



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

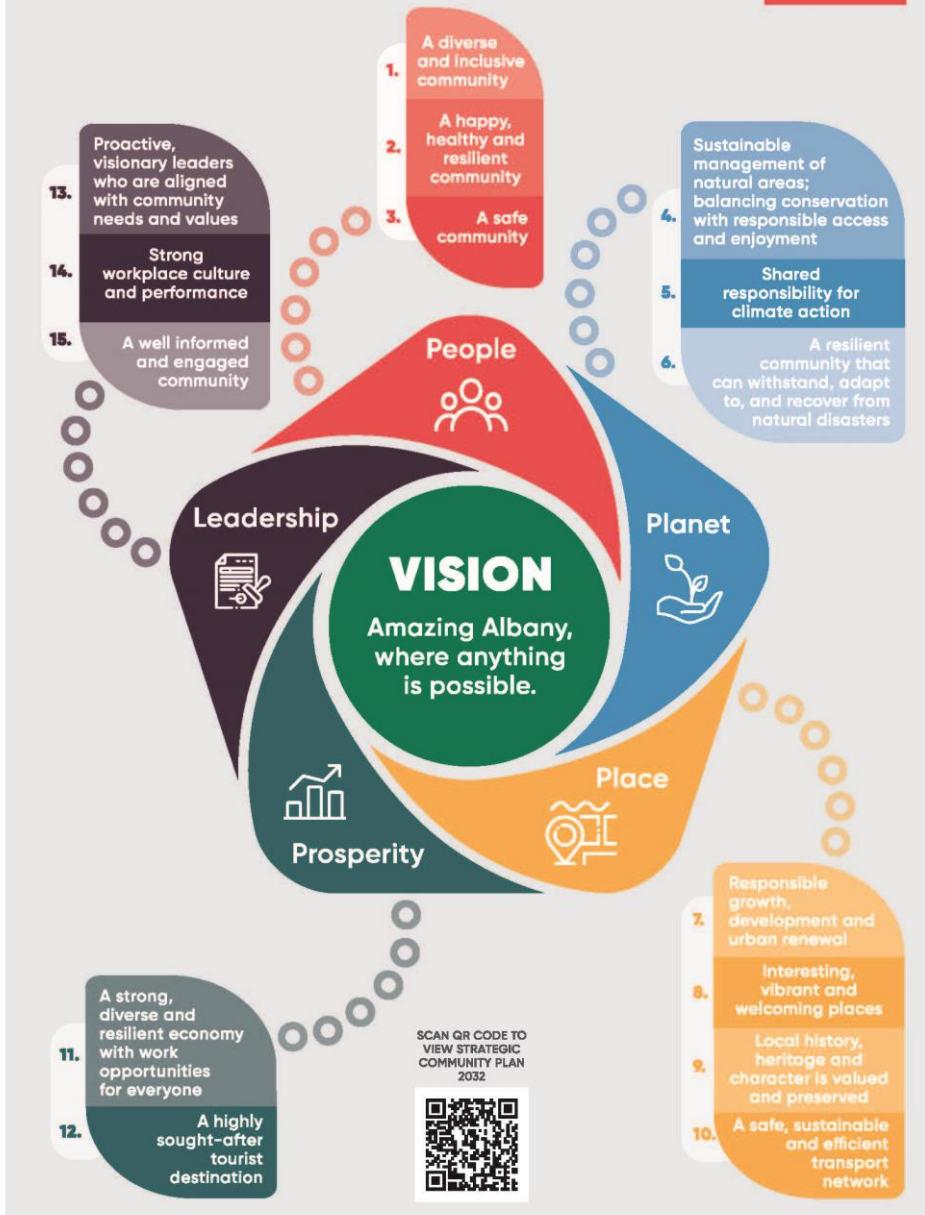
Wednesday 15 February 2023

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032



Development & Infrastructure Services Committee
Terms of Reference

Functions: The Committee is responsible for:

The Development and Infrastructure Services Committee is responsible for delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Planet Pillar** and **Place Pillar**:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment;
- Shared responsibility for climate action;
- Responsible growth, development and urban renewal;
- Interesting, vibrant and welcoming places;
- Local history, heritage and character is valued and preserved; and
- A safe sustainable and efficient transport network.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly

Meeting Location: Council Chambers

Executive Officers: Executive Director Infrastructure, Development & Environment

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 15/02/2023

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1. **DECLARATION OF OPENING**

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 past, present and emerging”.

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

Mayor D Wellington

Councillors:

Member	C Thomson (Chair)
Member	R Sutton (Deputy Chair) (Arrived at 6.30pm)
Member	P Terry
Member	M Traill
Member	G Stocks
Member	T Brough
Member	J Shanhun
Member	D Baesjou
Member	A Cruse
Member	S Smith
Member	S Grimmer

Staff:

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Manager Engineering and Sustainability	R March
Manager Planning and Building	J van der Mescht
Coordinator Planning Services	J Wardell-Johnson
Meeting Secretary	P Ruggera
Meeting Secretary	N Banyard

Apologies:

Member	M Benson-Lidholm JP (Apology)
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4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Councillor Brough	DIS333	Impartiality. The nature of the interest being that Councillor Brough is a Managing Director of a Forestry Company. LPS2 does not impact on existing tree farm interests. Councillor Brough remained in the Chamber and participated in the discussion and vote for this item.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE – Nil

6. PUBLIC QUESTION TIME

In accordance with City of Albany Standing Orders Local Law 2014 (as amended) the following points apply to Public Question Time:

- Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

6.04pm Ms Annabel Paulley, Friends of Yakamia Forest, 38 Parker Street, Lockyer via Zoom

Summary of key points:

Ms Paulley spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2.

Ms Paulley's tabled address is detailed at Appendix A.

6.08pm Ms Sonia Emery, 11 Finlay Street, Albany

Summary of key points

Ms Emery spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2.

Ms Emery's tabled address is detailed at Appendix A. .

6.12pm Mr Henry Dykstra, Harley Dykstra, 31 Albany Highway, Albany

Summary of key points:

Mr Dykstra addressed the Committee regarding Report DIS333: Adoption of Draft Local Planning Scheme No.2.

Mr Dykstra spoke on behalf of owners on Old Elleker Road, Gledhow, and requested land use changes be considered for Lunch Bar, Motor vehicle sales, Motor Vehicle Truck wash and Private recreation activities to make them discretionary.

Mr Dykstra stated that Lot 506 Elleker Grassmere Road is not suitable for priority agriculture, and also commented on the Marbelup Rural Living precinct.

6.18pm Mr Aaron Lohman, CBH Group, Level 6, 240 St Georges Terrace, Perth
Summary of key points:

Mr Lohman addressed the Committee regarding Report DIS333: Adoption of Draft Local Planning Scheme No.2.

Mr Lohman requested that Industry Light and Warehouse storage use classes for the Mirambeena General Industry zoning be amended to include Additional Use for fertiliser storage.

6.23pm Mr David Wettenhall, 121 Frenchman Bay Road, Robinson
Summary of key points:

Mr Wettenhall addressed the Committee regarding Report DIS333: Adoption of Draft Local Planning Scheme No.2.

Mr Wettenhall stated tree farming and the forestry industry is already well regulated and to does not further restrictions.

6.26pm Ms Diane Evers, 58 Bindaree Road, Cuthbert
Summary of key points:

Ms Evers addressed the Committee regarding Report DIS333: Adoption of Draft Local Planning Scheme No.2. Ms Evers requested consideration of banning all mining activities and that all City owned freehold land be zoned as Conservation.

RESOLUTION (PROCEDURAL MOTION)

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SMITH

THAT Public Question Time be EXTENDED beyond 30 minutes.

CARRIED 12-0

6.30PM: Councillor Sutton arrived in the Chamber and was present during the discussion and voted for this item.

6.31pm Ms Joy Meador, 2/56 Susan Court, Yakamia
Summary of key points:

Ms Meador spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Ms Meador requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve.

6.35pm Mr Mark Allen, 12 Symers Street, Mira Mar
Summary of key points:

Mr Allen spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Mr Allen requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve.

6.38pm Ms Silvia Leighton, 177 Hare Street, Mount Clarence

Summary of key points:

Ms Leighton spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Ms Leighton requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve.

6.42pm Ms Donna White, 7 Melrose Street, Mount Melville

Summary of key points:

Ms White spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Ms White requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve.

6.43pm Mr Keith Bradbury, 10 Beresford Street, Mira Mar

Summary of key points:

Mr Bradbury spoke against the Authorising Officer Recommendation for DIS333: Adoption of Draft Local Planning Scheme No.2. Mr Bradbury requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve.

6.47pm Mr Hugh Waite, 55 Butts Road, Yakamia

Summary of key points:

Mr Waite spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Mr Waite requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve.

6.51pm Ms Sandra Swain, 21 Leslie Street, Yakamia

Summary of key points:

Ms Swain spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2.

6.54pm Mr Glenn Russell, 22 Karrakatta Road, Goode Beach

Summary of key points:

Mr Russell addressed the Committee regarding Report DIS333: Adoption of Draft Local Planning Scheme No.2. Mr Russell requested amendments as detailed in his tabled address.

Mr Russell's tabled address is detailed at Appendix A.

6.58pm Ms Gail Gates, 28 James Road, Millbrook

Summary of key points:

Ms Gates addressed the Committee regarding Report DIS333: Adoption of Draft Local Planning Scheme No.2. Requested that Cottage industry remain as a 'Permitted Use' in Priority Agriculture zones.

7.01pm Mr Ross Underwood, Representing Anchorage Park Pty Ltd

Summary of key points:

Mr Underwood addressed the Committee regarding Report DIS333: Adoption of Draft Local Planning Scheme No.2. Mr Underwood requested consideration for modifications to Lot 503 and Lot 504, Cumberland Road, Lower King.

Mr Underwood's tabled address is detailed at Appendix A.

7.04pm Ms Diana Caley, 12 Franklin Court, Bayonet Head

Summary of key points:

Ms Caley spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Ms Caley requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve and all other high conservation areas be protected.

Ms Caley's tabled address is detailed at Appendix A.

7.08pm Mr Chris Harness, 12 Nevile Rise, Willyung. Representing owners of Lot 12, 13, 14, 15, Albany Highway, Orana

Summary of key points:

Mr Harness addressed the Committee regarding Report DIS333: Adoption of Draft Local Planning Scheme No.2. Mr Harness requested that Council consider rezoning Lots 12, 13, 14, and 15 Albany Highway to Industrial or Highway Commercial.

Mr Harness's tabled address is detailed at Appendix A.

7.10pm Ms Lisa Wilson, 19 McKail Street, Orana

Summary of key points:

Ms Wilson spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Ms Wilson requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve.

7.13pm Ms Lia Shavian, 13 Burt Street, Mount Clarence

Summary of key points:

Ms Shavian spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Ms Shavian requested that Lot 4743, 102 North Road, Yakamia be rezoned as an environmental conservation reserve.

Ms Shavian's tabled address is detailed at Appendix A.

7. 15pm Mr John Powis, 316 Dempster Road, Upper Kalgan

Summary of key points:

Mr Powis spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2.

Mr Powis stated that the timber industry does not need further regulation from Local Government.

7.16pm Ms Joyce Hall, 130 Norton Road, Redmond
Summary of key points:

Ms Hall spoke against the Authorising Officer Recommendation for Report DIS333: Adoption of Draft Local Planning Scheme No.2. Ms Hall requested consideration of banning all mining activities between Albany and Denmark.

ADDITIONAL COMMENTS FROM MEMBERS OF THE PUBLIC UNABLE TO ATTEND

Mr Jon Doust, 132 Angove Road, Spencer Park
Summary of key points:

Mr Doust's tabled address is detailed at Appendix A.

Ms Lynda McKilligin, 66 McBride Road, Goode Beach
Summary of key points:

Ms McKilligin's tabled address is detailed at Appendix A.

7. PETITIONS AND DEPUTATIONS – Nil
8. CONFIRMATION OF MINUTES

RESOLUTION

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR TERRY

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 30 November 2022 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

9. PRESENTATIONS Nil
10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

DIS331: CORPORATE POWER PLAN 2023-2028

Attachments	: Corporate Power Plan 2023-2028
Report Prepared By	: Environmental Sustainability Officer (K Outhwaite) and Manager Engineering and Sustainability (R March)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Planet
 - **Outcomes:** Shared responsibility for climate action
 - **Objective:** Work towards net zero greenhouse gas emissions

In Brief:

- The proposed Corporate Power Plan 2023-2028 (Plan) is a five-year plan designed to provide a framework for the management and minimization of corporate power at the City of Albany.
- The purpose of the Plan is to guide the transition of City assets to 100% renewable energy by 2030.
- The Plan supersedes the *Carbon Footprint Reduction Strategy (2021)* and is one of the outcomes of the *Climate Change Action Declaration (2020)*.

RECOMMENDATION

DIS331: COMMITTEE RECOMMENDATION

**MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TRAILL**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-1

Record of Vote:

Against the Motion: Councillor Brough.

DIS331: AUTHORISING OFFICER RECOMMENDATION

THAT Council ADOPT the Corporate Power Plan 2023-2028.

BACKGROUND

2. The Corporate Power Plan is one of the outcomes of the City of Albany Climate Change Action Declaration (2020), developed in collaboration with the Youth Advisory Council.
3. This plan supersedes the *Carbon Footprint Reduction Strategy* (2021).
4. While the greenhouse gas emissions produced from the City of Albany's corporate operations are a fraction of the total community emissions, actions undertaken represent strong commitment and demonstrated leadership to act on climate change.
5. The title 'Corporate Power Plan' has been chosen to represent the scope of the plan, which is focused on the transition of corporate buildings and facilities to 100% renewable energy.

DISCUSSION

6. The plan outlines major achievements to date and opportunities and challenges going forward.
7. There are four key priorities, these being:
 - Renewable Energy
 - Energy Efficiency
 - Data and Reporting
 - Engagement
8. Corporate Fleet has not been included under Key Priorities as this plan is focused on the transition of City-owned buildings to 100% renewable energy.
9. Corporate Fleet is however discussed under the "Challenges and Opportunities" section and will be addressed in further detail in the Corporate Net Zero Plan.
10. It is intended that this document will be replaced by a Corporate Roadmap to Net Zero.
11. The Strategy's Actions will be monitored on an Action Plan Scorecard and reported on annually.

GOVERNMENT & PUBLIC CONSULTATION

12. No government consultation is required for this item.
13. The Draft Corporate Power Plan was presented to Elected Members at the Strategic Workshop on the 6 December 2022.
14. There has been no specific community consultation in relation to this item, although consideration has been given to outcomes of consultation for the City of Albany Community Strategic Plan 2030.

