LOCAL PLANNING SCHEME NO. 2

SCHEME AMENDMENT

City of Albany

MARBELUP LANDOWNER GROUP

Harley Dykstra®

PLANNING & SURVEY SOLUTIONS

DOCUMENT CONTROL

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Date: 08/04/2025

Job No & Name: 22984

Version: H

DISCLAIMER

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FORM 2A

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

City of Albany

Local Planning Scheme No. 2

Amendment No. 1

Note: Text to be updated in accordance with Council resolution.

RESOLVED that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

(i) Rezoning portion of Lot 9001 and Lots 124 (No. 47954), 125 (No. 47914) and 200 (DP52999), Marbelup from 'Rural' to 'Rural Residential'.
(ii) Rezoning portion of Lot 9001 (No.688) and Lots 201 (DP52999) and 44 (Plan 584), Marbelup from 'Rural' to 'Rural Smallholdings'.
(iii) Rezoning Lot 33 (Plan 584), Marbelup from 'Rural' to 'Drainage/Waterway'.
(iv) Rezoning Lot 7864 on Plan 16119 from 'Infrastructure Services' to 'Drainage/Waterway'.
(v) Amend the scheme map accordingly

The Amendment is a complex amendment under the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reason:

1. The amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission.

Dated this.....day of.....20.....

.....
(Chief Executive Officer)

1 INTRODUCTION

1.1 Purpose

Harley Dykstra Pty Ltd, as a long-established town planning consultancy within the Great Southern has been engaged by our valued client, the Marbelup Landowner Group, to prepare the following submission for a Scheme Amendment to the City of Albany's Local Planning Scheme No. 2, referred herein as 'LPS 2'.

This submission seeks for Lots 124 (No. 47954) and 125 (No. 47917) South Coast Highway, Marbelup and Lot 9001 (No. 688) Lower Denmark Road, Cuthbert (referred herein as 'the subject site') to be zoned Rural Residential and Rural Smallholding in the endorsed City of Albany Local Planning Scheme No. 2. This submission includes site context, detail of the rezoning as well as strategic and technical rationale for the modification to LPS 2.

1.2 Site Context

This submission relates specifically to Lots 124 (No. 47954) and 125 (No. 47917) South Coast Highway, Marbelup and Lot 9001 (No. 688) Lower Denmark Road, Cuthbert. The subject site is predominantly cleared and currently used for primary production purposes which is consistent with the current General Agriculture zoning of all sites.

The site is bound by the South Coast Highway to the north and Lower Denmark Road to the south. Rural Residential and Rural Smallholdings zoned land adjoin the subject sites to the north and east, and land west of the subject site is zoned Priority Agriculture.

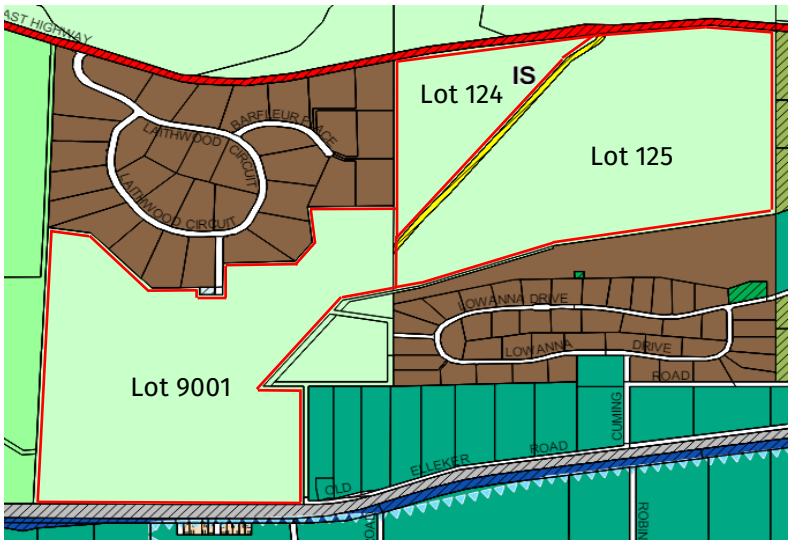

Image 1 – City of Albany Local Planning Scheme No. 2 Map 19 Extract

Image 2 – Aerial image of subject site via LocateV5 mapping

There is a Water Corporation drain, 5 Mile Creek, running from the northeastern area of the site, down to the southwestern corner of the subject site. This drain is centrally located along a low area of the site. There are several distinct areas of vegetation within the subject site, particularly within Lot 125 and Lot 9001. Image 2, above, provides aerial imagery and demonstrates the current site situation of the properties, also highlighting that the land is predominantly cleared.

The property details for the subject sites are as follows:

LOT NUMBER:	PLAN DETAIL	VOLUME/FOLIO:	LOT AREA:	REGISTERED PROPRIETOR:
124	P 16119	1792/396	25.6395ha	Brian Fuller
125	P 16119	1792/397	82.9201ha	Dora Porter
9001	DP 74816	2807/984	100.0755ha	Barry Panizza
44	P 584	2867/375	7.2749ha	Ramon Panizza Emma Panizza
200	DP 52999	2867/376	1.1826ha	Barry Panizza
201	DP 52999	2867/377	1.732ha	Ramon Panizza Emma Panizza
33	P 584	2746/901	1.5719ha	Grande Terra Land Development Pty Ltd

2 PROJECT DETAIL

2.1 Overview

The proposed rezoning has been designed to respond to site specific opportunities and constraints, whilst also ensuring a cohesive relationship with the adjoining properties and their existing uses.

Preliminary zoning design has been developed in conjunction with the specialist consultant team to ensure the design satisfies planning, bushfire and hydrological requirements. An extract of the proposed zoning layout is demonstrated in **Image 3**, below. A full copy of this plan is attached at **Appendix A** of this document.

