 9 August 2013 (Ministerial Statement No. 942) and is consistent with the planning framework. The Amendment will facilitate the creation of an Environmental Conservation reserve and future urban development of the land consistent with the strategic planning framework objectives of the locality, including the Albany Local Planning Strategy (ALPS).”*

## DISCUSSION

9. The City’s planning Staff support the rezoning of Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from the ‘General Agriculture’ zone to the ‘Future Urban’ zone and ‘Environmental Conservation’ reserve and the transfer Lot 1001 Lower King Road,

Bayonet Head from the 'General Agriculture' zone to 'Environmental Conservation' reserve, as it is consistent with the *Albany Local Planning Strategy*.

10. The amendment document includes a copy of the *Report and Recommendations of the Environmental Protection Authority – Bayonet Head Plan for Development* which outlines the key environmental factors and principles for the strategic development of the subject lots. This is discussed in further detail in paragraphs 24-26 below.
11. The *Albany Local Planning Strategy* identifies the subject lots as 'Future Urban' with a 'Priority 2' coding and 'Local Reserve'. The *Albany Local Planning Strategy* sets a strategic objective to "support the consolidation of serviced urban areas and facilitate fully-serviced incremental-development nodes". The *Albany Local Planning Strategy* further states that "Priority 2 promotes the continuing expansion of the fronts in...Bayonet Head... Priority 2 areas have been structure-planned and/or are the subject of current subdivision applications. They can supply new lots within a short to medium development timeframe."
12. Structure planning of the subject lots has already taken place as part of the wider *Bayonet Head Plan for Development*. The proposal seeks to rezone the land according to the *Bayonet Head Interim Outline Development Plan*. Therefore, the proposal may be entertained, as it does not conflict with the current moratorium on the initiation of significant local planning scheme amendments to rezone agricultural land, or intensify adjacent sensitive land uses, other than those that promote ongoing productive use of the land.
13. The proposal is consistent with the *Albany Local Planning Strategy's* objective of supporting staged incremental development, as it will facilitate the development of land between the existing Bayonet Head and Oyster Harbour urban areas and the connection of those areas via Sibbald Road.

## GOVERNMENT & PUBLIC CONSULTATION

14. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no other consultation has been undertaken at this stage.

## STATUTORY IMPLICATIONS

15. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
16. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if it should be assessed.
17. Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
18. The proposal is considered to be a standard scheme amendment for the following reasons:
  - The amendment is consistent with the *Albany Local Planning Strategy*, which identifies the site as 'Existing Urban' and sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity;

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

19. Voting requirement for this item is **SIMPLE MAJORITY**

### POLICY IMPLICATIONS

20. There are no policy implications directly relating to this item.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b></p> <p>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Medium	If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.
<p><b>Community, Organisational Operations and Reputation</b></p> <p>The proposal may attract objections from members of the public or other public authorities.</p>	Possible	Minor	Medium	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.

### FINANCIAL IMPLICATIONS

22. The subject lots are located within Development Contribution Area DCA1 – Bayonet Head Outline Development Plan within Schedule 13 of *Local Planning Scheme No. 1*. The developer of the land would be required to make a financial contribution to the provision of infrastructure within the Development Contribution Area, in accordance with clause 5.9.2 and Schedule 13 of *Local Planning Scheme No. 1* and the adopted Development Contribution Plan, at the time of subdivision of the land.

### LEGAL IMPLICATIONS

23. There are no legal implications directly relating to this item.

### ENVIRONMENTAL CONSIDERATIONS

24. A broader proposal to develop the Bayonet Head area was submitted to the Environment Protection Authority in September 2008 and it was determined that it should be assessed as a Strategic Environmental Assessment. The final Strategic Environmental Assessment *Bayonet Head Plan for Development* document was approved and released by the Environmental Protection Authority for a six week public review in April 2010. This

level of assessment was set due to the potential for impacts on vegetation, flora, fauna, wetlands, foreshore, surface and groundwater quality, soil contamination, acid sulfate soils, and Aboriginal heritage.

25. Following negotiation with the Environmental Protection Agency, the proposed Conservation Area included as part of the *Bayonet Head Plan for Development* was enlarged to cover 58 hectares. In addition to providing this Conservation Area, the proponents committed to its management for a period of ten years from the commencement of onsite works. This will include the preparation and implementation of management plans and the undertaking of monitoring of key species within the Conservation Area.
26. The area identified within the current amendment proposal as an 'Environmental Conservation' reserve is consistent with the Conservation Area identified in the Strategic Environmental Assessment *Bayonet Head Plan for Development* document.
27. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal will be referred to the Environmental Protection Authority to determine if a further environmental assessment is necessary, prior to public advertising and referral to public authorities.

#### ALTERNATE OPTIONS

28. Council may consider alternate options in relation to this item, such as:
  - To resolve not to adopt the amendment to the local planning scheme.

#### SUMMARY CONCLUSION

29. It is recommended that Council adopt Local Planning Scheme Amendment No. 22, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of land between the existing Bayonet Head and Oyster Harbour urban areas and the connection of those areas via Sibbald Road.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy 2010</i></li> <li>3. <i>City of Albany Strategic Community Plan 2023</i></li> <li>4. <i>City of Albany Corporate Business Plan 2013-2017</i></li> <li>5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD22 (Breaksea Ward)
<b>Previous Reference</b>	:	O.C.M. 20/02/01 – Item 11.3.3

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL - Nil**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil**
16. **REPORTS OF CITY OFFICERS - Nil**
17. **MEETING CLOSED TO PUBLIC - Nil**
18. **CLOSURE [6:20:53 PM](#)**