STATUTORY IMPLICATIONS

15. Nil

POLICY IMPLICATIONS

16. This item relates to the City of Albany Environmental (Climate Change) Policy (2017) and the City of Albany Climate Change Action Declaration.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community: There is a risk that community expectations raised by the Corporate Power Plan are not met.	Possible	Moderate	Medium	If adopted, Council allocates resources to accommodate actions identified in the Strategies in a timely manner.
Operations: There is a risk of additional costs and not achieving goals set out in the Climate Change Action Declaration if there is no clear direction.	Likely	High	High	Adopt the Plan and communicate progress regularly to Council and stakeholders.
Reputation: There is a risk that Future Council decisions are inconsistent with the Climate Change Action Declaration resulting in a lack of community confidence.	Possible	High	High	All future waste planning to be informed by current best-practice and up-to-date research, with Strategy reviewed as required.
Opportunity: Demonstrate the City's commitment to climate change action, its leadership on greenhouse gas reduction and support of energy efficiency measures. Opportunity: Develop a Corporate Roadmap to Net Zero Action Plan to further reduce corporate emissions beyond the scope of this plan				

FINANCIAL IMPLICATIONS

18. The most significant costs of delivering actions under the four key priorities have previously been approved.
19. Budget for rooftop solar PV installation has been previously approved through endorsement of the Business Case: Renewable Energy Installation on City Facilities (Phase 1) and is due for completion in 2024-25.
20. The LED Street Lighting Bulk Replacement (DIS311) was endorsed on 10/08/2022, with the expected cost of the replacement program of \$2,615,000 to be considered as part of the 2023/24 and 2024/25 budgets.
21. The Power Purchase Agreement is a 3-year contract, current until 31 March 2025.
22. Funding for the WALGA South Coast Alliance Project Grant was received and the 'Sustainable Built Design Audit' is underway.
23. Costing for additional projects to be undertaken as part of the Corporate Power Plan will be outlined as part of the Action Plan

LEGAL IMPLICATIONS

24. There are no legal implications associated with this item.

ENVIRONMENTAL CONSIDERATIONS

25. The Climate Change Action Declaration states that 'climate change is occurring and requires immediate and urgent action'.
26. This plan demonstrates a commitment to action on climate change through corporate emissions reduction.
27. The next step is to implement the actions in the Plan and transition towards a Corporate Net Zero Plan

ALTERNATE OPTIONS

28. Council may elect to request amendments to the proposed Corporate Power Plan 2023-2028.

CONCLUSION

29. It is recommended that Council adopt the proposed Corporate Power Plan 2023-2028.

Consulted References	:	<i>Carbon Footprint Reduction Strategy (2021)</i> <i>Climate Change Action Declaration (2020)</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

DIS332: DRAFT LOCAL PLANNING POLICY 2.1: NON-RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE

Land Description	:	City of Albany
Proponent	:	City of Albany
Business Entity Name	:	City of Albany
Attachments	:	1. Draft LPP 2.1: Non-Residential Development in the Residential Zone
Supplementary Information & Councillor Workstation	:	2. State Planning Policy 7.3 – Residential Design Codes Volume 1 (July 2021)
	:	3. State Planning Policy 7.3 – Residential Design Codes Volume 2 (May 2019)
	:	4. Designing Out Crime Guidelines (June 2006)
Report Prepared By	:	Acting Senior Planning Officer (D Ashboth) Acting Coordinator Planning Services (Jessica Anderson)
Authorising Officer:	:	Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcome:** Interesting, vibrant and welcoming places.
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.
4. The item relates to the following objectives and strategic directions of the Planning Strategy.
 - **Objectives:**
 - Consolidate existing urban form and improve land use efficiency.

In Brief:

- City officers have recently commenced a periodic review of the City's existing Local Planning Policy Manual. As part of this review, the City has identified the need for a further policy guidance in relation to non-residential development in the Residential Zone.
- Officers have subsequently prepared draft Local Planning Policy (LPP) 2.1 Non-Residential Development in the Residential Zone which aims to:
 - Provide development standards for non-residential development in the Residential Zone.
 - Ensure that non-residential development is compatible with the existing scale and character of the surrounding residential area.
 - Ensure undue impacts of non-residential development on surrounding residences is appropriately managed.
- Draft LPP 2.1 is proposed to replace the existing Consulting Rooms, Public Worship & Child Care Centres LPP.
- Council is requested to endorse the draft LPP2.1 for advertising.

RECOMMENDATION

DIS332: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS332: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to ENDORSE draft Local Planning Policy 2.1: Non-residential Development in Residential Zones for the purpose of advertising.

BACKGROUND

5. City officers have recently commenced a periodic review of the City's existing LPPs. The last in-depth policy review occurred in 2014.
6. As part of this review, staff identified a number of key matters relating to non-residential development in the Residential Zone, which will benefit from clarification and refinement, in the form of the proposed draft Local Planning Policy 2.1: Non-Residential Development in the Residential Zone (LPP2.1).
7. The provisions of *State Planning Policy 7.3 Residential Design Codes (R-Codes)* apply to all zones with an R-Coding in the State. For this reason, the *City of Albany Local Planning Scheme No. 1 (LPS1)* contains limited development standards applicable to the Residential Zone.
8. However, the provisions contained within the R-Codes are only applicable to 'Residential Development' which is defined as:
"Development of permanent accommodation for people, and may include all dwellings, the residential component of mixed-use development, and residential buildings proposing permanent accommodation."
9. In addition to residential development, LPS1 allows the City to consider applications for land uses such as Aged Persons Village, Child Care Premise, Civic Use, Community Purpose, Consulting Rooms, Educational Establishment, Nursing Home, Place of Worship and Recreation – Private in the Residential Zone.
10. Given that development standards for non-residential development uses are not covered under the R-Codes, it is considered that development standards for non-residential development should be addressed through a Local Planning Policy.
11. The City has an existing LPP that partially address this shortfall (Consulting Rooms, Public Worship & Child Care Centres), however a review of the existing LPP found it no longer adequately address this shortfall and requires substantial update.
12. A number of recent decisions by the State Administrative Tribunal have highlighted the lack of policy or shortcomings of existing local policies relating to non-residential development in Residential Zones, particularly with regards to Child Care Centres.

DISCUSSION

Land use

13. The existing LPP (see above) applies only to Consulting Rooms, Public Worship and Child Care Centres in Residential Zones. Given there are a number of additional non-residential land uses that can be considered in the Residential Zone under LPS1 that have no associated development controls (see background), it was considered appropriate to expand the application and title of the LPP to include all non-residential development within the Residential Zone.
14. Non-residential development is defined as any form of development or land use that does not meet the definition of 'Residential development' under *State Planning Policy 3.7 – Residential Design Codes*.
15. The proposed LPP will not apply to Home Occupation, Home Business or Home Office given these land uses are either exempt from the requirements of obtaining development approval under cl. 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and/or are considered a low impact use able to be undertaken in association with the primary use of the site for residential purposes.
16. The amended LPP will also not apply to Holiday Houses or Bed and Breakfasts.

Advertising

17. The proposed LPP2.1 proposes to allow the City to advertise applications for non-residential uses in the Residential Zone at the officer's discretion. This will allow the City to determine whether aspects such as noise, traffic, built form or overlooking are likely to have any impact on surrounding residential land uses and warrant adjoining landowner comment.

Location

18. The proposed LPP2.1 also addresses preferred locations for non-residential development in the Residential Zone, with development located on a corner lot looked upon favourable as this allows for improved traffic distribution, provides a buffer to surrounding residences and reduce the impact on the streetscape.
19. The proposed LPP2.1 also states that battle-axe lots will generally not be supported for non-residential development as they limit the opportunity for the provision of car parking and can potentially cause traffic issues due to the concentration of activity.
20. LPP2.1 also contains a provision stating the City may take into consideration the likely impacts of both the proposed non-residential use and an overall cumulative effect of a concentration of non-residential uses. This will allow the City to consider possible impacts on matters such as existing amenity, social cohesion and situational crime in the area.

Building Design and Site Layout

21. The LPP also provides development standards for the construction of new buildings for non-residential land uses, to ensure built form is compatible with the surrounding residences.
22. To achieve this, LPP provisions state that built form and open space should be consistent with the surrounding area, taking into consideration the built form requirements of the R-codes.
23. Within the draft LPS2, it is stated that setback requirements for all buildings in the Residential Zone shall be consistent with R-Code requirements. Given the unknowns surrounding the content of LPS2 and the timeline for this document to become operational, it was decided that setbacks should also be addressed within LPP2.1. Provisions relating to setback can be revisited upon the subsequent adoption of LPS2.
24. LPS2 also provides development standards relating to site works, however for similar reasons to the above, a provision requiring development to be designed to minimise earthworks/retaining has been proposed within LPP2.1.
25. In order to ensure the privacy of surrounding residences is maintained, the draft LPP2.1 requires non-residential land uses to be designed in order to limit overlooking of any part of an adjoining residential property behind its street setback line, with R-code provisions adapted to the context of non-residential development.

26. Consistent with CPTED (Crime Prevention Through Environmental Design) principles, LPP2.1 requires facades of non-residential development fronting streets or the public domain to incorporate major openings to facilitate passive surveillance.
27. In addition to the above, LPP2.1 states that fencing to the secondary street or public open space should be visually permeable above 1.2m, with solid fencing portions assessed on their individual merit taking into account the need for noise mitigation and security. This provision has been developed to address presentation to secondary streets given corner lots have been identified as desirable within LPP2.1, and to ensure compliance with CPTED principles.
28. Due to traffic volumes normally associated with non-residential development, LPP2.1 states that car parking is to be contained entirely within the site and arranged in such a way that all vehicles can leave the site in a forward gear, in accordance with Australian Standards.
29. The LPP also encourages the provision of bicycle and end of trip facilities to reduce vehicular traffic in residential areas.
30. The draft LPP also requires service and bin storage areas, air conditioners and plant equipment to be screened from the street and adjoining residential development, in order to ensure visual impacts on the streetscape and adjoining residences is minimised.
31. The requirements for a Waste Management Plan is not addressed in LPP2.1 as this is proposed to be addressed within LPP1.9 (Waste Management), which was approved for advertising at the August 2022 OCM.
32. The R-Codes do not contain provisions that directly require a percentage of the site to be landscaped. There are also no landscaping provisions for Residential Zones under LPS1 nor the draft LPS2.
33. It is considered important that minimum landscaping requirements are established for non-residential uses in Residential Zones, just as they are in other zones that accommodate non-residential uses. Therefore, a 10% landscaping requirement is proposed within the draft LPP, which is comparable to the landscaping requirements of 'centre' zones.
34. For mixed use development, the above landscaping rate applies to the proportion of the development, which is for non-residential purposes only. Landscaping of the residential portion will be addressed under SPP 3.7 – Residential Design Codes.

Mitigating impact on residential land uses

35. The primary purpose of the Residential Zone is to accommodate residential land uses therefore, LPP2.1 will require the applicant to demonstrate that the proposal will not have any undue impact on surrounding residences.
36. In order to demonstrate impacts on adjoining residences have been considered, draft LPP2.1 contains a provision stating City may request a management plan to accompany any development application. If approved, compliance with the management plan will be on ongoing condition of approval.
37. It should be noted that management plans are currently requested for applications for non-residential development in the Residential Zone in most instances, however this requirement will now be supported by policy provisions. Capturing this requirement through a policy provision will provide additional certainty and clarity to applicants preparing their application.
38. Whilst it is expected that a management plan will be requested in most instances, LPP2.1 allows for officer discretion as this may not be considered necessary in all instances.
39. In addition to management plan requirements, draft LPP2.1 contains a provision stating that the City may also request a noise impact/acoustic assessment or a traffic impact assessment/statement in certain circumstances.
40. Noise impact assessments have commonly been requested for uses likely to generate substantial noise impacts such as childcare centres, whilst traffic management assessment are likely to be requested where the use abuts a major/primary roads and the use generates more vehicle movements than what would be expected from a residential use.

GOVERNMENT & PUBLIC CONSULTATION

41. Approval is sought to advertise the draft LPP2.1 in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
42. If the Council resolves to support the draft LPP2.1 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
43. The policy will also be published on the City of Albany website for 21 days.
44. Both the newspaper and the website will give details of:
 - a) Where the draft Local Planning Policy can be inspected;
 - b) The subject and nature of the draft Local Planning Policy; and
 - c) In what form and during what period (21 days from the day the notice is published) submissions may be made.
45. A copy of the policy will also be made available for inspection at the City of Albany.
46. After expiry of the period within which submissions may be made, the Local Government is to:
 - a) Review the draft Local Planning Policy in light of any submissions made; and
 - b) Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

STATUTORY IMPLICATIONS

47. Voting requirement for this item is **Simple Majority**.

City of Albany Local Planning Policy Review

48. The City of Albany has a suite of LPP's which it uses to augment the provisions contained under LPS1 to guide land use and development across the City, and inform the exercise of discretion when determining applications.
49. The State Administrative Tribunal has previously determined that the age of an LPP has direct relevance to the weight afforded to it. Therefore regular reviews are warranted and necessary, to ensure validity and relevance when used in decision-making.
50. Furthermore, it is critical that LPP's are maintained to be consistent with the latest legislation and State Planning Policies.

Preparation and adoption of new Local Planning Policies

51. The City of Albany *Local Planning Scheme No. 1* (LPS1) is a prescriptive instrument that sets out the statutory provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical.
52. To address this, the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations) contains provisions enabling local governments to adopt local planning policies (LPP's) in order to:
 - address specific planning and development matters unique to the local government's context.
 - amend or augment provisions set out by State Planning Policy, including the application of additional development controls or considerations for specific sites.
53. New or amended LPP's must be advertised in accordance with Schedule 2, clause 4 of the Planning Regulations prior to their formal adoption.
54. Following completion of advertising and review of submissions, a report must be prepared for council requesting formal adoption of the LPP, subject to modifications.

POLICY IMPLICATIONS

- 55. Adoption of proposed LPP2.1 will add an additional LPP to the City of Albany Local Planning Policy Manual.
- 56. An LPP may be revoked by:
 - a) A subsequent LPP adopted in accordance with the Planning Regulations, that expressly revokes the local planning policy; or
 - b) A notice of revocation prepared and published by the local government, in accordance with the Planning Regulations.
- 57. Draft LPP2.1 aims to update relevant provisions from the existing Consulting Rooms, Public Worship and Child Care Centres LPP, with this policy to be revoked following formal adoption of LPP2.1.

RISK IDENTIFICATION & MITIGATION

- 58. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Advertising the proposed policy could give rise to objectionable comments from developers and landowners owners concerned with additional requirements that may apply to them.</p>	Possible	Minor	Low	<p>Built form outcomes are generally consistent with the development provisions contained within State Planning Policy 7.3 – Residential Design Codes.</p> <p>The Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</p>
<p>Opportunity: Ensure non-residential development in the residential zone is compatible with adjoining residences and does not detract from residential amenity.</p>				

FINANCIAL IMPLICATIONS

- 59. There are no financial implications beyond what will be used for advertising.

LEGAL IMPLICATIONS

- 60. There are no legal implications relating to endorsing the proposed draft LPP2.1 for advertising.

ENVIRONMENTAL CONSIDERATIONS

- 61. There are no environmental implications relating to endorsing the proposed draft LPP2.1 for advertising.

ALTERNATE OPTIONS

- 62. Council has the following alternate options in relation to this item, which are:
 - To resolve to proceed with advertising the policy without modification;
 - To resolve to proceed with advertising the policy subject to modification; and
 - To resolve not to proceed with advertising the policy.

CONCLUSION

- 63. The City has identified the need for the Non-Residential Development in Residential Areas Local Planning Policy to address a gap in development control.
- 64. The proposed Local Planning Policy 2.1: Non-Residential Development in Residential Zones seeks to address this gap by identifying development standards and additional information requirements for non-residential development to ensure that these uses do not adversely impact surrounding residential land uses.
- 65. Draft LPP 2.1 is proposed to replace the existing Consulting Rooms, Public Worship & Child Care Centres LPP.
- 66. Council is requested to resolve to endorse draft Local Planning Policy 2.1: Non-Residential Development in Residential Zones for advertising.

Consulted References	:	<ul style="list-style-type: none"> 1. <i>Local Planning Scheme 1</i> 2. <i>Draft Local Planning Scheme 2</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 4. <i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i> 5. <i>State Planning Policy 7.3 – Residential Design Codes Volume 2</i> 6. <i>Designing Out Crime Guidelines</i>
File Number (Name of Ward)	:	All
Previous Reference	:	N/A

DIS333: ADOPTION OF DRAFT LOCAL PLANNING SCHEME NO. 2

Land Description	: City of Albany.
Proponent / Owner	: City of Albany.
Attachments	: 1. Advertised Local Planning Scheme No.2 – Text 2. Advertised Local Planning Scheme No.2 – Maps 3. DPLH Decision Modifications – prior to advertising 4. EPA Decision and Modifications – prior to advertising 5. City Submissions 6. Schedule of Submissions 7. Schedule of Modifications
Supplementary Information & Councillor Workstation	: Agency Attachments Public Attachments
Report Prepared By	: Senior Planning Officer – Strategic Planning (A Nicoll)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

Councillor Brough declared an Impartiality Interest in this item. Councillor Brough remained in the Chamber and participated in the discussion and the vote for this item.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcome:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.
 - A safe, sustainable and efficient transport network.
 - **Pillar:** Planet
 - **Outcome:**
 - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
 - A resilient community that can withstand, adapt to, and recover from natural disasters.
 - **Pillar:** Prosperity
 - **Outcome:**
 - A strong, diverse and resilient economy with work opportunities for everyone.
 - A highly sought-after tourist destination.
 - **Pillar:** Leadership
 - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.