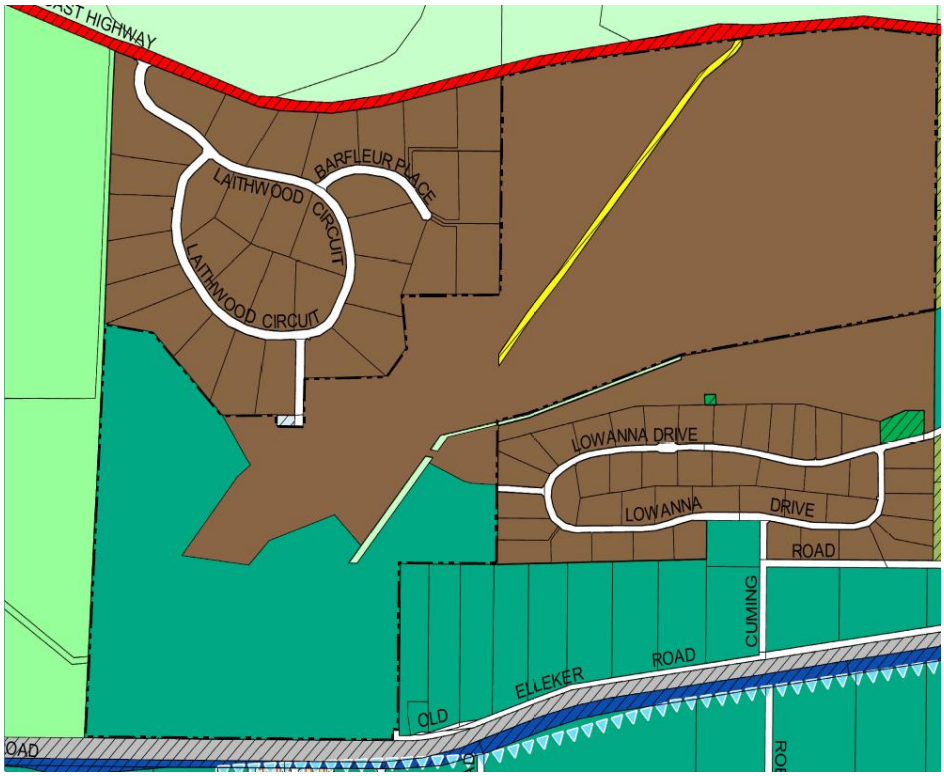

Image 3 – Rural Residential and Rural Small Holding zone design

It is proposed that areas along the western boundary of Lot 9001 will be rezoned to Rural Small Holding. The purpose of this zoning is to provide a transition between the neighbouring Priority Agriculture zoned land and proposed Rural Residential lots. Lots zoned Rural Small Holding are expected to achieve all prescribed requirements of the Rural Small Holding zone, as prescribed in the Local Planning Scheme No. 2.

The Effluent Disposal/Development Exclusion areas have been developed by the expert team at Bio Diverse Solutions. These restrictive areas are demonstrated on the Opportunities and Constraints Plan at **Appendix B**.

It is expected that most of Lot 33 will be reserved as drainage/waterway. This lot lies over the northern portion of 5 Mile Creek (within the subject site), the remainder of the site will comprise Rural Residential zoning. The Rural Residential zone will ensure the balance of the subject site is consistent with the neighbouring land uses.

At subdivision stage, each lot will be designed to respond to all site-specific requirements, which will be informed by the findings of the Local Water Management Strategy, Site and Soil Evaluation and Bushfire Management Plan prepared by Bio Diverse Solutions. It has been recognised that the drainage channel running through the current lots means that low-lying areas are in areas impacted by saturated soils. This has been addressed through ensuring all proposed lots provide a suitable space outside of the Effluent Disposal/Development Exclusion area to accommodate a dwelling and other relevant infrastructure as demonstrated on the Opportunities and Constraints Plan at **Appendix B**. Potential drainage easements have also been incorporated into preliminary designs of road networks.

2.2 Opportunities and Constraints

It is acknowledged that the subject site has a number of environmental constraints. The following table outlines all identified constraints and demonstrates the solutions to overcome these constraints. The solutions demonstrated within the table are informed by discussion with the relevant local or state government agencies, and sub consultants.

Government agencies who have provided advice include:

- Water Corporation,
- Main Roads WA,
- Department of Water and Environmental Regulation,
- City of Albany

Sub Consultants who have informed responses include:

- Bio Diverse Solutions,
- Stantec (formerly Cardno)

	Constraint Identified	**Solution**
1	***Neighbouring Land Use*** *Land immediately west of the subject site is zoned Priority Agriculture.*	The project design represents transitional land zoning, tailored specifically to suit the site-specific considerations relevant to this project. To prevent land use conflict between Priority Agriculture and Rural Residential land uses, the project has been designed with a margin of Rural Smallholding lots along the western side to buffer Priority Agriculture Uses to the Rural Residential lots.
2	***Drainage***	The concept plan has been designed to ensure larger lots will be created over more constrained land, to ensure all proposed lots have capacity to host a

	The site is currently identified as having portions of seasonally inundated areas and waterlogged areas.	dwelling and land application area outside of the Effluent Exclusion and Development Exclusion areas. A Local Water Management Strategy and Site and Soil Evaluation have been prepared, demonstrating the compliance of the site **(Appendix D)**.
3	***Drainage*** *Water flows into the Water Corporation drain must be consistent with existing flow rates.*	The prepared Local Water Management Strategy identifies the location and volume of drainage basins and associated easements to be developed at the subdivision stage of the project. These basins and easements will ensure that water flow rates into the Water Corporation drain are, at minimum, consistent with existing flow rates. Drainage design also includes solutions to rectify ongoing issues from adjoining Rural Residential subdivisions. The Local Water Management Strategy included in **Appendix D** provides further detail on this matter.
4	***Water Corporation Drain*** *Water Corporation drain runs from the northeastern to the southwestern section of the subject site.*	Engagement with Water Corporation Albany has concluded that Water Corporation would like all areas of the current drain to be ceded to Water Corporation as a condition of subdivision. Further, Water Corporation has indicated that they are likely to support the construction of a drain crossing for the purpose of an Emergency Access Way if required.
5	***Reticulated Water*** *Water Corporation relayed that the subject site does not currently have access to reticulated water supply.*	The Water Corporation has advised that a reticulated water connection from Lowanna Drive is accessible to the southwestern portion of the subject site, currently within Lot 9001.

		Water Corporation has advised that reticulated water connection to the northeastern portion of the subject site may not be feasible, and instead these lots could enjoy tank water collected from roof runoff.
6	***Bushfire*** *Areas of the subject site is identified as being bushfire prone.*	The allocation of the proposed zoning has been designed to respond directly to bushfire risk at the site. Provision for Emergency Access Way easements which comply with the statutory bushfire requirements have been embedded into the design of this project. A Bushfire Management Plan has been prepared to provide further detail on this matter **(Appendix E)**.
7	***Access*** *The subject site is bound by South Coast Highway to the north and Lower Denmark Road to the south.*	Preliminary discussions with MRWA have been initiated to collaborate on vehicular access to the sites. Two technical memorandums have been prepared by traffic engineers at Stantec, (formerly Cardno), in the form of both a turn warrant assessment, and an intersection analysis. Both technical memorandums find that the proposed rezoning can be serviced by the South Coast Highway **(Appendix F)**.

3 SUBCONSULTANT INVESTIGATIONS

3.1 Bio Diverse Solutions

3.1.1 Bushfire

Preliminary bushfire mapping, prepared by Bio Diverse Solutions, finds that future lots developed as a result of this scheme amendment request and subsequent subdivision can achieve a minimum BHL of 'Moderate' or lower **(Appendix E)**.

3.1.2 Water

Bio Diverse Solutions has prepared a Local Water Management Strategy (LWMS) and Site and Soil Evaluation (SSE) for the subject site **(Appendix C & D)**. These reports have been prepared to investigate the suitability of the subject site for the proposed rezoning. A summary of the findings of these reports is demonstrated in the following sections.

Local Water Management Strategy

The LWMS prepared for the subject site finds that appropriate drainage mechanisms can be installed to manage water flow at the site. Key elements of the proposed drainage system, as detailed in the LWMS, are as follows:

Lot Attenuation

- It is the landowner's responsibility to manage stormwater runoff from buildings, hard stand (impervious) areas and gardens within the property boundary consistent with the City of Albany's lot attenuation guidelines, i.e. 0.5m³ of storage is required per 100m² of impervious area. Individual Lot stormwater management systems should be assessed and approved by the City of Albany in accordance with future applications.
- Rainwater tanks are recommended on all lots and may be plumbed into homes using a mixed demand system or a trickle feed system to provide available storage for recurrent storm events.
- Soakwells shall only be utilised where there is adequate separation to the peak annual water-table from the base of the soakwell (>300 mm) and adequate gradient for graduated pipe overflow pipes. In areas with shallow depth to groundwater, attenuation basins integrated into the garden landscaping will provide the most effective attenuation mechanism. When designing lot stormwater management systems, overland flow routes directing runoff away from buildings and adjoining properties shall be considered. Lot stormwater management systems should be assessed and approved by the City of Albany.

Stormwater Conveyance

- Roadside swales designed to convey storm events up to the 20% AEP and where required, pipe drains to connect sections of swale sized to convey the 20% AEP storm event. Pipe drains include lot crossovers.

- Roadside swales shall have a minimum side slope of 1:4 between the road and swale and 1:5 between the lot boundary and swale for ease of maintenance. The swales shall be designed with adequate grade for peak runoff conveyance, the minimum longitudinal grade criterion for the swales is 1:200 (0.005). The estimated capacity and top water level of each section of swale shall be calculated using the Manning's formula or appropriate modelling software after earthwork design, once the incoming sub-catchment to each swale section is confirmed.
- Road drainage from storm events greater than the peak 20% AEP event up to the peak 1% AEP event will be directed to the lowest point in each catchment via overland flow along the road pavement. The ultimate road low point will be located adjacent to Five Mile Creek in each sub-catchment to ensure road runoff is directed off site during storm events greater than the 20% AEP. Runoff from storm events greater than the 20% AEP event will be directed off site unattenuated. Attenuation of flows for storm events greater than the peak 20% AEP event, up to the peak 1% AEP event are likely to have negligible impact on the flood regime of the downstream area.

Bio-retention and Stormwater Storage

- Drainage treatment train utilising bio-retention storages, designed to treat the first 15mm of rainfall, by providing infiltration close to source. Bio-retention storages shall be designed to convey up to the 20% AEP storm event. Storages will be located at the low point of the sub-catchments, to direct runoff away from infrastructure in the case that the capacity of the storage is exceeded. The bio-retention storages shall be located outside of Five Mile Creek and its flood/riparian vegetation zone.
- The maximum side slopes of the bio-retention storages shall be 1:6, with at least 0.3m of freeboard provided between the 20% AEP top water level and top of bank. A stabilised low point in the bank shall be provided at the 20% AEP top water level, located downstream in the bio-retention storage so that overflow is directed off site when/if the capacity of the storage is exceeded.
- The base of the bio-retention treatment area shall be underlain with 0.4m depth of amended soil, 0.15m depth of a transition layer (coarse sand) and 0.15m depth of a drainage layer with 100mm (maximum) perforated collection pipes (subsoils). Bio-retention treatment areas shall be planted.
- Outflow from the bio-retention treatment area of the storage for minor storm events (up to the 20% AEP) shall be set at the top water level of the first 15mm runoff event, this is set at a maximum depth of 0.3m to allow for adequate water quality treatment across a larger surface area. Outflow from the treatment area will be via an overflow pit sized to match the peak pre-development outflow for the 20% AEP storm event for each catchment.
- Outflow from the bio-retention storages for minor storm events (up to the 20% AEP) shall be set at the top water level of the first 15mm runoff event, this is set at a maximum depth of 0.5m to allow for adequate water quality treatment across a larger surface area. Outflow from the storages will be via an overflow pit sized to match the peak pre-development outflow for the 20% AEP storm event for each sub-catchment.
- Outflow from bio-retention storages in Sub-catchments A and B will discharge to Five Mile Creek. Outflow from Sub-catchment C will discharge to the Five Mile Creek tributary to the