2. The *Albany Local Planning Strategy 2019* (the Planning Strategy) is the local planning strategy that sets out the long-term planning directions for the Scheme area. The draft Local Planning Scheme No. 2 (LPS2) is developed to align with the strategic objectives and actions identified under the Planning Strategy.

In Brief:

- The draft LPS2 has been developed in accordance with the Planning and Development (Local Planning Schemes) Regulations (Planning Regulations), and upon gazettal will replace current Local Planning Scheme No. 1.
- The draft LPS2 aligns with the recommendations of the City's Planning Strategy and will provide consistency between the state and local planning frameworks, that includes state and local planning policies, plus local structure plans and local development plans.
- The draft LPS2 was advertised in accordance with the Planning Regulations, and agency and public submissions were received during the comment period. Following close of advertising, issues raised in the submissions have been considered, with a number of modifications proposed to draft LPS2 to address these.
- Staff recommend Council resolve to support draft City of Albany Local Planning Scheme No. 2 subject to modifications, and to advise the Western Australian Planning Commission (WAPC) accordingly.

DIS333: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SMITH**

THAT Council Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it SUPPORTS the draft scheme with proposed modifications to address issues raised during the advertising process, including the following amendment:

1) *Include the following modifications to the schedule of submissions and update the schedule of modifications accordingly;*

**a) *In the Table 3, Zoning Table, change:
'Tree Farm' from 'D' to 'P' use in the Rural zone.***

And

b) *Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it to supports the draft scheme with proposed modifications to address issues raised during the advertising process.*

CARRIED 11-1

Record of the Vote:

Against the Motion: Councillor Grimmer

DIS333: AMENDMENT NO.2 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR SUTTON

- 1) Include the following modifications to the schedule of submissions and update the schedule of modifications accordingly;
 - a) In the Table 3, Zoning Table, change:
'Tree Farm' from 'D' to 'P' use in the Rural zone.
- And
- 2) Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it supports the draft scheme with proposed modifications to address issues raised during the advertising process.

CARRIED 8-4

Record of the Vote

Against the Motion: Councillor Smith, Shanhun, Terry and Cruse

Councillor Reason:

1. Tree farming in general agricultural/rural land is currently a permitted use (P).
2. City of Albany planning officers have justified the land use change from (P) to (D) on the basis of fear that someone will lodge a tree farm DA on rural land that planning officers deem inappropriate.
3. City of Albany planning officers have reported that there has never been an instance of a general agriculture/rural tree farm DA being lodged in an area deemed inappropriate by planning by officers.
4. (P) means that the use is permitted if it complies with any relevant development standards and requirements of a Scheme.
5. To establish a tree farm in any location in the state, a farmer must comply with 62 pieces of separate legislation - 17 federal government Acts, and 45 WA state government Acts.
6. Examples of the legislation include:
 - o Land Drainage Act 1925 (WA) governing land drainage
 - o Bushfires Act 1954 (WA) explicitly limiting plantation establishment within town site influence zones
 - o Country Areas Water Supply 1947 (WA) ensuring protection of water catchments
 - o Civil Aviation Regulations (AUS) limiting tree farm establishment around airstrips
7. With 62 separate pieces of legislation already governing the establishment of tree farms, the addition of an extra layer of local government red tape is unwelcome and, as suggested by the absence of precedence of problems, unnecessary.
8. A consequence of making tree farming in rural land (D) rather than (P) is that local government will have greater powers to limit freedom of land use in agriculture areas.
9. A possible unintended consequence of this change of use may be price inflation of existing tree farms due to additional red tape for establishment.

Officer Comment:

If a use of land is identified in a zone as being a class 'P' use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

Works, in relation to land, includes, *the carrying out on the land of any excavation or other works.*

Under LPS1, the works associated with a tree farm are not exempt under the regulations and Development Approval is already required. No additional requirements (aka red tape) are being introduced, only the permissibility is being changed.

Tree farming may have a detrimental impact on the visual landscape, adjacent watercourses, adjacent sensitive uses and the bushfire regime of an area.

A 'D' use allows the local government to carefully consider the potential impacts associated with a tree farm.

The level of assessment is also similar to the majority of other Local Governments in lower part of Western Australia.

Shire/LGA	Land use	Priority Ag	Rural/General Ag
Shire of Denmark	Plantation		AA (similar to D)
Shire of Augusta-Margaret River	Plantation	Priority – D	Gen Ag - D
Shire of Manjimup	Plantation	Priority Ag – A	Gen Ag – A.
Shire of Boyup Brook	Tree Farm		
Shire of Esperance	Tree Farm	No Priority Ag.	Rural – D
Shire of Harvey	Forestry	No Priority Ag	Gen Farming – AA Forestry zone - P
Shire of Cranbrook	Plantation/ agroforestry	No Priority Ag	Rural – D
Shire of Nannup	Tree farm	D	Rural – D
Shire of Kojonup	Plantation/Agroforestry	No priority Ag	Special rural & rural - IP
Shire of Plantagenet	Tree Farm		P

This modification could be made without resulting in readvertising.

Councillor Brough then moved a second amendment to the substantive motion.

DIS333: AMENDMENT BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR SUTTON

1) Pursuant to Regulation 26 of the Regulations, agree to advertise the following proposed modifications to the draft Local Planning Scheme No.2.

a) At Schedule 4, Table 11, insert the Special Use (SU13) zone classification, pertaining to Lot 12 (No. 516), Lot 13 (No. 512), Lot 14 (No. 508) and Lot 15 (No. 504) Albany Highway, Milpara, as follows:

No.	Description of Land	Special Use	Conditions
SU13	Lot 12 (No. 516), Lot 13 (No. 512), Lot 14 (No. 508) and Lot 15 (No. 504) Albany Highway, Milpara	Bulky Goods Showroom (A) Caretaker's Dwelling (D) Car Park (D) Civic Use (A) Commercial Vehicle Parking (D) Community Purpose (D) Exhibition Centre (A) Funeral Parlour (A) Garden Centre (P) Industry – Light (A) Liquor Store – Large (A) Liquor Store – Small (D) Lunch Bar (P) Market (A) Motel (A) Motor Vehicle, Boat or Caravan Sales (D) Motor Vehicle Repairs (A) Motor Vehicle Wash (D) Office (I) Recreation – Private (D) Telecommunication Infrastructure (D) Trade Display (D) Trade Supplies (D) Veterinary Centre (D) Warehouse/Storage (A)	(1) A change of use requires development approval. Provided there is no intensification (including traffic generation), in the opinion of the local government, no Local Development Plan is required. (2) Prior to intensification of development on the site, in the opinion of the local government, a Local Development Plan is to be approved by the local government. The Local Development Plan shall address: (a) Rationalising vehicle access to/from Albany Highway from two crossovers to one crossover to maximise the safety of road users; (b) Access, loading/servicing areas and car parking; (c) Bushfire management; (d) Sewage disposal; (e) Stormwater management; (f) Building height, bulk and orientation; (g) Building setbacks; (h) Landscaping; and (i) Rectifying historic encroachment into Reserve 43653. (3) All development shall be generally in accordance with the Local Development Plan approved by the local government. (4) No subdivision of the site, to create additional lots, is permitted until a Structure Plan is approved by the Western Australian Planning Commission. Any Structure Plan is required to address relevant matters including vehicle access (including consolidation of crossovers/access points to/from Albany Highway), traffic generation, car parking, servicing and landscaping. (5) Upon approval of the Structure Plan, development and/or subdivision of the site is to be generally in accordance with the Structure Plan.

LOST 11-1

Record of the Vote

For the Motion: Councillor Sutton.

Councillor Reason:

1. I refer all councillors to the reasons outlined by the proponent, especially in their planning justification comments.
2. The land has served industrial uses for at least 50 years.
3. The landowners have been paying rates to the city for industrial land use
4. There is no reticulated sewerage in the area, nor are there plans for this to occur any time soon.
5. The lack of sewerage precludes effective development as urban development.
6. Rezoning to SU13 will harmonise the zoning with the actual land use, and enable the properties to be redeveloped in ways that address the concerns of the planning officers, and encourage economic development in the area.
7. Rezoning will not change the land use - rather it will facilitate enhancement of the area through further development of the area.
8. Concerns about property owners being able to profit from sale of land after rezoning are moot in this instance given that the land is not able to be developed for residential purposes.
9. It has been expressed that rezoning these four blocks makes common sense, which warrants reasonable consideration of this proposed amendment in the chamber before elected members.

Officer Comment:

1. During development of the Local Planning Strategy 2019, the Department of Planning Lands and Heritage / WAPC decided not to support a commercial zone classification for the subject site. The following reasons were provided:
 - a. No strategic basis. Has been zoned residential at least since TPS 3. Rezoning should only be considered if there is actually an identified need for additional commercial land, which Activity Centre review suggests there isn't and floorspace needs to be carefully managed to ensure viable productivity.
 - b. Milpara is identified as an area for infill sewerage in order to make infill viable - lack of services cited as a reason residential is not viable. Zoning to formalise existing non-conforming unsewered development not supported.
 - c. Providing additional commercial land uses only on the basis of pre-existing non-conforming uses adjacent to Orana local centre would undermine the future viability of this centre as well as other land already zoned for commercial and light industrial purposes and discourage the current businesses operating on the site to relocate to suitably zoned land should they wish to expand.
 - d. ALPS discusses education precincts - question whether encouraging the existing land uses are suitable here - potential for student accommodation under Residential zoning?
 - e. Would be a major modification that would warrant re-advertising (if City provides sufficient justification for DPLH to consider supporting).
2. The proposed change in zoning is therefore clearly a departure from the Albany Local Planning Strategy
3. The proper process to deal with an amendment that is not aligned with a Local Planning Strategy is via the Complex Scheme Amendment process post LPS 2 finalization.
4. Such an amendment should include all the relevant studies required to make an informed decision. including a water management plan, a traffic impact assessment and a servicing report detailing how reticulated sewer can be provided.
5. There is also not sufficient strategic justification to support the rezoning of the subject site to allow for industrial and commercial type land uses.

6. Additionally, without including supporting information and justification the advertising of this proposal would not be appropriate. We would therefore have to wait for the required information to be prepared or prepare this information on the proponents' behalf, causing considerable delays to the processing of the Scheme.
7. Contrary to Councillor points 4 and 5 there is an aspiration for sewer to be provided to this area and advocacy for construction of sewerage is a reason for the development of the North Albany District Structure plan.
8. Please note that some of the recommended uses proposed as part of SU13 would also require Sewerage.

RECOMMENDATION

Councillor Brough then moved an amendment to the substantive motion.

DIS333: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SMITH

THAT Council Pursuant to Regulation 25(3) of the Regulations, advise the Western Australian Planning Commission (WAPC) that it SUPPORTS the draft scheme with proposed modifications to address issues raised during the advertising process.

BACKGROUND

3. The purpose of this report is for Council to pass a resolution to support the draft scheme subject to proposed modifications recommended to address issues raised during advertising.
4. Council resolved in November 2019, to recommend to the WAPC, that the City's Local Planning Scheme No. 1 (LPS1) be repealed, and a new scheme prepared in accordance with the outcomes of a review that was commenced in early 2019. For more information and background on the scheme review process to date, refer item DIS285 presented to the November 2021 Council meeting.
5. Draft LPS2 was subsequently developed, and at the November 2021 meeting, Council resolved to:
 - Proceed to advertise draft LPS2; and
 - Delegate the CEO to progress the required actions outlined under the Planning Regulations, including seeking WAPC certification of LPS2 and referral to the Environmental Protection Authority (EPA) to consider if LPS2 needed to be assessed pursuant to Section 48A of the *Environmental Protection Act 1986* (EP Act).
6. In May 2022, certification was granted by the WAPC, outlining their support for the advertising of the draft LPS2, subject to modifications (refer Attachment 3). The modifications generally involved ensuring consistency with the manner and form of the model provisions set out under the Schedule 1 of the Planning Regulations.

7. Following receipt of certification from the WAPC, draft LPS2 was subsequently referred to the EPA for consideration in late May 2022. As part of their preliminary consideration of draft LPS2, the EPA requested a number of modifications to address areas of concern, prior to undertaking their formal referral. Modifications included (refer Attachment 4):
 - Additional provisions in relation to the use and development of land that incorporates or is in proximity to land with existing environmental values and/or constraints. These provisions related to matters such as improving habitat protection and retaining and protecting wildlife corridor connectivity, managing outcomes on unmanaged local reserves, siting and use of building envelopes, on-site effluent disposal, keeping of livestock and pets, setbacks from water resources, restricting dams in waterways, minimising risk of contamination and limiting further clearing of remnant vegetation.
 - Reinstating scheme 1 provisions and mapping associated with Special Use zone 12 (Lot 7250 Gwydd Close, Elleker).
8. In September 2022 the EPA notified the City that draft LPS2 should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) as it was concluded that environmental objectives could be appropriately managed through the proposed scheme text and maps. The EPA also noted in their advice that as the scheme provides for land uses which may generate trade waste, such as breweries, it was recommended that Schedule 6 of draft LPS2 be modified to include a requirement for the City to consider trade waste disposal at development approval stage. As per the City's schedule of modifications, it has been recommended that the following notation is included in the draft scheme (at Schedule 6, Table 12, Sewerage disposal):

Note: The Environmental Protection Act 1986 (EP Act) currently regulates some types of premises that generate trade wastes. Prescribed premises under the EP Act require a licence for the discharge of the trade waste back into the environment. Trade waste includes any wastewater, discharged from a business or industry, aside from that which comes from staff amenities or office facilities.
9. With certification received from the WAPC and a response from the EPA not requiring further assessment, the public consultation period commenced in late September 2022 for a minimum period of 90 days, concluding on 23 December 2022.
10. Formal public advertising included:
 - Letters to ratepayers and state government authorities and agencies
 - Notice in the newspaper and media release
 - Publication and Distribution of Scheme Brochure and Frequently Asked Questions (FAQ) information.
 - Publication of the LPS2 consultation page on the City's website, that included
 - Copies of scheme text and map to download
 - Online mapping portal
 - Online submission form
 - Supporting information including brochure and FAQs
 - Two drop-in information sessions at the Waterfront in October and November
 - Hard copies of draft LPS2 scheme text and map at City of Albany North Road offices and Albany library
11. Public and agency submissions were received during the advertising period, primarily submitted through the online submission form that was made available on the City's LPS2 consultation page.

DISCUSSION

12. A schedule of submissions (refer Attachment 6) and a schedule of modifications (refer Attachment 7) are attached to this report item.
13. The schedule of submissions is divided into two sections:
 - a) Agency submissions
 - b) Public submissions
14. The schedule of submissions includes a response to each comment.
15. There is also a schedule dealing with City staff recommended modifications (refer to Attachment 5)
16. The schedule of modifications outlines suggested changes to the advertised scheme (combination of staff recommendations and recommendations stemming from the advertising process).
17. The proposed modifications are not considered significant in accordance with the Planning Regulations, and therefore additional advertising is not warranted.
18. Proposed modifications include:
 - Zone and reserve map classification changes for various properties to make it consistent with current scheme classifications and current land uses
 - Text changes to strengthen provisions and correcting terminology
 - Permissibility changes for various land uses for different zones
 - Text changes to provisions dealing with the management of domestic animals covered by other legislation
 - Within public drinking water resource areas, allowing the consideration of uses, that are considered incompatible with other agency land use compatibility tables
 - Exempting the need for approval to undertake tree farming, which is incorporated with agriculture (agroforestry) or is for environmental restoration.

Zone and Reserve Map changes

19. Modifications have been recommended for the scheme maps, in-particular where discrepancies exist between the current and draft new schemes and between land use characteristics and zone or reserve classifications.

General text changes

20. Modifications have been recommended for some scheme provisions to provide clarity and consistency with current scheme standards, policy position statements and state legislation.

Land Use Permissibility

21. Modification to the permissibility of some land uses has been recommended, especially where the land use conforms with zone objectives.

Pets

22. It has been recommended that provisions dealing with the keeping of pets are deleted.
23. The planning system does not manage the keeping of domestic pets. Pets are managed in accordance with the Animals Local Law 2020, Dog Local Law 2017, the Dog Act 1976 and Cat Act 2011.
24. The provisions associated with the keeping of pets were suggested during early discussions with the Environmental Protection Authority. The WAPC may subsequently liaise with the EPA on this matter.

Land Uses in Public Drinking Water Source Areas

25. The Department of Water and Environmental Regulation (DWER) has adopted a land use compatibility table, which outlines land uses and activities that need to be avoided in drinking water source areas. For example, floriculture, market garden (horticulture), turf farm, garden centre, transport depot, restaurant/café, brewery, workforce accommodation, golf course and grouped dwellings are considered incompatible for areas within the Priority 2 Public Drinking Water Source Areas.
26. Some of the land uses identified as being incompatible in the DWER land use compatibility table, may be considered in accordance with the draft new scheme (Table 3. – Zoning Table), for the ‘Rural Residential’, ‘Rural Smallholdings’, ‘Priority Agriculture’ and ‘Rural’ zones, which are located within Priority 2 public drinking water source areas.
27. The Draft new scheme, at schedule 8, Table 17, Special Control area 2, (3)(b) states:
Notwithstanding the land use permissibility set out in Table 3. – Zoning Table, a use which is identified as incompatible within the relevant priority area classification shall not be approved, unless exceptional circumstances apply.
28. The Table 3 in the scheme lists permissibility for land uses. The provision (3)(b) contradicts the permissibility classifications in Table 3. The provision (3)(b) has the potential to create uncertainty.
29. It has been recommended that the provision (3)(b) be modified to state:
“Notwithstanding the land use permissibility set out in Table 3. – Zoning Table, a use which is identified as incompatible within the relevant priority area classification shall not be approved, Unless risks or impacts associated with the proposed land use to the satisfaction of the Local Government in consultation with relevant referral agency can be adequately managed or mitigated.”
30. The provisions associated with DWER land use compatibility table were suggested during early discussions with the Environmental Protection Authority. The WAPC may subsequently liaise with the EPA on this matter.

Tree Farming

31. The new scheme seeks to change the ‘General Agriculture’ name classification to the ‘Rural’ name classification, in-line with the State’s model scheme. For both the ‘Rural’ and ‘Priority Agriculture’ zoned areas, the new scheme proposes that tree farms (greater than 4ha) are not permitted unless the local government has exercised its discretion by granting development approval.
32. Land holders and the tree farming industry objected to the proposed permissibility change for tree farming in the ‘Rural’ zone, believing that this creates a level of unnecessary “red tape” and affects their ability to plant trees for shelter belts, corridor plantings or revegetation of degraded areas.
33. In the current scheme, tree farming is permitted (‘P’) in the ‘General Agriculture’ zone and not permitted in the ‘Priority Agriculture’ zone. Note that if a use of land is identified in a zone as being a P use, the local government may not refuse an application for development approval for that use on a lot in that zone. It does not mean that a development application for the works is not required.
34. Under LPS1, the works associated with a tree farm are not exempt under the regulations and Development Approval is required. The Development Application must comply with the standards of the scheme which include the industry developed code of conduct. LPS1 also includes a list of matters (Section 4.7.3 Tree Plantation Activities page 68) that should be taken into consideration when an application for the works (planting and provision of infrastructure) is lodged and assessed.

35. For the new scheme, it is proposed that tree farms in the ‘Rural’ zone are not permitted unless the local government has exercised its discretion by granting development approval (“D” use). The discretionary decision-making process gives the local government the opportunity to assess plantation management plans and fire management plans to ensure development occurs in accordance with scheme and industry standards, including:
- Appropriate setbacks to sensitive uses (bushfire risk)
 - Management of public roads
 - Development of water tanks for a permanent source of water for firefighting purposes
 - Appropriate management of weeds
 - Appropriate development of plantation cells and including firebreaks (max cell sizes)
 - Appropriate development of internal access (min widths and passing bays)
 - Visual amenity to key tourist locations
36. The proposed level of assessment is fairly consistent throughout Planning Schemes of the Local governments in the South West, Great Southern and along the South Coast (e.g. Esperance) as per the following Land use comparison table;

Shire/LGA	Land use	Priority Ag	Rural/General Ag
Shire of Denmark	Plantation	No Priority Ag	AA (similar to D)
Shire of Augusta-Margaret River	Plantation	D	Gen Ag - D
Shire of Manjimup	Plantation	A	Gen Ag – A.
Shire of Boyup Brook	Tree Farm	No Priority Ag	Rural - A
Shire of Esperance	Tree Farm	No Priority Ag	Rural – D
Shire of Harvey	Forestry	No Priority Ag	Gen Farming – AA Forestry zone - P
Shire of Cranbrook	Plantation/ agroforestry	No Priority Ag	Rural – D
Shire of Nannup	Tree farm	D	Rural – D
Shire of Kojonup	Plantation/Agroforestry	No Priority Ag	Special rural & rural - IP
Shire of Plantagenet	Tree Farm	No Priority Ag	P

‘IP’ means that a use is not permitted unless it is determined by the Council to be incidental to the predominant use.

“Plantation” has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers.

37. Tree farming can potentially tie up the land for long periods of time (20 years), which may conflict with the aim of the priority agriculture zone, which is to protect the use of the land for food production. The “A” use allows for consideration of agency and neighbouring landholder comment and ensures that development and on-going management occur in a manner that meets the objective of the zone.
38. It has been recommended that approval is not required, where the planting of trees is for environmental restoration or is incorporated with broadacre farming (agroforestry). E.g. shelter belts or corridor plantings or revegetation of degraded areas.
- It is important to clarify this in the new Planning Scheme and a modification is being made to include these uses as a specific Scheme exemption, thus identifying that a discretionary approval is only required for tree farms that are of a commercial scale and nature.

Clearing of Native Vegetation (in mainly the Yakamia area).

39. The scheme has identified areas for 'Urban Development' in accordance with endorsed structure and strategic planning documents. The purpose of the 'Urban Development' zone is to allow for residential expansion. Areas of native vegetation exist within some areas identified for 'Urban Development' e.g. Yakamia.
40. Comments were submitted seeking modifications to the scheme to ensure native vegetation is protected, especially on land in the Yakamia area and on freehold land owned by the City.
41. It has been recommended that consideration regarding protection of native vegetation or clearing of native vegetation to accommodate residential expansion, first occur via a review of the Local Planning Strategy 2019 and the Yakamia/Lange Structure Plan.
42. The Department of Planning, Lands and Heritage is currently undertaking a review of the Yakamia/Lange Structure Plan.
43. If strategic documents (such as Structure Plans) identify alternative recommendations after Local Planning Scheme 2 is approved, the Scheme can be amended.

GOVERNMENT & PUBLIC CONSULTATION

44. Draft LPS2 was advertised in accordance with r. 22 of the Planning Regulations.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Advertiser	22/09/22	180 public submissions received	Yes
Consult	Public comment – City website	Between 22/09/2022 and 23/12/2022		Yes
Consult	Mail out to ratepayers and state government agencies and authorities	Comment period held between 22/09/2022 and 23/12/2022	15 state government agency submissions received	No
Consult	Drop-in information sessions	9am-12pm 15 October 2022 & 5 November 2022		No
Note: Nil				

45. The drop-in information sessions were held at the Waterfront, across from the Albany Entertainment Centre, with staff available to answer queries about LPS2.
46. Draft LPS2 was referred to various relevant state government agencies and authorities for comment, with individual responses outlined under the attached Schedule of Submissions.
47. In accordance with the Planning Regulations, submissions on draft LPS2 were required to be made in writing, in a form approved by the WAPC, and had to include a minimum level of information, such as the submitter's name, address and a statement about the capacity in which the person was making the submission.
48. In considering the submissions, it is important to note the consultation period was not designed to gather quantitative, representative data but to gather qualitative data. Accordingly, all submissions were given due regard.
49. Details and discussion on the most pertinent and broader themes arising from the submissions received and specific modifications proposed are outlined above.
50. Details on individual submissions, associated officer comment and where a specific modification is proposed in response to a submission, are outlined under the attached Schedule of Submissions.

51. All proposed modifications are outlined under the attached Scheduled Modifications.

STATUTORY IMPLICATIONS

- 52. Regulation 25 the Planning Regulations outline requirements for local government consideration of submissions received during advertising of a new draft local planning scheme, and subsequent consideration of proposed modifications to the draft new local planning scheme in response to submissions.
- 53. In accordance with r. 25 of the Planning Regulations, local governments are required to consider all submissions received during advertising and pass a resolution to either support a draft scheme with or without modification, or otherwise not support a draft scheme, within 120 days after the end of the submission period for the draft scheme, or otherwise a day approved by the WAPC.
- 54. In this instance, the proposed modifications are not considered significant to warrant further advertising. It is therefore recommended that Council resolve to support draft LPS2 subject to modifications in their current form, which will then be referred to the WAPC for formal consideration.
- 55. Regulation 26 of the Planning Regulations sets out the process and timeframes local governments are required to follow, should Council consider that a proposed modification is significant to warrant further advertising and therefore defer the current item to allow for this process to be undertaken.

POLICY IMPLICATIONS

- 56. Draft LPS2 has been prepared in alignment with the requirements of relevant state planning policies. Where variations to state planning policy requirements are identified under draft LPS2, these have been addressed through specific provisions.
- 57. As outlined in item DIS285 presented to Council in November 2021, provisions from a number of local planning policies are recommended to be incorporated into draft LPS2, in accordance with state direction and recent changes to the Planning Regulations. Where these provisions are progressed under draft LPS2, the applicable local planning policies will subsequently be reviewed upon gazettal of LPS2, and either updated where appropriate and referred to Council for consideration, or otherwise revoked in their entirety.
- 58. The suite of remaining existing local planning policies will also be updated to reflect relevant administrative changes required, following gazettal of LPS2.

RISK IDENTIFICATION & MITIGATION

59. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. <i>Not updating the City’s Local Planning Scheme to conform with City Strategy and State Regulation may result in decision making that is not in line with community and state expectations.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Staff to review and address any areas of concern prior to reconsideration and adoption by Council.</i>
Reputation : <i>Public concern about being affected by zoning changes (i.e.) Injurious affection</i>				<i>No additional reservations of private land is being proposed.</i>
Opportunity: <i>Consistency and orderly, proper planning.</i>				

FINANCIAL IMPLICATIONS

60. The proposed scheme has been developed within budget, with estimated future administrative costs adequately catered for within the current and forecasted budget.

LEGAL IMPLICATIONS

61. The proposed scheme has been developed to minimise the potential for any legal implications, including claims for injurious affection.
62. A landholder may make a claim for compensation for injurious affection for land that is reserved in a scheme or subject to a special control. A claim for compensation for injurious affection can be made if:
- a) Private Sale – the landholder sells the property on the open market at a reduced price (due to the effect of the reservation or special control); or
 - b) Refused development – the City has either refused a development application over the property or approved it subject to conditions that are unacceptable to the applicant.

ENVIRONMENTAL CONSIDERATIONS

63. A number of matters were identified by the EPA in their preliminary consideration of draft LPS2 that resulted in modifications to address various environmental considerations. These modifications were subsequently incorporated into draft LPS2 for EPA's final consideration for certification.
64. In the EPA's certification notice from September 2022, Schedule 6 of draft LPS2 was recommended for further modification to allow for the consideration of trade waste disposal. A scheme modification has been recommended to deal with this matter.
65. There are two recommended modifications, which vary from previous discussions with the Environmental Protection Authority. These include the management of domestic pets and uses in public drinking water resource areas. The WAPC may subsequently liaise with the EPA on this matter.

ALTERNATE OPTIONS

66. In accordance with r. 25 of the Planning Regulations, Council may resolve to:
- a) support the draft advertised scheme without modification; or
 - b) support the draft advertised scheme subject to modifications proposed to address issues raised during the advertising process; or
 - c) not support the draft advertised scheme.
67. Where Council consider that a proposed modification is significant and that advertising should therefore be undertaken, the item currently before Council should be deferred, until the relevant process outlined under r. 26 of the Planning Regulations are completed.

CONCLUSION

68. Draft LPS2 has now been advertised.
69. Submissions received during the public advertising period have been duly considered and the schedule of submissions includes a response to each comment.
70. The schedule of modifications outlines suggested changes to the advertised scheme.
71. The proposed modifications are not considered significant in accordance with the Planning Regulations, and therefore additional advertising is not warranted.
72. As there was an acceptable level of engagement and general support of the document, it is recommended that draft LPS2 is supported by Council, to allow submission to the Western Australian Planning Commission and subsequent endorsement by the Minister.

73.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No.1.</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> • <i>Local Planning Strategy 2019.</i> • <i>City of Albany Strategic Community Plan.</i>
File Number (Name of Ward)	:	DB.PLA.8
Previous Reference	:	DIS184 26/11/2019 DIS268 24/08/2021 DIS271 24/08/2021 DIS285 23/11/2021

DIS334: ROAD RATIONALISATION – LEDGE BEACH ROAD, GULL ROCK AFFECTING RESERVE 27107 GULL ROCK NATIONAL PARK

Land Description	: Ledge Beach Road and unused road reserves, Gull Rock.
Proponent	: Department of Planning Lands & Heritage & Department of Biodiversity Conservation & Attractions
Attachments	R27107 Map Ledge Beach Ablution Location Map
Report Prepared By	: Lands Officer (A. Veld)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P. Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place.
 - **Outcomes:** A safe, sustainable and efficient transport network.
 - **Pillar :** Planet
 - **Outcomes:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

Maps and Diagrams:



In Brief:

- The Department of Biodiversity Conservation & Attractions (DBCA) is seeking Council support to establish the road reserve over the long-constructed Ledge Beach Road. Unused road reserves in the vicinity will also be closed and incorporated into the adjacent Reserve 27107, Gull Rock National Park.
- This Council recommendation is an administrative process only and does not require any on-ground works.
- This administrative change will allow for DBCA to construct an ablution block within the Ledge Beach carpark area and resolve a historical road anomaly matter.

RECOMMENDATION

DIS334: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS334: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. REQUEST the Minister for Lands to excise 10.6Ha of land from Reserve 27107 for dedication as Ledge Beach Road reserve, pursuant to section 56 of the *Land Administration Act 1997*, subject to final survey;
2. INDEMNIFY the Minister for Lands from any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, pursuant to section 56(4) of the *Land Administration Act 1997*;
3. REQUEST the Minister for Lands to close 12.3Ha of the original road reserve for Ledge Beach, in addition to 8Ha of unnamed, unused road reserves, pursuant to section 58 of the *Land Administration Act 1997*, subject to final survey;
4. REQUEST the Minister for Lands to incorporate the closed roads into Reserve 27107, Gull Rock National Park.

BACKGROUND

2. The Department of Biodiversity Conservation & Attractions (DBCA) intends to install an ablution block at the Ledge Beach carpark.
3. As part of their due diligence, they have identified that the area under consideration for the location of the toilet block is within a road reserve. The City of Albany Planning Scheme does not permit public infrastructure of this nature to be installed within a road reserve.
4. Furthermore, it was identified that almost the entire Ledge Beach Road has been built outside of this designated road reserve. There are also two other road reserves that have remained unconstructed, with no intentions to develop these for future access.
5. The land containing the currently constructed Ledge Beach Road must be excised from Reserve 27107 and the undeveloped road reserves must be closed to allow for the proposed infrastructure installation and to resolve this historical road alignment anomaly.

DISCUSSION

6. In April 2022, the City of Albany received a formal request from the Department of Planning Lands & Heritage (DPLH) on behalf of the DBCA to create a road reserve over the constructed Ledge Beach Road as it has been built through Reserve 27107, Gull Rock National Park.
7. In addition, DPLH are requesting the City to close the original, unconstructed road reserve for Ledge Beach as well as two other unmade road reserves for inclusion into Gull Rock National Park.
8. These actions will better reflect the current use of the land and allow for the construction of an ablution block in the carpark in a suitable location with minimal disturbance to the existing vegetation.