south of the Subject Site, whilst Sub-catchment D will discharge to South Coast Highway and ultimately Five Mile Creek further downstream. The Sub-catchment D bio-retention storage is proposed to be a swale within the road reserve with side slopes consistent with that specified for roadside swales and all other specifications consistent with a bio-retention storage. Measures shall be taken at the downstream end of the storage outlets to ensure scouring, and movement of sediment is minimal, this may include rock pitching and stabilisation matting.

- All bio-retention/stormwater storages shall be contained within easements and have adequate access for maintenance. Bio-retention storages located adjacent to Five Mile Creek shall be located outside of the designated creek easement.

Flood Protection

- All building pad finished levels shall have a minimum of 0.3m separation above the estimated 20% AEP top water level in the bio-retention storages and above the 1% AEP top water level in nearby waterways and waterbodies consistent with the Local Government Guidelines for Subdivisional Development (IPWEA, 2017).
- All roads shall have a minimum separation of 0.3m above the 20 % AEP top water level in the bio-retention storages and nearby waterways and waterbodies.
- Building pads shall be set back a minimum of 100m from Five Mile Creek for both flood protection and environmental protection of the waterway.

Based upon these management strategies, detailed in the LWMS prepared in relation to the proposed rezoning, it is evident that any future lots developed as a result of the rezoning of the subject sites can appropriately manage stormwater runoff.

Site and Soil Evaluation

The SSE prepared by Bio Diverse Solutions to inform this project finds that lots resulting from the proposed rezoning can achieve the required outcomes of the Government Sewer Policy in terms of onsite effluent management.

Importantly, the SSE evaluates existing environmental limitations at the site which has been used to inform the zoning for different portions of the site. The concept plan has been designed to ensure that all future lots contain a portion of land which can host a Land Application Area, while achieving other planning requirements.

The SSE prepared for this project finds that the subject site can accommodate onsite effluent disposal systems, and that future lots can achieve adequate land application areas.

3.2 Stantec (Traffic)

Stantec has prepared two technical memorandums in relation to the proposed rezoning. These technical memorandums provide detail on the turn warrant and intersection analysis at the subject site.

These technical memorandums have been prepared by Stantec to inform the development of this Scheme Amendment application **(Appendix F)**.

Turn Warrant Assessment

The Turn Warrant Assessment in relation to the subject site finds that the South Coast Highway can host two new intersections to benefit the proposed development. Particularly, the technical memorandum details:

> *'Based on the assessment for both peak hours, auxiliary lanes are not required for Access 1* (the western access onto South Coast Highway)*. For Access 2* (the eastern access onto South Coast Highway)*, an AUR turn treatment is warranted in 2024 and 2034 turning movements and AUL(S) is warranted in 2034 from a safety perspective taking into consideration the posted speed on South Coast Highway is 110km/hr.'* Stantec, 2022

Therefore, any future intersections onto South Coast Highway required for the proposed development can be safely sited.

Intersection Analysis

The Intersection Analysis prepared by Stantec investigates the capacity of South Coast Highway to host increased traffic volumes which are expected if the proposed rezoning and subsequent subdivision progresses. This intersection analysis includes SIDRA modelling, and a summary of the findings of this document is as follows:

- *All the intersections are anticipated to operate at good levels of service, average delays and capacity during both the AM and PM Peak hour periods for the opening year at future 2034 horizon.*
- *Based on the SIDRA traffic modelling analysis, the proposed development is expected not to have any material or significant impact on the surrounding road network.* (Stantec) 2022

Therefore, SIDRA modelling undertaken by Stantec finds that intersections resulting from the proposed rezoning can be safely designed.

4 PLANNING FRAMEWORK

4.1 Strategic Rationale

4.1.1 Lower Great Southern Strategy

The Lower Great Southern Strategy 2016 (LGSS) identifies the key goals for the Lower Great Southern Region, including the City of Albany, over the next 20 years from 2016. The proposed rezoning is consistent with the LGSS as it represents investment in the region which will stimulate growth and development to the area. This directly corresponds to objective 2.3 Economic Growth of the LGSS, as the proposed rezoning will contribute positively to Albany and the wider Great Southern region.

4.1.2 City of Albany Strategic Community Plan 2032

The City of Albany's Strategic Community Plan 2032 (SCP) is the document which identifies the wants and needs of the community, as determined by the community through the Markyt Scorecard, and identifies how the City will work to achieve these desires over the next 10 years.

The Albany community identified "Place" to be a key area for improvement, with the City then describing a goal for Albany to be 'A responsibly planned city that is attractive, vibrant and well connected'. To contribute toward achieving this, Outcome 7 of SCP describes 'Responsible growth, development and urban renewal', with objectives of this outcome being:

> *7.1 Plan a compact city with diverse land, housing and development opportunities.*
>
> *7.2 Plan for adequate utilities to support responsible growth.*

The proposed zoning of the subject site to Rural Smallholding and Rural Residential allows for diversity of land use, which will contribute toward the overall vibrancy of land use in the growing Albany area. Further, diversity of zonings promotes extended development opportunities, which will proliferate into increased residency in the City of Albany.