GOVERNMENT & PUBLIC CONSULTATION

9. Pursuant to section 58 of the *Land Administration Act 1997*, the City of Albany is required to undertake public consultation on the proposed road closures.
10. Public advertising of the proposal was undertaken, with the public comment period being open for 36 days from 17 November to 23 December 2022. Two community members sought further clarification of the proposal however no further comments or any objections were received.
11. Service providers were asked to provide comment from 6 December 2022 to 10 January 2023. Four replies were received with no objections to the proposal.
12. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Public Notice in locally distributed newspaper	17 November 2022 - 23 December 2022		Yes
Consult	Public Comments page on City of Albany website	17 November 2022 - 23 December 2022		Yes
Consult	Letters and email to public service providers	6 December 2022 – 10 January 2023	7	Yes

STATUTORY IMPLICATIONS

13. Section 56 of the *Land Administration Act* allows a local government to request the Minister for Lands to dedicate land acquired for use by the public as a road under the care, control and management of the local government.
14. Section 58 of the *Land Administration Act* allows for a local government to request the Minister for Lands to close a road permanently.

POLICY IMPLICATIONS

15. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Legal & Compliance. <i>Risk:</i> There is a risk that by not having a designated road reserve over the constructed road that the City doesn't have legal jurisdiction over the care, control and management of the road reserve.</p>	Almost Certain	Major	Extreme	Council supports the rationalisation of the Ledge Beach road reserve by excising land along the current alignment of the constructed road and closure of the unused road reserves for inclusion into R27107.
<p>Environmental <i>Risk:</i> That by keeping the current alignment of the existing road reserve, DBCA will either not be able to install an ablution block or have to situate the infrastructure in a less desirable location.</p>	Almost Certain	Moderate	High	Council supports the road closure to allow for infrastructure installation.
<p>Opportunity: To clear up a historical land tenure anomaly to better reflect the current use of the land. Opportunity: Allow much needed infrastructure to be built which will reduce the current detrimental impacts the lack of ablution facilities is having on this area of National Park and adjoining coastal assets and with minimal disturbance to existing vegetation.</p>				

FINANCIAL IMPLICATIONS

17. The costs of advertising the road closures have been allocated out of the Lands budget 1142970. Any associated costs for surveying the new road reserve will be jointly shared between the DBCA and the City of Albany, with the City's apportioned costs being allocated from the Lands budget 1142970.

LEGAL IMPLICATIONS

18. There are no legal considerations relating to this item.

ENVIRONMENTAL CONSIDERATIONS

19. Public health concerns in relation to certain activities of visitors to Ledge Beach and the adjoining National Park would be mitigated by being able to have ablution facilities installed at this location.
20. Currently the most appropriate location for this infrastructure is in a high traffic area that is currently degraded and will minimise the need for further vegetation clearing.

ALTERNATE OPTIONS

21. Council may choose to;
- Refuse this request; or
 - Support this request with modifications.

CONCLUSION

22. Rationalisation of Ledge Beach Road will allow for the constructed road to be contained within a designated road reserve.
23. It will also allow for much needed ablution facilities to be installed at the Ledge Beach carpark.
24. Officer recommendation is for Council to support the proposed road rationalisation.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	Kalgan
Previous Reference	:	none

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

12. MEETING CLOSED TO THE PUBLIC Nil

13. CLOSURE

There being no further business the Chair declared the meeting closed at **9.06pm.**

(Unconfirmed Minutes)

Councillor Thomson
CHAIR

TABLED ADDRESS BY ANNABEL PAULLEY

My name is Annabel Paulley of Parker Street, Lockyer.

I am speaking on behalf of the Friends of Yakamia Forest Boodja.

Our group is extremely perplexed about the City officers' dismissal of our submission to the draft Albany Local Planning Scheme No 2.

We were told by councillors and City executives to follow the process and make a submission to the LPS2 to rezone the Yakamia forest and bushland on Lot 4743 to a reserve.

Our submission presented many compelling facts and reasons for this rezoning.

In addition, there were more than 70 submissions from Albany residents calling for the rezoning of Lot 4743 – this is a phenomenal number of submissions on the same subject. They must be acted upon.

Now we are being told to make a submission when the Yakamia / Lange Structure Plan is reviewed in 2025.

We see this redirection as disrespectful and disingenuous.

The Scheme implements the Strategy. The Strategy makes many references to protecting native vegetation. The Scheme is the statutory planning document which informs structure plans. The Scheme is therefore the correct document within which to rezone Lot 4743. The group has sought advice from a planning consultant who confirms this very point in no uncertain terms. As our group has often been told, this is “proper and orderly planning.”

I would like to remind you that you were elected to represent the interests of Albany ratepayers and residents. You still have a live petition on the table calling on you to rezone Lot 4743 to a reserve. It was signed by 1,520 Albany ratepayers and residents, of which 438 were Yakamia residents who highly-value this forest and bushland. This is a very significant portion of the Albany community.

In representing these 1,520 voices, the Friends of Yakamia Forest Boodja call on the Mayor and Councillors to vote in favour of rezoning Lot 4743 to an Environmental Conservation Reserve classification in the LPS2.

Although it is not the A Class Reserve that we hoped for, we feel that a reasonable compromise will be achieved with the Environmental Conservation Reserve zoning.

The City of Albany owns Lot 4743 and has complete power to rezone it.

We earnestly appeal to you to support this rezoning of what is arguably one of the highest-biodiversity native vegetation lots in Albany and vital wildlife habitat.

Thank you.

TABLED ADDRESS BY MS SONIA EMERY

Mayor and Councillors

My name is Sonia Emery of 11 Finlay St Mt Clarence

I acknowledge the Menang people as the traditional owners of this land, and pay my respects to the elders, past, ^{present} and emerging.

I support the previous speaker's address in relation to the Local Planning Scheme 2(LPS2).

The formulation of LPS2 is a rare and hugely important opportunity to legally enshrine the protection of Albany's pristine natural and coastal environments, protect the flora and fauna that depend on it and to preserve it in perpetuity.

The City of Albany in creating the Albany Local Planning Strategy in 2019, which is endorsed by the WAPC, is committed to implementing its aims and objectives. LPS 2 is the legal vehicle for realising the tenets of the Local Strategy, which places a heavy emphasis on the conservation of the natural environment, and states "there is a presumption against clearing native vegetation".

Not only is LPS 2 an opportunity, but it is also an obligation for the City ~~is LPS2~~ to preserve areas of biodiverse vegetation, particularly Yakamia Forest. We are in the midst of a climate and species emergency and the City of Albany needs to take responsibility to change the course of this trajectory.

There is a moral duty, and there is an opportunity to work constructively with the Albany community who is passionate about preserving the habitat of the critically endangered ringtail possum and the endangered black cockatoos to give them a chance to avert extinction.

There is also an exciting opportunity through LPS2 for the City of Albany, to make Yakamia Forest an A Class reserve as an act of reconciliation for the Bicentenary, and as a precious gift to the community and future generations.

Yet despite the compelling reasons, and the numerous submissions to rezone Yakamia Forest, Lot 4347, (and other areas of remnant vegetation) as conservation reserves, the zoning of urban development remains. The calls for the preservation of Albany's fauna and flora have been dismissed.

Everyone loves Albany for its natural assets, the stunning coast and the biodiverse vegetation. The Council, tourist and real estate industries repeatedly promote these values, but with natural places such as Yakamia Forest, earmarked for urban development, and with 65% of all natural vegetation already cleared, what nature will Albany have left in the not-too-distant future?

I urge the Mayor and Councillors to reject the LPS2 as it stands, and support amendments to rezone Yakamia Forest as a conservation reserve, so that it is protected in perpetuity, for the survival of our biodiverse flora and fauna species, and the wellbeing and enjoyment of the community. I would also urge that the conservation status be applied to other areas of remnant vegetation.



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TABLED ADDRESS BY MR DAVID WETTENHALL

CoA LPS2 Planning Committee: Presentation 15/02/2023

Forestry should be recognised as a beneficial land use and encouraged within the City of Albany

- Plantation forestry has been a significant land use within the City of Albany for over 30 years.
- I moved to Albany in 1998 along with nearly 600 other families employed within the blue gum industry.
- Blue gums make a significant economic contribution. The City's own Local Planning Strategy 2019 identifies that 45% of the Value Adding from rural land comes from forestry which occupies only 15% of the land area.
- Woodchip exports are a significant addition to the Port of Albany throughput and provide an important buffer to low years for grain exports. For example, in 2016 more tonnes of woodchips were exported from Albany than wheat.
- Farm forestry provides income diversity for farmers and on-farm and catchment environmental benefits.
- The assertion that tree farming increases the risk of bush fire is incorrect. Limited internal access requires specific fire suppression approaches but the risk of fires starting in plantations and the rate of spread of fires in plantations is lower than on pastured farm land and native vegetation.

Regulation of timber plantations

- Hon. Alanah MacTiernan MLC says "Growing trees for timber is an agricultural pursuit like any other".
- Timber plantations are well regulated in WA and there is no justification for an additional layer of approval.
- Timber plantation managers accept the Code of Practice for Timber Plantations in WA and work to that standard as a minimum. This covers the aspects suggested in the CoA Officer's Report item 31.
- Exempted item 11 condition should be up to 10% of the land rather than in windrows.
- Prescribing a 50,000 L water tank for every tree farm is inappropriate in many circumstances.
- The Development Approval process does not ensure on-going management occurs in a responsible manner without monitoring. The blue gum industry already has this aspect covered through certification.

Permitted Use or Discretionary Use

- LPS2 proposes that Tree Farms be a Discretionary land use giving the City the right to impose conditions and reject applications in the Rural zone and the Priority Agriculture Zone.
- This contradicts the State Planning Policy 2.5 which says “tree farming should generally be a permitted use on rural land”.
- SPP 2.5 says “where tree farm proposals are integrated with farm management ... and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval”. The City of Albany should adopt this approach.
- I now accept that commercial plantations be a Discretionary land use in the Priority Agriculture Zone in accordance with SPP2.5. Integrated tree farming up to 10% of the land should be Permitted use on all rural land.
- Finally, the Priority Agriculture Zone within the City of Albany should be revised. The Local Planning Strategy 2019 identified urban sprawl as unnecessary for housing land supply and recommended protection of agricultural land from urban sprawl. High value food production areas around Many Peaks and Torbay/Youngs Siding districts should also be Priority Agriculture. Land in the Redmond and Napier districts should be normal Rural land rather than Priority Agriculture. Close examination of the High Quality Agricultural Land map overlain with the Priority Agriculture zone (point 31 of Officer’s Report) shows little justification for the present zoning distinction.

Thanks for the opportunity to address the Committee. I would be pleased to answer your questions.

David Wettenhall, B Sc Forestry, Master Forest Ecosystem Science, Fellow Forestry Australia

TABLED ADDRESS BY MR GLENN RUSSELL

To the City of Albany Planning Committee & Councillors

Re: Proposed Local Planning Scheme 2.

We understand from your Senior Planning Officer, Adrian Nicoll, that we need to approach you seeking support for a couple of minor but important “tweaks” to draft Local Planning Scheme 2 being considered by the Planning Committee and subsequently by the full Council.

We lodged a primary submission by the pre-Christmas deadline in the absence of advice from a qualified town planner and it was our intention to have it reviewed professionally post-Christmas. We are grateful that all but one of the points we raised have been accepted as requested and are listed as Modification Recommendations 35 to 38 inclusive on Page 787 of the supporting attachments to the Planning Committee Agenda for 15 February.

1. However, we do not believe the additional wording of recommended Modification – Agency & Public No. 34 adequately expands the intended use of the site in keeping with the Management Order’s listed purpose which includes “Tourism”.

In our view, addressing the limited industry definition of “Exhibition Centre” by adding **“may include the exhibiting of marine heritage and flora and fauna”** does not adequately cover the existing and intended future use of the grassed amphitheatre and proposed sound shell and stage (for which development approval has already been received) for both musical and theatrical performances or other areas of the site.

For that reason, we ask that the words **“and tourism facilities”** be added to the proposed words in No. 34 of the proposed recommended Modifications.

As proposed in our original submission, the consultant town planner reviewed our submission in conjunction with the Draft Plan and only two additional points were raised. Both of these were agreed by Mr Nicoll verbally as appropriate leading to this formal request of Council for the following additional Modifications:

2. AR12 on Page 58: The Description of Land includes R50239 (Location 8099) which is part of the adjoining national park to the west and is not part of the whaling station and aquaculture park Reserves. As this appears to have been erroneously included in the Plan, We request that **‘R50239 (Location 8099)’ be deleted from the Description of Land in AR12.**
3. AR12 on Page 59: In Condition 5(c) to give a little flexibility but maintaining the intent, We request that **‘green’ be changed to ‘green, olive, black and other earthy colour tones to the satisfaction of the local government’.**

We seek your support to the above proposed Modifications to Draft Local Planning Scheme 2.

Thank you.

*As presented by Glenn Russell – a Director of Albany Heritage Foundation Inc
and Chairman of Discovery Bay Tourism Precinct Ltd t/as Albany’s Historic Whaling Station*



REGISTERED OFFICES: 81 WHALING STATION ROAD, TORNDIRUP WA 6330

CITY OF ALBANY

Local Planning Scheme No. 2

Updated to include AMD ? GG ??/??/20??



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
Date?

Disclaimer

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective local government authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

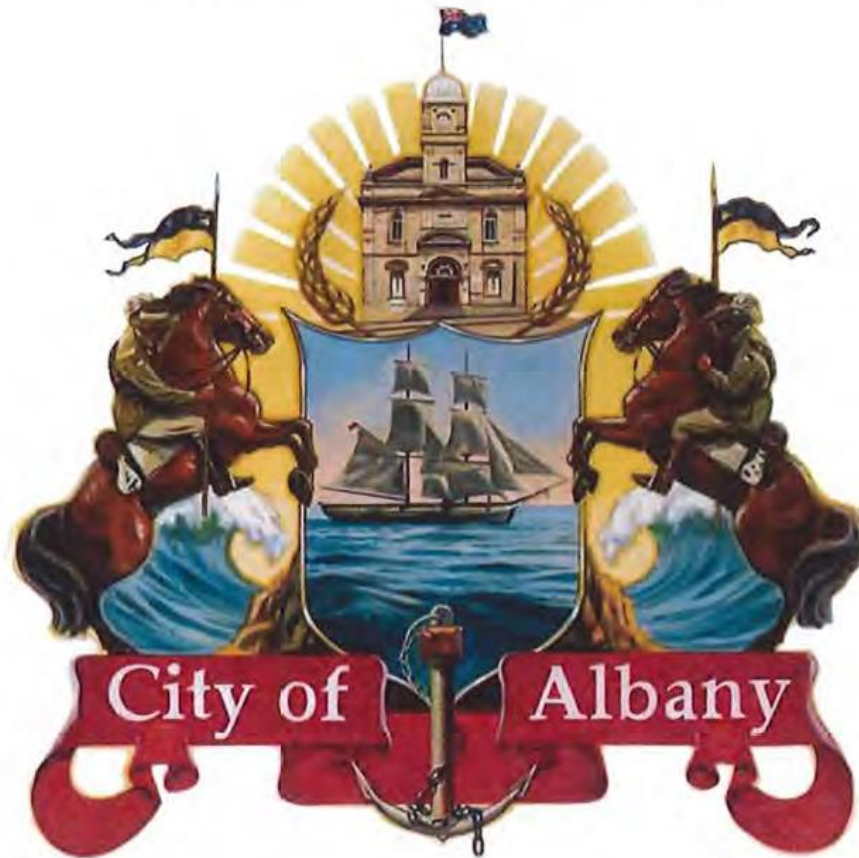
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National Relay Service: 13 36 77
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LOCAL PLANNING SCHEME NO. 2



Prepared by the City of Albany
Original Local Planning Scheme Gazettal

DISCLAIMER

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the City of Albany. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

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Please advise the City of Albany of any errors or omissions in this document.

City of Albany
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PO Box 484, Albany WA 6331

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Tel: 08 6820 3000
Fax: 08 6820 3942

No.	Description of Land	Additional Use	Conditions
AR8	R 37684 Princess Avenue, Torndirrup	Industry – Extractive (D)	
AR9	R 48574 Princess Avenue, Torndirrup	Industry – Extractive (D)	
AR10	R 39532 Chester Pass Road, Walmsley	Industry – Extractive (D)	
AR11	R 45115 Murray Road, Goode Beach	Agriculture - Intensive (D)	<p>(1) The use of the property for 'Agriculture — Intensive' is limited to aquaculture purposes (commercial production and research).</p> <p>(2) Proposed development is required to address the requirements of State Planning Policy 2.6 – Coastal planning. In this regard, adequate coastal hazard risk assessment, management and adaptation planning may need to be undertaken prior to lodgement of a development application, to identify level of coastal hazard risk to proposed development, and identify appropriate adaptation measures incorporated by the proposed development that addresses the identified risk.</p> <p>(3) Additional development requirements shall be determined by the local government at the time of application.</p>
AR12	R 50239 (Location 8099) and Reserve 36721 (Location 7900) Whaling Station Road; and R 45115 (Location 7901) Murray Road, Torndirrup Cheynes Beach Whaling Station	Exhibition Centre (D) Agriculture- Intensive (D)	<p>(1) Development is to be determined in accordance with an approved Local Development Plan.</p> <p>(2) The Local Development Plan is to address the following matters:</p> <p>(a) The requirements of State Planning Policy 2.6 – Coastal planning to address adequate coastal hazard risk assessment, management and adaptation planning to identify level of coastal hazard risk to future development, and identify appropriate adaptation measures that are incorporated into the Plan to mitigate and address the identified risk.</p> <p>(b) Compliance with State Planning Policy 3.7 - Planning in bushfire prone areas;</p>

No.	Description of Land	Additional Use	Conditions
			<p>(c) Identifies a Foreshore Protection and Recreation Area, and defines the building envelope for development on site;</p> <p>(3) All development on the site shall be planned in close consultation with a professionally qualified Landscape Planner, the local government, relevant government department or agency, and be designed to have minimal impacts on the visual qualities of the site, as viewed from the relevant public vantage points identified in a visual analysis, and on the topography and native vegetation;</p> <p>(4) Development shall be designed so that the heritage-protected place is positively integrated into the development, and new development responds to and is informed by the heritage-protected place;</p> <p>(5) Development is designed to blend with the location and topography of the site, to minimise impacts on the visual amenity of the site when viewed from relevant vantage points, including:</p> <p>(a) Buildings and structures sited in the least visually sensitive areas, to avoid silhouetting and minimise clearing;</p> <p>(b) No development shall exceed 5 m in height above the natural ground level.</p> <p>(c) All development shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour. Wherever metal cladding, the finish used shall be of green tones.</p> <p>(d) Minimise excavation and fill required for development;</p> <p>(e) Confine fencing to the approved building envelope;</p> <p>(f) Measures shall be taken to ensure that the visual impacts of any development on the site (including car parking areas and pedestrian/vehicle access) are minimised.</p> <p>(g) Development is coordinated and consolidated where appropriate</p>

No.	Description of Land	Additional Use	Conditions
			<p>within the building envelope, specifically in public use areas of the foreshore, to retain and manage existing vegetated dunes to protect against coastal erosion.</p> <p>(h) Pumps/pipes may be permitted provided they are concealed from view and affected areas are stabilised and rehabilitated with native species.</p> <p>(i) Incorporate landscaping to screen and minimise the visual impact of development, including:</p> <ul style="list-style-type: none"> (i) A vegetated buffer along Whaling Station Road; (ii) Retaining topsoil from for identified revegetation works on the site; <p>(j) Identifies areas of unimpeded free public access;</p> <p>(k) Confine access/egress to Frenchman Bay Road; and</p> <p>(l) Preparation of an Operational Management Plan, to ensure the overall site and individual developments are maintained in a neat and tidy condition at all times and all materials and equipment are managed and stored in a manner to enhance the appearance of the site to the satisfaction of the local government.</p> <p>(6) The use of the property for 'Agriculture — Intensive' is limited to aquaculture purposes only, with no processing permitted.</p> <p>(7) Discharges to the ocean will not be permitted, unless approval has been granted by the Environmental Protection Authority and the local government.</p> <p>(8) Removal of vegetation/soil shall be minimised and should only be carried out to alleviate any potential for erosion.</p> <p>(9) No discharge of water and/or effluent from the site, or installation of any intake and outlet pipes, is permitted without the approval of the relevant government department or agency and shall be</p>

No.	Description of Land	Additional Use	Conditions
			undertaken in accordance with any conditions placed on the approval.
AR13	R51175 Toll Place, Albany Albany Waterfront	Land use permissibility's within the Harbour Precinct outlined under the Albany Waterfront Structure Plan and Precinct Plan are as follows: Marina (P) Marine Filling Station (D) Restaurant/Café (D) Shop (D) Office (I) Small Bar (D) Tavern (D)	<p>(1) Development shall be undertaken in accordance with the Albany Waterfront Structure Plan and Precinct Plan requirements for the Harbour Precinct, specifically:</p> <p><u>Building Height</u></p> <p>(a) Buildings are to be a maximum height of 1 storey.</p> <p><u>Car Parking</u></p> <p>(a) 45 permanent car bays to boat trailer hard stand area.</p> <p><u>Setbacks</u></p> <p>(a) The following minimum setbacks apply:</p> <p>(i) 2.5 m from eastern boundary.</p> <p><u>Land Use</u></p> <p>(a) Office may only be permitted subject to that land use being incidental to an approved Shop or Restaurant/Cafe use.</p> <p>(b) Development is to Comply with the State Planning Policy 2.6 – Coastal planning. In this regard, a coastal processes assessment may need to be undertaken to determine appropriate setbacks and/or min floor levels.</p> <p><i>Note: The Minister for the Environment has placed ministerial conditions that apply to this area and any future development is required to comply with those conditions (Minister of Environment Statement 787 - issued 19 February 2009).</i></p>

PS ref: 6675

21 December 2022

Chief Executive Officer
City of Albany

via Form 3A online submission at: <https://www.albany.wa.gov.au/consultations/planning/draft-local-planning-scheme-no-2>

Attention: Planning Services

Dear sir/madam,

**LOT 503 (47) CUMBERLAND ROAD, LOWER KING
SUBMISSION ON DRAFT LOCAL PLANNING SCHEME NO.2**

Planning Solutions acts on behalf of Anchorage Park Pty Ltd (**Anchorage Park**), the registered proprietor of Lot 503 (47) Cumberland Road, Lower King (**subject site**).

Thank you for the opportunity to comment on the City's draft Local Planning Scheme No.2 (LPS2). We are pleased to make the following submission, which in summary seeks to relocate Additional Use No.4 (A4) to portion of the subject site and to alter the permitted uses to include tavern and shop uses.

BACKGROUND AND INTRODUCTION

Anchorage Park is part of the SOC Group – group of associated companies dating back to 1972. Anchorage Park has significant investment in Albany with its landholdings totalling approximately 17.2ha in Lower King, with its properties located along The Esplanade, Cumberland Road, Windermere Road, Francis Street, and Hadley Road - refer **Figure 1**. The residential estate was developed by Anchorage Park in the 1980s, as was the jetty and boat launching facility in Oyster Harbour in front of the estate.



Figure 1: Aerial photograph showing Anchorage Park landholdings

Planning for the estate included a motel in the northeast corner of the estate, on land owned by what is today Lot 504 (41) The Esplanade (Lot 504). The motel site has been recognised in the planning framework since at least December 1980, and permits the development of a motel or hotel with ground-level restaurant. Lot 504 was sold by Anchorage Park in 1993, but remains vacant today. Refer Figure 1 showing the location of the motel site.

LOCAL PLANNING SCHEME NO.1 AND THE DRAFT LOCAL PLANNING SCHEME NO.2

The City of Albany Local Planning Scheme No.1 (LPS1) is the current operative planning instrument which zones land and sets development controls in the district. In November 2021 the Council resolved to adopt a new Local Planning Scheme No.2 (draft LPS2) to replace LPS1. The draft LPS2 is being advertised for public comment until 23 December 2022.

The draft LPS2 largely retains the current LPS1 motel/hotel provisions with some minor typographical changes; the draft LPS2 provisions included in Schedule 2 – Specified Additional Uses for Zoned land in Scheme Area are:

No.	Description of Land	Additional Use	Conditions
A4	Lot 504 The Esplanade, Lower King	Hotel (A) Motel (A) Restaurant/Café (A)	<p>(1) Restaurant/cafe to be located on the ground floor.</p> <p>(2) Hotel and Motel are to incorporate design elements that:</p> <p>(a) Compliment the architectural and historic character of the locality;</p> <p>(b) Minimises building bulk;</p> <p>(c) Maximises solar access;</p> <p>(d) Maintains vistas for other buildings and the public within the locality;</p> <p>(e) Complies with Table 3, Category 'B' of the R-Codes;</p> <p>(f) Provides opportunities for outdoor active movement amongst natural vegetation.</p> <p>(3) Proposed development is required to address the requirements of State Planning Policy 2.6 – Coastal planning. In this regard, adequate coastal hazard risk assessment, management and adaptation planning may need to be undertaken prior to lodgement of a development application, to identify level of coastal hazard risk to proposed development, and identify appropriate adaptation measures incorporated by the proposed development that addresses the identified risk.</p>

Importantly, condition (3) is a new condition for the A4 additional use. Its inclusion is supported.

PROPOSED MODIFICATION TO LPS2

We propose the following modifications to the draft LPS2:

1. Modify the LPS2 Map by moving the location of 'A4' from Lot 504 to portion of the subject site, as shown on the amendment plan at Attachment A.
2. Modify Schedule 2, Table 6 of LPS2, making the following modifications to the text:

No.	Description of Land	Additional Use	Conditions
A4	Lot 503 Cumberland Road, Lower King	Hotel (A) Motel (A) Restaurant/Café (A) Shop (A) Tavern (A)	<p>(1) Restaurant/cafe to be located on the ground floor.</p> <p>(2) The Additional Use(s) are to incorporate design elements that:</p> <p>(a) Compliment the architectural and historic character of the locality;</p> <p>(b) Minimises building bulk;</p> <p>(c) Maximises solar access;</p> <p>(d) Maintains vistas for other buildings and the public within the locality;</p> <p>(e) Complies with Table 3, Category 'B' of the R-Codes;</p> <p>(f) Provides opportunities for outdoor active movement amongst natural vegetation.</p>

No.	Description of Land	Additional Use	Conditions
			<p>(3) Proposed development is required to address the requirements of State Planning Policy 2.6 – Coastal planning. In this regard, adequate coastal hazard risk assessment, management and adaptation planning may need to be undertaken prior to lodgement of a development application, to identify level of coastal hazard risk to proposed development, and identify appropriate adaptation measures incorporated by the proposed development that addresses the identified risk.</p> <p>(4) Shop is to be limited to a maximum 300m² net lettable area.</p>

JUSTIFICATION

The proposed modification to draft LPS2 to relocate A4 to the subject site and to add the uses of 'tavern' and 'shop' is considered appropriate and should be supported for the following reasons.

Feasibility of developing a motel/hotel on Lot 504

The motel/hotel land use has been shown on the planning scheme maps for over 42 years. It would have come from the motel boom of the 1960s and 1970s in response to growing popularity of motor vehicle travel, resulting in communities identifying a demand for such uses and setting aside land for motels. The growth, however, slowed and has reversed to some extent with many old motels no longer being fit for purpose and being demolished or repurposed for other uses.

Lot 504 was not developed with a motel/hotel, nor is it likely to ever be developed with a motel/hotel. The owner of Lot 504 has advised it is not commercially viable to develop a motel or hotel on the land, and his intention is to subdivide Lot 504 for residential purposes.

One of the factors influencing the decision is the current site's location and shape, which is not conducive to a motel/hotel development. It has a narrow frontage to Oyster Harbour. It also lacks a prominent frontage with the site being tucked away at a bend in The Esplanade reducing its overall visibility. The current site lends itself to standard residential more than it does a motel or hotel.

Qualities of proposed site

The proposed location of the A4 Additional Use takes advantage of the proximity of Oyster Harbour opposite the subject site. It is a more preferable location for tourism facilities where maximum advantage can be taken of the magnificent views and proximity to coastal foreshore and infrastructure, specifically the carpark, jetty, and boat ramp which are directly opposite the subject site.

Will redress the lack of local facilities and amenities

There is a lack of local amenities and facilities in the immediate locality. The proposal seeks to redress this by providing a family-style tavern with bistro and local shops on the subject site.

There is currently no local tavern premises for the enjoyment of residents – the nearest tavern is a 6km drive. The proposal will provide a convenient premises in walking distance of the established residential areas of Lower King.

In the most recent release of land, Anchorage Park has communicated the intention of providing a commercial development on this site with purchasers.



Considers residential amenity

The facilities proposed will provide complementary services in proximity to the boat ramp, boat pens, and parking area, which by their very nature would possibly in conflict with the use of the land for residential, considering factors such as early/late boat launching.

The tavern will be oriented to face Oyster Harbour thereby minimising amenity impacts on adjoining residential properties. A small local shop (maximum 300m²) is proposed on the south side of the tavern to provide a further buffer between the bistro and residential properties to the south. The orientation of the building away from residential properties, coupled with boundary treatments, will provide appropriate amenity for adjoining properties while enhancing the level of services available for residents.

A concept development plan has been prepared. Refer to **Attachment B**.

Local Planning Strategy

The City of Albany's *Local Planning Strategy (Strategy)* was endorsed in 2019. It provides the rationale for the zoning of land under draft LPS2. The Strategy is intended to guide settlement growth and land use planning for the next 10-15 years.

The Lower King area is designated by the Strategy as 'Urban' – reflecting that it forms part of the existing supply of land zoned and planned for settlement growth. The Strategy identifies the subject site as being located within Statistical Area 2, which has accommodated 74% of Albany's population growth over the last 10 years and is likely to continue to accommodate substantial growth in future.

The subject proposal involves optimisation of an undeveloped area that has a very high amenity, overlooking Oyster Harbour, and which will provide many passive and active recreation opportunities. Moreover, the subject site is not located in an area of Oyster Harbour identified as having a high conservation value.

The proposed rezoning will facilitate additional tourist accommodation and activities in close proximity to natural attractions consistent with the Strategy's objective of diversifying Albany's tourism offerings.

State Planning Policy 2.6 Coastal Planning

State Planning Policy 2.6 Coastal Planning (SPP2.6) was approved and gazetted in July 2013; it replaced an earlier version of the policy that had been gazetted in 2003. This in turn replaced an earlier policy titled *Development Control Policy 6.1 Country Coastal Planning Policy*, which arose from coastal planning and management principles developed in 1983 for the Western Australian coastline in a Cabinet-endorsed Government position paper.

The purpose of SPP2.6 is to provide guidance for decision-making within the coastal zone including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values. This policy recognises and responds to regional diversity in coastal types; requires that coastal hazard risk management and adaptation is appropriately planned for; and encourages innovative approaches to managing coastal hazard risk, and provides public ownership of coastal foreshore reserves.

Table 1 below provides an assessment against the policy measures of SPP2.6.