4.1.3 City of Albany Local Planning Strategy

The City of Albany's Local Planning Strategy outlines the vision of Albany, and how this vision is to be actualised for the region.

Part 2.2.3 Rural Living of the City's Local Planning Strategy highlights that the strategic objectives of the strategy are to:

> *...encourage the efficient use of existing rural living areas by maximising their development potential and to avoid the development of rural living areas on productive agricultural land, important natural resource areas and areas of high bushfire risk* (City of Albany Local Planning Strategy, page 19).

As is demonstrated at **Image 3**, land bordering the subject site is already zoned and subdivided in accordance with its Rural Residential zoning. The proposed rezoning and consequential subdivision are consistent with maximising the development potential of the rural living area. Further, the subject site is considered to have restricted agricultural viability due to its proximity to rural residential zoned land and identified site constraints, making the proposed rezoning a progressive change and cohesive to the existing area.

The City's Local Planning Strategy goes on to describe that while there is substantial demand for rural living properties in the City, there has been a reduction in the volume of sales for properties above 1ha (The Hotspots Report, 2015). While this may have been the case when the Local Planning Strategy was written in 2019, private developers and market experts have identified change to buyer habits which has led to this project being developed. This rezoning will respond directly to the increased demand for Rural Living lots in the Albany area.

The City's Local Planning Strategy 2019 Image 4 Urban Strategy Map includes the subject site within Strategic Direction 4 of the plan (see **Image 4**, below).

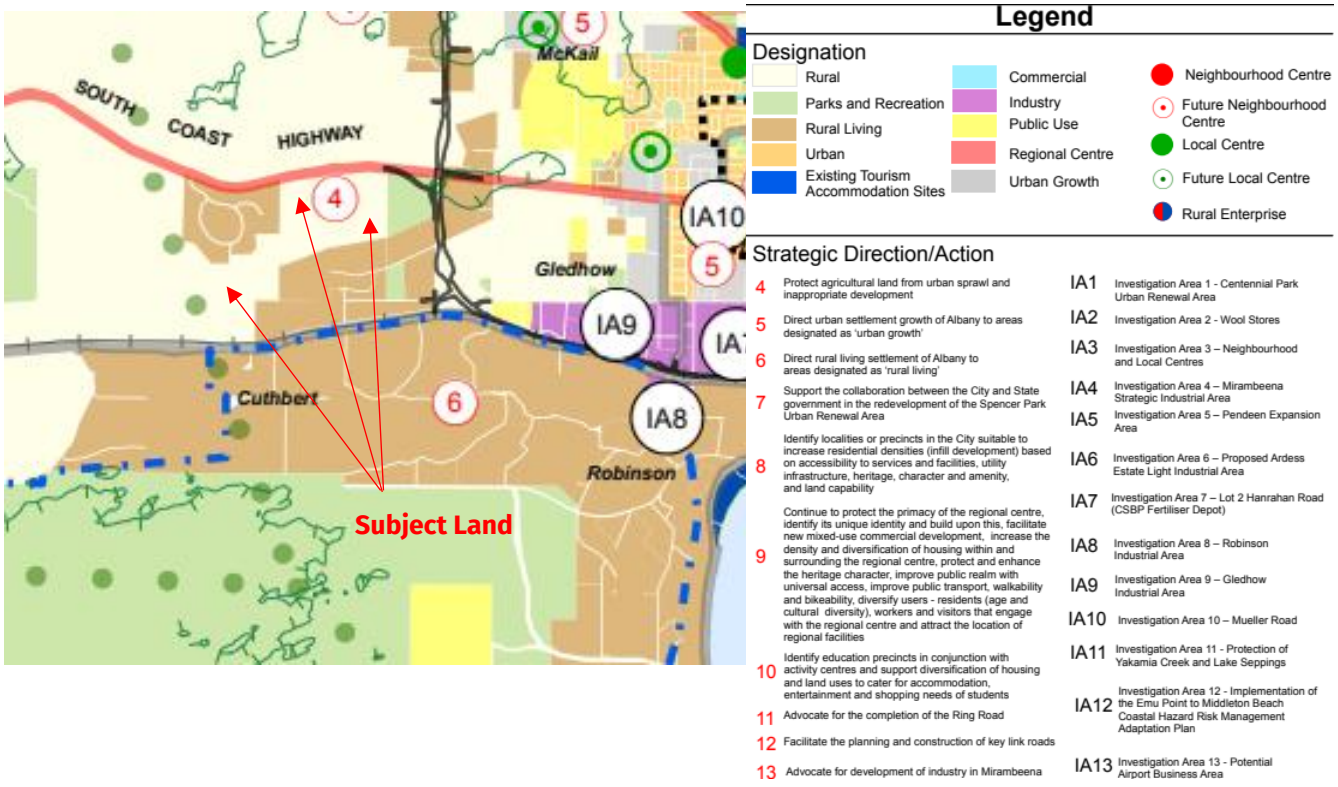

Image 4: Local Planning Strategy 2019 Urban Map

Strategic Direction/Action 4 is intended to 'protect agricultural land from urban sprawl and inappropriate development'. Land adjoining the site to the northwest and southeast are designated Rural Living, as is a large portion of land to the south of Lower Denmark Road. The proposed rezoning is considered infill development only and is consistent with the current surrounding land uses.

Finally, the completion of the construction of the Albany Ring Road ensures that local government can be confident in making decisions relating to land near the Albany Ring Road corridor. The Albany Ring Road corridor represents improved road connectivity for subdivisions such as the Lowanna Drive rural residential area, and the proposed subject site. This proposed change to the zone reinforces the clear consolidation of the Albany settlement pattern in this locality.

Based on this rationale, the proposed rezoning to Rural Residential and Rural Small Holding is considered consistent with the City's Local Planning Strategy.