Table 1: Assessment against the policy measures of SPP2.6

SPP2.6 Policy Measures	Assessment
5.2 Development and settlement	
(i) <i>Encourage urban development to be concentrated in and around existing settlements, particularly those with established infrastructure and services. Continuous linear urban development along the coast should be discouraged or, where it has occurred, carefully controlled. Proposed major urban development outside existing settlements will only be supported where a genuine community need has been demonstrated and the environmental capability has been properly assessed.</i>	The subject site is in an existing, partially-development urban settlement.
(iii) <i>Ensure that when identifying areas suitable for development, consideration is given to strategic sites for coastal access and commercial development that is demonstrably dependent on a foreshore location including ports, boat harbours and regional boat ramps.</i>	The subject site is directly opposite a strategic site for coastal access, having boat launching and jetty facilities. It is conveniently located near a water ski area in the northern part of Oyster Harbour. The nearest facilities with similar characteristics is Emu Point, 10km distant by road. The proposed additional use provides amenities and facilities which support the boat ramp functions.
(iv) <i>Ensure that land use and development, including roads, adjacent to the coast is sited and designed to complement and enhance the coastal environment in terms of its visual, amenity, social and ecological values.</i>	The subject site is a development site which has been previously cleared, and is separated from the coastline by The Esplanade ensuring separation to the coastal environment.
5.5 Coastal hazard risk management and adaptation plan	
(i) <i>Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe. Coastal hazard risk management and adaptation planning should include as a minimum, a process that establishes the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring and review, and communicate and consult.</i>	<p>In 2021 a residential subdivision of the subject site was proposed. As part of this process, work was undertaken with the City and Seashore Engineering to assess the subdivision for flood mitigation and sea level rise. The City had raised concerns that water levels would be higher than the constructed level of The Esplanade access could not be guaranteed in the long term (within mitigation). A number of options were considered, including:</p> <ul style="list-style-type: none"> Remove the residential component and instead providing commercial uses. <p>The subdivision proceeded on this basis, and the residential lots removed from the portion of the subject site fronting The Esplanade.</p> <p>The requirements of SPP2.6 are already incorporated into the A4 provisions under draft LPS2, noting:</p> <ul style="list-style-type: none"> The subject site is located in an area subject to proposed Special Control Area 17 – Oyster Harbour Inundation Area under LPS2, which imposes design criteria to limit flood damage; for example, buildings having a minimum floor level of 3.02m AHD. The A4 conditions of draft LPS2 contain a condition for the additional uses to address SPP2.6. <p>It is considered reasonable and appropriate for SPP2.6 to be addressed at the development application stage. The A4 additional use is existing and will be impacted by coastal processes at it fronts The Esplanade and has a similar setback to the coast. The proposal simply moves the use to a more suitable location where it has a better interface to strategic coastal facilities.</p>

Submission on draft Local Planning Scheme No.2
Lot 503 (47) Cumberland Road, Lower King



SPP2.6 Policy Measures	Assessment
<p>(ii) <i>Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for subdivision and/or development current and/or future lot owners should be made aware of the coastal hazard risk by providing the following notification on the certificate on title:</i></p> <p><i>VULNERABLE COASTAL AREA –This lot is located in a area likely to be subject to coastal erosion and/or inundation over the next 100 years.</i></p>	<p>The special condition of A4 provides clear notification of the requirement in LPS2.</p> <p>The requirement for a notification can be appropriately addressed at development application stage.</p>

The planning framework provides sufficient guidance to allow the matters raised in SPP2.6 to be addressed at development application stage. The issues are not unique to the subject site and already affect the current A4 area. The proposal does not introduce a new risk, but rather to relocate it to a more suitable location. It warrants support to provide greater certainty on planning for this coastal node.

Planning for Tourism

The proposal is consistent with the Western Australian Planning Commission's *Planning Bulletin 83/2013 Planning for Tourism (PB 83/2013)* which guides decision making for subdivision, development, and scheme amendment proposals for tourism purposes. PB 83/2013 includes general location criteria to determine the tourism value of tourism sites. These criteria are considered in **Table 2** below.

Table 2: Assessment against locational criteria of Planning Bulletin 83/2013 Planning for Tourism

Locational criteria	Assessment
<p>Accessibility <i>The site has adequate existing or proposed transport links (such as major road or airport access).</i></p>	<p>The site is readily accessible from Lower King Road via Elizabeth Street or Thorne Street. Lower King Road provides convenient access to the Albany city centre.</p>
<p>Uniqueness <i>The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or State significance.</i></p>	<p>The Albany region is an attractive tourism destination. Lower King is situated mid-way between the Albany city centre and the Gull Rock National Park. Lower King Road leads to Two Peoples Bay Nature Reserve and Nananup Beach to the east.</p> <p>The subject site is also directly opposite a boat ramp and boat pen facility providing a unique opportunity for services and amenities for people using the boating facilities.</p>
<p>Setting <i>The setting of the site has an aspect and outlook that supports recreational tourism activities and/or the creation of a tourism character and ambience (e.g. Immediately adjacent to a beach).</i></p>	<p>The site overlooks the picturesque Oyster Harbour, with unobstructed views. The location specifically complements the Infrastructure at Oyster Harbour.</p>
<p>Tourism activities and amenities <i>The site provides, has easy access to, or is capable of development of supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental Interpretation, cafes, restaurants, shops and the like.</i></p>	<p>The site's location directly opposite a boat ramp, boat pens and carpark are all complementary to the proposal. The facilities are capable of hosting or supporting activities such as boating or fishing tours. The development provides amenities and services and supports the local community.</p>
<p>Supply of land <i>The site has an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities, to achieve a significant tourism development in an area.</i></p>	<p>This submission proposes relocating an existing approved tourism site to a more appropriate location. The subject site is the only site directly opposite the boat ramp, boat pens and carpark.</p>

Submission on draft Local Planning Scheme No.2
Lot 503 (47) Cumberland Road, Lower King



Locational criteria	Assessment
<p>Suitability In a land use context The site is located in a land use context that will not limit the extent of activities available to guests due to amenity impacts on adjoining residents or where the adjoining uses potentially detract from the tourism character of the site (e.g. located within a residential area).</p>	<p>Impacts on residential can be appropriately managed. Development will incorporate good design principles, which include reduce the impact on existing residential properties.</p>
<p>Capability The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.</p>	<p>The site has been prepared in readiness for development and is serviced for urban development.</p>
<p>Size The size of the site should be adequate to accommodate a sustainable tourism facility with respect to its design, operation and function, and its site specific and wider impacts and consideration of future growth/expansion. This will require a site to be able to be developed without compromising the sustainable use of natural and cultural resources or existing social structures. Development of the site should also contribute to the delivery of diversified and balanced tourism opportunities.</p>	<p>A concept plan has been prepared demonstrating the development envelope is capable of accommodating the proposed uses. The proposed development is of a size and scale complementary to the single residential nature of the area, and in accordance with the LPS2 conditions it will not be more than two storeys.</p>
<p>Function The use of the site meets a particular accommodation, market need and/or ensures a range of tourism accommodation within the locality. Examples are: beachfront caravan parks, school holiday camps and Crown tourism leases.</p>	<p>The site is well suited for tourists who desire direct foreshore access with access to boat ramp and boat pen facilities.</p>

SUMMARY AND CONCLUSION

This submission proposes to move the A4 additional use to the subject site and to add the uses 'tavern' and shop' to A4. A concept plan has been prepared showing the current intention for developing a family-friendly tavern with bistro and local shops on the subject site.

The proposal is a minor change to an additional use which, despite being in in planning schemes for over 42 years, has never been developed for the purpose. The proposed relocation of A4 puts the uses opposite the boat ramp, boat pens and carpark on land which can viably be developed for the intended purpose.

For these reasons, we respectfully request the Council, Western Australian Planning Commission, and Minister for Planning supports the proposed modifications to A4.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

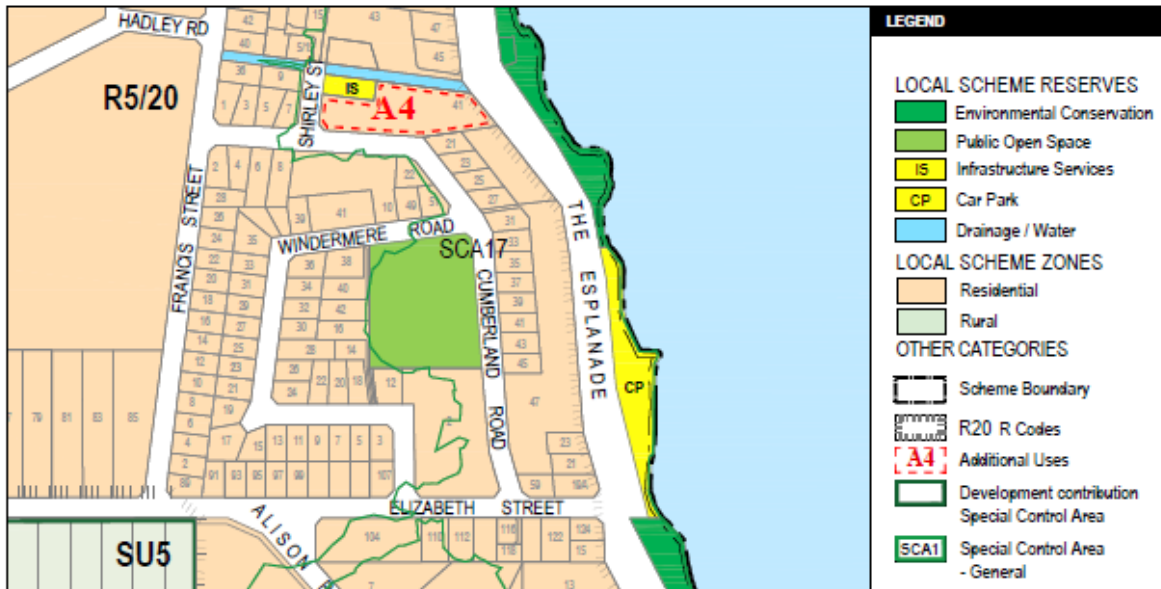
Yours faithfully,

ROSS UNDERWOOD
SENIOR ASSOCIATE

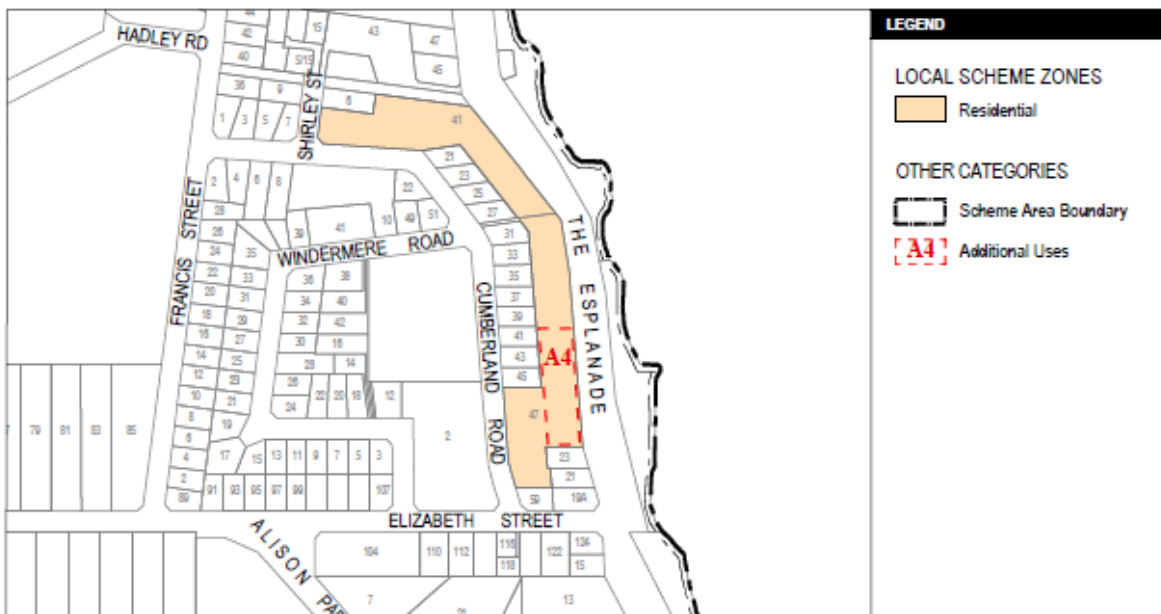
Attachment A - Proposed modifications to LPS2 Map
Attachment B - concept development plans

221221 6675 submission on LPS2.docx

AMENDMENT TO CITY OF ALBANY LOCAL PLANNING SCHEME NO.2



EXISTING SCHEME MAP



PROPOSED SCHEME MAP

PLANNING SOLUTIONS | PS
URBAN & REGIONAL PLANNING

SCALE 1:5000 @ A4
DATE 28 October 2022
FILE 221023 9675 Scheme Amendment Plan.dwg
REVISION 1/CDHW/28.10.2022



SCHEME AMENDMENT MAP

LOT 503 (47) AND LOT 504 (41) THE ESPLANADE
LOWER KING, WESTERN AUSTRALIA

DISCLAIMER: THIS DOCUMENT IS AND REMAINS THE PROPERTY OF PLANNING SOLUTIONS AND MAY NOT BE COPIED, REPRODUCED OR IN ANY WAY WITHOUT THE WRITTEN CONSENT OF PLANNING SOLUTIONS. ALL AREAS, DISTANCES AND ANGLES ARE APPROXIMATE. ONLY MEASUREMENTS SUBJECT TO SURVEY. MAPPLAN SOURCE: TOWN OF ALBANY

PROPOSED RETAIL, BAR & BISTRO DEVELOPMENT

SKETCH DESIGN
for
ANCHORAGE PARK PTY LTD
at
LOT 17-19 CUMBERLAND ROAD, LOWER KING

- A00 - COVER SHEET & GENERAL NOTES
- A01 - EXISTING SURVEY PLAN - 1:200
- A02 - PROPOSED SITE PLAN - 1:200
- A03 - PROPOSED SITE PLAN - 1:200
- A04 - PROPOSED SITE PLAN - 1:200
- A05 - 3Ds

ATTACHMENT B

CLIENT APPROVAL FORM

Approval is granted on the understanding that the Client will be responsible for all costs associated with the development of the site and for all matters relating to the development of the site.

THE CLIENT CERTAINS THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH ALL RELEVANT REGULATIONS AND STANDARDS AND THAT THE CLIENT WILL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE DEVELOPMENT OF THE SITE.

THE CLIENT CERTAINS THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH ALL RELEVANT REGULATIONS AND STANDARDS AND THAT THE CLIENT WILL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE DEVELOPMENT OF THE SITE.

CLIENT CONSENT:

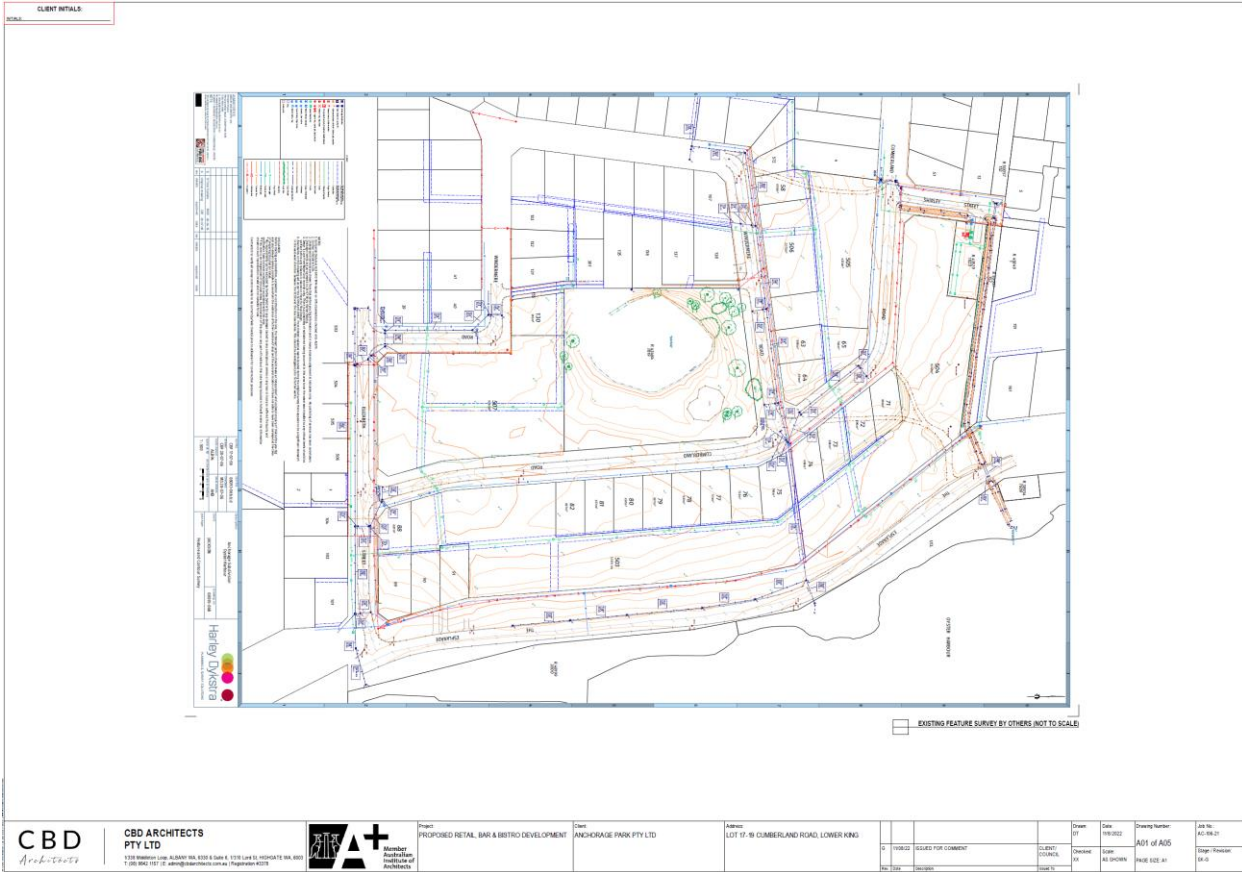
I/We hereby consent to the development of the site as shown on the attached plans and drawings and I/We understand that I/We will be responsible for all costs associated with the development of the site.