4.2 Statutory Rationale

4.2.1 City of Albany Local Planning Scheme No. 2

It is recognised that the City of Albany Local Planning Scheme No. 2 (LPS 2) has been recently adopted by the City, after approval by the Minister for Planning. The subject site is zoned Rural in

the LPS 2. Land immediately west of the subject site is zoned Priority Agriculture, while land adjoining the sites to the north, east and south are zoned Rural Residential and Rural Smallholding.

The proposed rezoning will be consistent with the provisions of the Rural Residential and Rural Smallholding zones, as prescribed in the LPS 2.

The proposed zoning request of the subject site consolidates the surrounding Rural Residential footprint or the area. The ability for the subject site to be used for rural activities is heavily restricted by the adjoining Rural Residential zoning. Therefore, the landowners are seeking an avenue for their properties to serve them into the future by creating Rural Residential and Rural Smallholding lots, in the absence of being able to fully utilise their land for Rural pursuits due to land use conflicts.

The proposed rezoning has been designed to respond specifically to the existing surrounding land zones. Particularly, the portion of Rural Small Holding land along the far western boundary which has been positioned as a transition zone between the Rural Residential and the Priority Agriculture land.

4.3 Subdivision Requirements

The following policies will need to be addressed as part of the future subdivision applications for the subject site following gazettal of the scheme amendment.

4.3.1 Operational Policy 1.1 Subdivision of Land (General Principles)

The Operational Policy 1.1 Subdivision of Land (General Principles) (OP 1.1) sets out the general principles that are used by the WAPC in determining applications for subdivision of land.

Therefore, any future subdivision at the subject site will need to comply with OP 1.1.

4.3.2 Government Sewerage Policy

The Government Sewerage Policy (GSP) sets the State Government's position on how sewerage services are to be provided in Western Australia through the planning and development of land.

The subject site is not identified within a 'sewage sensitive area' and does not occur within a public drinking water source area. Preliminary hydrological investigation, summarised at Part 3.1.2 of this report, has found that lots located at the subject site are able to be adequately serviced for onsite effluent disposal systems. The Opportunities and Constraints plan, attached at **Appendix B**, identifies the recommended Land Application Areas for each proposed lot.

The SSE prepared for the subject land summarises the compliance to the GSP minimum requirements as follows:

Lot 9001	**Lot 124 & 125**
• Soils across the Subject Site varied with site and topography. Generally, the soil types encountered on site were found to be sand with silt, sand with silt over gravel, sand over gravel over rock and sand with silt and peat with the	• Based on soil type, onsite effluent disposal is achievable across the Subject Site using standard land application systems, such as leach drains and sub-surface irrigation systems with no special design considerations required.

Lot 9001	Lot 124 & 125
majority of the Subject Site consisting of sand with silt to 2 metres (Figure 11). Given the free draining nature of the soil types found across the Subject Site, onsite effluent disposal is achievable with standard land application systems, such as leach drains and subsurface irrigation systems, with no special design considerations required. It is recommended that onsite effluent disposal be avoided within the area classified as sand over gravel over rock. Proposed future lots that intersect this soil type can achieve onsite effluent disposal within the sand with silt over gravel soil type, directly downslope of the sand over gravel over rock soil type, thus avoiding potential failure of the land application system due to the impermeable nature of the rock. Where depths to rock or impermeable layers is less than 1.2m from the base of the land application system, and this cannot be avoided, imported fill and/or special design requirements and distribution techniques will be required.	The main soil profiles encountered on site were found to be sand with silt to the depth of the hole, sand with silt over sandy gravel, over sandy clay and sandy gravel/gravelly sand, over sandy clay/clayey sand. The soil types found onsite are generally associated with a moderate to rapid permeability rate due to their relatively high sand and silt content and absence of any heavy clay layers. TP10 was the only test pit to encounter a medium density clay layer within 2m depth of the surface, the infiltration rate for Land Application Areas (LAAs) in the vicinity of TP10 shall be confirmed prior to subdivision stage, to determine if special design is required. Bedrock was encountered at TP17 only, at a depth of 1300mm, the depth to bedrock shall be confirmed for LAAs in the vicinity of TP17 at subdivision stage, to ensure there is a minimum of 1200mm of separation between the base of the effluent application system and confining layers (bedrock). If 1200mm of separation to a confining layer is unachievable, imported fill and/or special design considerations may be required. Special design requirements for onsite effluent disposal at the Subject Site is discussed in Section 6.
• The slopes across the site generally do not exceed the minimum grade requirements (1:5) as outlined in Table 3 of the GSP (DPLH, 2019a). The Subject Site is generally flat except in the northwest of the site where slopes steepen towards the ridge line, with slopes here being approximately 1:10. Construction of Land Application Areas (LAA) on the steeper sections of the ridgeline shall be avoided where possible. LAAs shall run parallel with topographic contours and be flattened off within lots with gradual to moderate slopes.	• The slopes across the site generally do not exceed the minimum grade requirements (1:5) as outlined in Table 4 of the Draft Government Sewerage Policy. Where the slopes descend steeply towards Five Mile Creek (slopes here are a maximum of 1:6), care shall be taken to ensure LAAs run parallel with the topographic contours and flattened off to minimise runoff towards Five Mile Creek.

Lot 9001	Lot 124 & 125
• The minimum separation required between the peak annual water-table and effluent application in sandy soils is at least 1.5m (DPLH, 2019a). The depth to the peak annual water-table across the Subject Site is generally shallow (<1.5m). Where separation to groundwater is <1.5m, as seen across much of the site, imported fill and/or special design requirements (as discussed in Section 6) will be required for the LAAs to ensure the separation to groundwater requirement is met.	• The depth to the peak annual water-table across the site varied from at surface (0 mm BGL) to not encountered to 2 metres during the site investigation. Most of the low-lying areas associated with a high groundwater consist of sand with silt to 2 metres. The minimum separation required between the peak annual water-table and effluent disposal in sands, is at least 1.5m and 0.6m when a secondary treatment system is utilised. Where separation to the peak annual water-table is <1.5m using primary treatment only or <0.6m using a secondary treatment system, imported fill will be required for the LAA to ensure the separation to groundwater requirement is met. Where the depth to the peak annual water-table is <0.5m BGL, it is recommended that the building envelopes (including LAA) within the proposed lots be filled with suitable imported fill material, so that a minimum of 0.5m of separation to the peak annual water-table is achieved across the building envelope prior to subdivision. Further groundwater investigation may be required to better identify the areas that require filling to achieve 0.5m separation to the peak annual water table. Following subdivision, it shall be the responsibility of the future lot owner to ensure the GSP (2019a) groundwater separation requirement is met. This separation requirement is applicable to the LAA only, with the location of the LAA dependent on building placement. Where the depth to the peak annual water table is <0.5m, the lots shall be a minimum size of 1 ha.

Lot 9001	Lot 124 & 125
• The nearest domestic groundwater bore to the Subject Site is approximately 60m to the east (Figure 7). The minimum separation requirement between effluent application and domestic production bores is >30m, this is achievable at the Subject Site. Any future proposed domestic bores shall be situated at least 30m from any LAA.	• It shall be ensured that if the domestic production bore located within the Subject Site is to be retained, that >30m separation between the bore and LAAs be achieved. The nearest domestic groundwater bore to the Subject Site is approximately 150m to the west. The minimum separation requirement between effluent application and domestic production bores is >30m, this is therefore achievable at the Subject Site. Any future proposed domestic bores shall be situated at least 30m from any LAAs.
• The Subject Site is intersected by Five Mile Creek, there is also a tributary to Five Mile Creek in the central portion of the Subject Site, a constructed drain in the southwest of the site, and multiple smaller scale waterbodies/dams/seasonal drains in the south, central and northeast of the Subject Site. A 100m setback between Five Mile Creek, the Five Mile Creek tributary and the constructed drain in the southwest, to all LAAs shall apply. These are major waterways and flow for most of the year. A minimum 30m setback shall apply between the smaller and more seasonal in nature waterbodies/seasonal drains/dams to all LAAs. These waterways/waterbodies are generally only connected to the major waterways during larger storm events, and there is generally more opportunity for the infiltration and uptake (by vegetation) of any potential contaminants and nutrients generated from the effluent. A 30m setback shall also apply to any future proposed stormwater storages/swales and all LAAs.	• A 100m setback shall be implemented between Five Mile Creek and all LAAs at the Subject Site. There is also a tributary of Five Mile Creek running parallel to the southern boundary of the Subject Site that shall also have a 100m setback to all LAAs. There are several farm dams across the Subject Site, if these dams are maintained and not decommissioned as part of development works, a 30m setback between LAAs and the dam/s is recommended. A 30m setback shall also be applied between any maintained or future proposed constructed drains, stormwater storages/swales and all LAAs. These minor/seasonal waterways/waterbodies are generally only connected to the major waterways during larger storm events, and there is generally more opportunity for the infiltration and uptake (by vegetation) of any potential contaminants and nutrients generated from the nearby onsite effluent disposal systems.

Lot 9001	Lot 124 & 125
• According to data results for site No. 603115, the highest recorded level at the downstream end of Five Mile Creek within the Subject Site is 10.3m AHD (1997-2022), which was recorded on the 30th August 2001. LAA shall be setback 100m from Five Mile Creek and as such they will be located outside of the 1% AEP flood levels for Five Mile Creek.	• According to data results for site No. 603115, the highest recorded level at the downstream end of Five Mile Creek within the LSP area, is 10.3m AHD (1997-2022), which was recorded on the 30th August 2001. This flood level did not breach the creek channel by more than 10m. LAA shall be setback 100m from Five Mile Creek and as such they will be located outside of the 1% AEP flood levels for Five Mile Creek.
• LAAs shall not be located within areas deemed as subject to seasonal inundation, this is achievable at the Subject Site, as shown in Figure 15. LAAs shall be avoided in areas subject to seasonal waterlogging (<0.5m separation to groundwater) where possible. If areas subject to waterlogging cannot be avoided for LAAs, then imported fill and/or special design requirements will be required to meet GSP (DPLH, 2019a) requirements. In areas where the separation to groundwater is <0.5m, it shall be the responsibility of the proponent to fill a building envelope (including the LAA) to achieve at least 0.5m separation to the peak annual water-table. Following subdivision, it shall be the responsibility of the future lot owner to ensure the minimum groundwater separation requirement is met. This separation requirement is applicable to the LAA only, with the location of the LAA dependent on building placement. Where the depth to the peak annual water table is <0.5m, the lots shall be a minimum size of 1 ha.	• A 6m setback from the lot-to-lot boundaries to LAAs shall apply. Additionally, a 6m setback from the road reserve boundary to down-gradient LAAs shall also apply, and a 12m setback to LAAs that are up-gradient of the road reserve boundary shall apply to provide additional separation to any proposed roadside drains.

Lot 9001	Lot 124 & 125
• A 6m setback from the lot-to-lot boundaries to LAAs shall apply. Additionally, a 6m setback from the road reserve boundary to down-gradient LAAs shall also apply, and a 12m setback to LAAs that are up-gradient of the road reserve boundary shall apply to provide additional separation to any proposed roadside drains.	

Any future subdivision or development of the subject site will need to comply with the GSP.

4.3.3 State Planning Policy 3.7 Planning in Bushfire Prone Areas

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) determines the requirements of planning in areas which are identified as being bushfire prone. Portions of the subject site are identified as being a bushfire prone area, and therefore preliminary expert advice has been sought in support of the proposed rezoning.

The Bushfire Management Plan (BMP) identified most of the site as being subject to a moderate BHL. The future rural residential development will allow for BAL-29 APZ's to be implemented on all lots. There are small patches and thin strips of remnant forest vegetation within the development area. Appropriate setbacks from all areas of vegetation will ensure BAL-29 can be achieved for all lots. In the future, all APZ's will be maintained to the required standards set out in the guidelines. If the subsequent subdivision is staged, the developer will need to maintain the balance of land in ownership in accordance with the City of Albany Fire Management Notice and the WAPC APZ standards. Any landscaping, replanting for buffers, screening or enhancement of the site is to conform to WAPC APZ requirements and should be reviewed by the bushfire practitioner prior to approval from the Local Government to meet low fuel requirements or to ensure it does not increase the bushfire threat.

The BMP demonstrates further compliance to the four elements of the bushfire protection criteria (Appendix 4; WAPC, 2021).

The Opportunities and Constraints plan at **Appendix B** also demonstrates potential locations of Emergency Access Ways to ensure all lots adhere to the requirements of relevant planning and bushfire regulation.

Any future subdivision or development of the subject site will need to comply with the requirements of SPP 3.7 and the approved Bushfire Management Plan.

4.3.4 State Planning Policy 5.4 Road and Rail Noise

The subject land is within the trigger distance of State Planning Policy 5.4 (Road and Rail Noise). South Coast Highway is located to the north of the site, with a speed limit of 110km/hr.

Table 2 within the Road and Rail Noise Guidelines assists in the forecast of noise exposure category based on distance (m) from the edge of the main road carriageway. The assessment in **Table 2** below has been based on a 2 lane 'other significant freight/traffic routes.'

DWELLING	DISTANCE TO CARRIAGEWAY	FORECAST EXPOSURE CATEGORY	FORECAST NOISE EXCESS LEVEL	HOUSE PACKAGE
Indicative building envelope	100m	55dB	0 or less	-

Table 1 SPP 5.4 Noise Exposure Forecast

The calculation identifies no forecasted excess noise levels impacting proposed dwelling sites; therefore, no additional measures will be required on the assumption that development does not take place within a 100m setback from South Coast Highway. If development does take place within a 100m from South Coast Highway, the maximum excess noise level is 8-11dB requiring a noise management plan or quiet house package.

The subject land is also within the trigger distance of the freight railway line to the south. The assessment in **Table 2** below has been based on 'freight railways, up to 1 movement per hour'.

DWELLING	DISTANCE TO RAILWAY	FORECAST EXPOSURE CATEGORY	FORECAST NOISE EXCESS LEVEL	HOUSE PACKAGE
Indicative building envelope	150-200m	51-52dB	1 to 3	Quiet house package

Table 2 SPP 5.4 Noise Exposure Forecast

The calculation identifies an 'A' exposure category requiring mitigation measures in accordance with an approved noise management plan or quiet house package as specified.

This assessment demonstrates that compliance with the deemed to comply measures can be achieved, negating the need for a comprehensive noise management plan.

5 REQUESTED AMENDMENT

In acknowledgement of the above, we request that the following amendment be made to the City of Albany Local Planning Scheme No. 2:

1. Rezoning the subject site to Rural Residential and Rural Smallholding, consistent with the rezoning plan at **Appendix A** of this document.

This modification to the Local Planning Scheme No. 2 would ensure that current lots are able to be developed in a manner consistent with the environmental considerations at the site and the neighbouring land uses.

6 CONCLUSION

Harley Dykstra has prepared this Scheme Amendment application on behalf of the Marbelup Landowner Group to demonstrate the merits of amending the zoning demonstrated in the City of Albany's Local Planning Scheme No. 2.

Section 2.2 of this Scheme Amendment application has identified the 7 key constraints to the future development of this site. These constraints have been reviewed by the relevant local or state government agencies and appropriate specialist consultants who have provided solutions to each of these to demonstrate the suitability of the future development of the site. Section 3 provides details of the specialist consultants' reports which informed these solutions.

In Section 4, the strategic and statutory rationales are provided to address those elements of the planning framework that are applicable to this application.

Based on the description and rationale provided within this report, we respectfully request the City considers the proposed rezoning and amends Local Planning Scheme No. 2 accordingly.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

City of Albany

Town Planning Scheme No. 2

Amendment No. 1

RESOLVED that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

(i) Rezoning portion of Lot 9001 and Lots 124 (No. 47954), 125 (No. 47914) and 200 (DP52999), Marbelup from 'Rural' to 'Rural Residential'.
(ii) Rezoning portion of Lot 9001 (No.688) and Lots 201 (DP52999) and 44 (Plan 584), Marbelup from 'Rural' to 'Rural Smallholdings'.
(iii) Rezoning Lot 33 (Plan 584), Marbelup from 'Rural' to 'Drainage/waterway'.
(iv) Rezoning Lot 7864 on Plan 16119 from 'Infrastructure Services' to 'Drainage/Waterway'.
(v) Amend the scheme map accordingly

Note: Text to be updated in accordance with Council resolution.

FORM 6A

COUNCIL ADOPTION
This Standard Amendment was adopted by resolution of the Council of the City of Albany at the Ordinary Meeting of the Council held on the ____ day of _____, 20____.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE
by resolution of the Council of the City of Albany at the Ordinary Meeting of the Council held on the _____ day of _____, 20____, proceed to advertise this Amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION
This Amendment is recommended for _____ by resolution of the City of Albany at the Ordinary 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

WAPC ENDORSEMENT (r.63)

.....
DELEGATED UNDER S.16
OF THE P&D ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

APPENDIX A | REZONING PLAN

APPENDIX B | OPPORTUNITIES AND CONSTRAINTS PLANS

APPENDIX C | LOCAL WATER MANAGEMENT STRATEGY

APPENDIX D | SITE SOIL EVALUATION

APPENDIX E | BHL ASSESSMENT AND BUSHFIRE MANAGEMENT PLAN

APPENDIX F | TRAFFIC STUDIES