NAME: _____

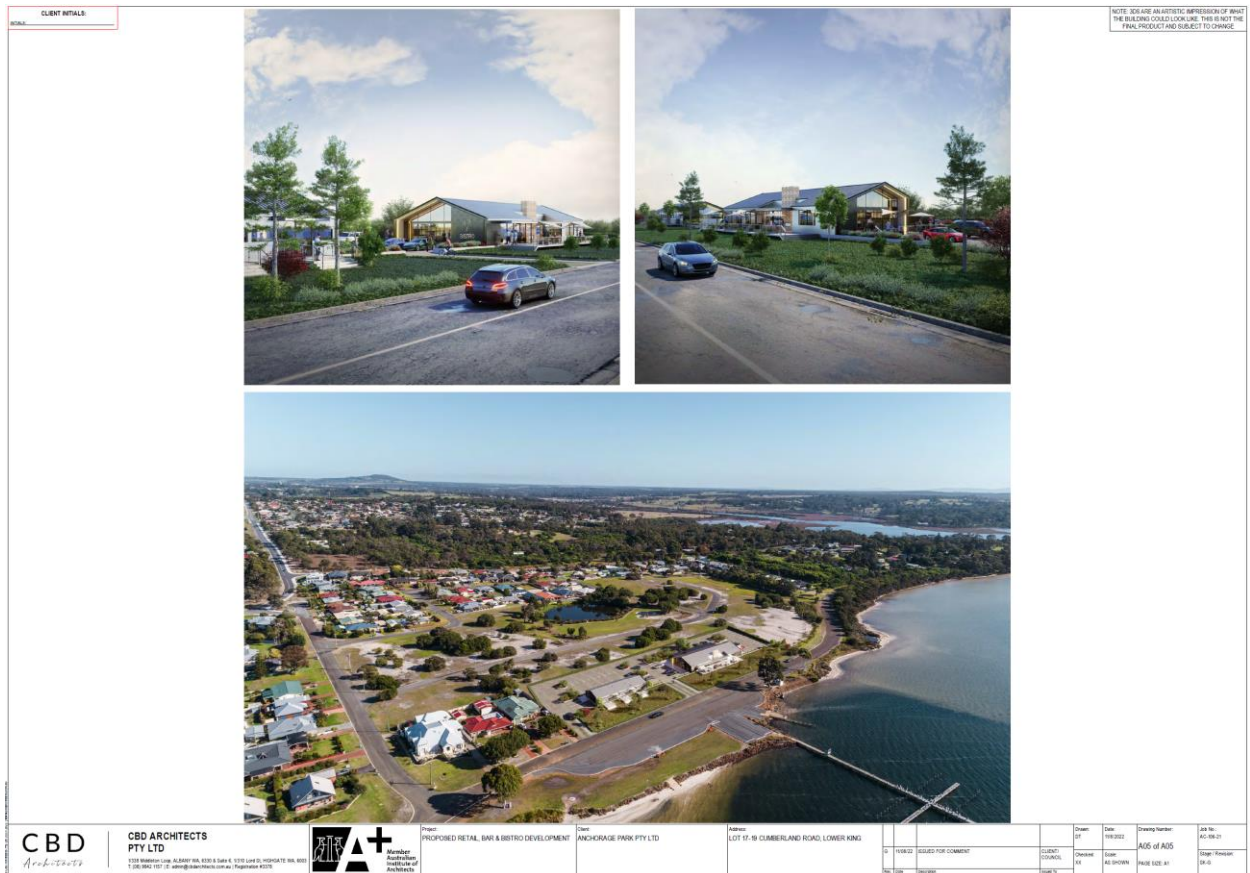
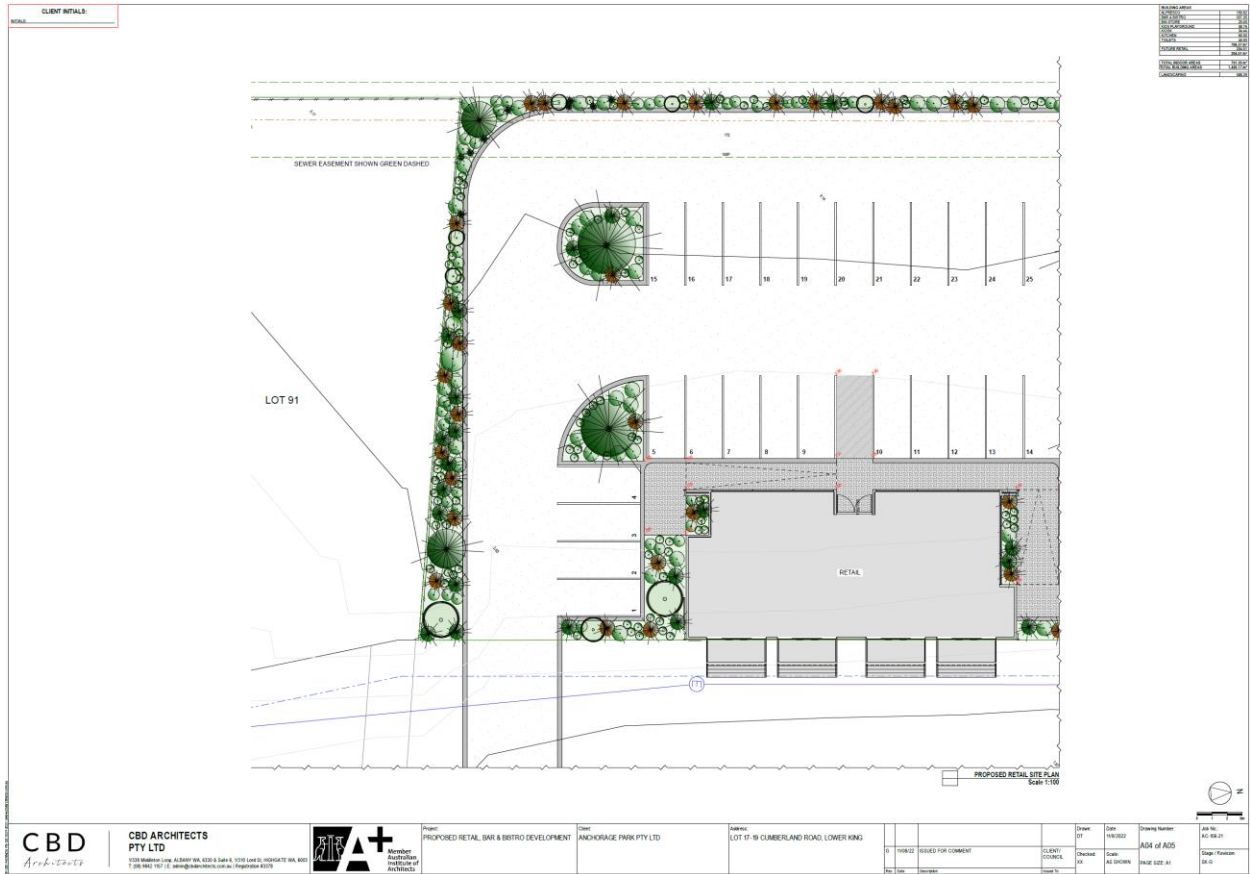
DATE: _____

SIGNATURE: _____

<p>CBD ARCHITECTS PTY LTD 1310 BROADWAY (Opp. A/DAM) 10A, 4100 S. DUM F, 1310 LAM 10, HINDGATE WA, 6003 T: 08 9462 1017 E: admin@cbdarchitects.com.au Registration 40228</p>	<p>Member Institution of Architects</p>	Project: PROPOSED RETAIL, BAR & BISTRO DEVELOPMENT	Client: ANCHORAGE PARK PTY LTD	Address: LOT 17-19 CUMBERLAND ROAD, LOWER KING	Drawn: DT	Date: 18/02/2023	Drawing Number: A01 of A05	Job No: A0-18-21						
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0	18/02/23	ISSUED FOR COMMENT	CLIENT: ANCHORAGE PARK PTY LTD	Checked: DT	Scale: AS SHOWN	Drawn: DT	Date: 18/02/23	Sheet: 01 of 05						







Briefing Note

To:	Mayor and councillors	From:	Ross Underwood
Attention:		Job No:	6675
Copy to:	CEO	Date:	14 February 2023
Subject:	Draft Local Planning Scheme No.2 Lot 503 (47) Cumberland Road, Lower King (subject site)		

Planning Solutions acts for Anchorage Park Pty Ltd – the owner and original subdivider of the subject site.

We refer to item DIS333 on the agenda for tomorrow's Development and Infrastructure Services Committee regarding adoption of draft Local Planning Scheme No.2 (draft LPS2).

Planning Solutions lodged a comprehensive submission (copy attached) on draft LPS2 during public consultation requesting to relocate Additional Use 4 (A4 - hotel, motel, and restaurant) less than 200m to the south:



The plan is to develop a family-style tavern with bistro and local shops on the site. The proposed site is better located being directly opposite the boat launching facility, jetty and carpark, providing a far improved outlook and amenity.

The City's officers recommend not proceeding with the submission on the sole basis:

The subject land and including the access to the site (The Esplanade) may-be subject to coastal processes (sea-level-rise). A Coastal Hazard Risk Management Adaptation Plan should be developed prior to considering use of the land.

The officers otherwise raise no objection to the proposal as set out in our comprehensive submission. The proposal warrants Council's support because there is no additional hazard or risk from coastal processes as A4 already exists; all that is proposed is to shift A4 along the coastline. The proposed location is consistent with *State Planning Policy 2.6 Coastal Planning* which requires consideration of "strategic sites for coastal access" including "regional boat ramps".

The officers' concerns regarding coastal planning may be addressed at the development approval stage. This is already a condition of A4, and will need to be addressed at development approval stage even if A4 remains as is.

We seek Council's support to **modify draft LPS2 Map by move the location of A4 to 47 Cumberland Road, Lower King and to modify the text in Schedule 2, Table 6 relating to A4 in accordance with the Planning Solutions submission.**

ROSS UNDERWOOD
SENIOR ASSOCIATE

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1

My name is Diana Caley and I live at 12 Franklin Crt Bayonet Head
In the beginning **God** created the heaven and the earth. Genesis 1:1
vs 26 And **God** said let us make man in our image, after our likeness: and let them
have dominion over **all** the earth. Dominion ~~by the way~~ means to rule over nature,
this is the idea that humans are in charge of the world **on behalf of God.**

Now to the nitty gritty *specifics*

Point 9 of the Scheme document sets out the aims of the LPS2.

The 1st aim is to implement the findings of the Albany Local Planning Strategy.
The ALPS 2019 says that there is a “**presumption against clearing for urban development**”.

You only need to look at the property pages in the Albany Advertiser to see that
there are far too many blocks of land with **native** vegetation for sale which will be
cleared for housing development.

The City has obviously condoned this clearing in the current Local Planning
Scheme #1

The Strategy also states that: “**Development for settlement growth is the greatest threat to biodiversity, having already led to the clearing of 65% of the native vegetation in and around the Albany urban area. A further reduction in the size and number of these vegetation remnants will increase the pressure on various flora and fauna species**”

That was in 2019 so the 65% cleared area will have increased since then.

The Strategy further states that: “**Clearing of vegetation may be supported... only where its conservation value has been assessed as low**”.

Information provided by **botanists** and **wildlife experts** attest to the **high**
conservation value of both the vegetation and fauna on Lot 4743 which is why it
must be protected as a reserve.

The top 1/3 is **high** biodiversity **old** growth forest with mature marri, jarrah and
sheoak trees over dense middle and understoreys of vegetation.

Halfway down the lot, there's a **Priority** Ecological Community of Banksia
Coccinea.

This is a **high** conservation value lot which the people of Yakamia and others
around Albany want protected.

The 2nd listed aim of the Scheme is to: “ **Promote a network of reserves and vegetated corridors throughout the City to protect areas of high conservation or scenic values and create corridors for fauna and flora linkages**”.

I can't see a detailed section in the Scheme # 2 documents which sets out a clear plan for this.

It's a prominent aim of the Scheme.

We need to have a plan right across the Albany urban and rural areas to protect high conservation native vegetation and wildlife habitats by creating corridors for fauna and flora linkages.

~~It's time to change your thinking and your actions, Councillors.~~

You must act to stop the clearing of native vegetation for development in Albany.

You **must do** what the Strategy says by protecting native vegetation and areas of high conservation value in Scheme #2.

You are failing current and future generations if you don't do this.

TABLED ADDRESS BY MR CHRIS HARNESS

36. Name of Submitter:

Subject of Submission: Owner and occupier

Description of affected property: Lot 12 (516) & 13 (516) Albany Highway, Milpara

Summary of Submission	Planning Comment	Recommendation	Modification
Request that both lots be rezoned to Industrial or Highway Commercial. The lots have been in their ownership for 45 years and has never been used for residential, they have always been used as industrial.	<p>The designation of the subject land as 'commercial' is supported for the following reasons:</p> <ul style="list-style-type: none"> • The historic use of the land for industrial purposes shows that the land is capable of supporting the land use and compatible with the surrounding land uses. • The location of the subject land on Albany Highway is appropriate for this designation. 	Support	<p>Part 1 – Section 5.2: Industry</p> <ul style="list-style-type: none"> • Include an additional action as follows: Recognise established commercial land uses by designating Lots 12, 13 Albany Highway, Milpara as 'Commercial' <p>Part 2 – Section 3.3.2 Industrial Areas</p> <ul style="list-style-type: none"> • Insert an additional paragraph that provide background and justification for the proposed designation. • Include a planning implication in relation to the subject land. <p>Maps – Figure 1</p> <ul style="list-style-type: none"> • Designate Lot 12 & 13 Albany Highway, Milpara as 'Commercial'.

37. Name of Submitter:

Subject of Submission: Owner

Description of affected property: Lot 14 (508) & 15 (504) Albany Highway, Milpara

Summary of Submission	Planning Comment	Recommendation	Modification
<p>Request that both properties be rezoned from 'Residential' to 'Highway Commercial' to allow full use of both lots.</p> <p>508 Albany Highway has been used as a landscape/garden supply business since 1988. Lot 15 (504) Albany Highway has been used as an engineering business in the mid 1960's and various other uses until the mid-1980's when it became a stockfeeds. Both businesses have been operating in their current use respectively since that time.</p> <p>There is no intention to use the 2 blocks residential as they have no deep sewerage and the Water Corporation has no immediate plans for infill sewerage.</p> <p>The rezoning would allow full use of both blocks and would make the re development by means of new building easier and more commercially viable than under the current zoning.</p>	<p>Both lots are currently zoned 'Residential R5/20' with non-conforming use permitted under LPS1.</p> <p>The designation of the subject land as 'Commercial' is supported for the following reasons:</p> <ul style="list-style-type: none"> The historic use of the land for industrial purposes shows that the land is capable of supporting the land use and compatible with the surrounding land uses. The location of the subject land on Albany Highway is appropriate for this designation. Within the 'Highway Commercial' zone under LPS1, the existing land uses are permissible under the Land Use Table. 	<p>Support</p>	<p>Part 1 – Section 5.2: Industry</p> <ul style="list-style-type: none"> Include an additional action as follows: Recognise established commercial land uses by designating Lots 12, 13, 14 and 15 Albany Highway, Milpara as 'Commercial'. <p>Part 2 – Section 3.3.2 Industrial Areas</p> <ul style="list-style-type: none"> Insert an additional paragraph that provides background and justification for the proposed designation. Include a planning implication in relation to the subject land. <p>Maps - Figure 1</p> <ul style="list-style-type: none"> Designate Lots 14 & 15 Albany Highway, Milpara as 'Commercial'.

TABLED ADDRESS BY MR JOHN DOUST

Yakamia Boodja

Jon Doust, 132 Angove road, Spencer Park. On the cusp of Yakamia. Respect, Noongar Menang, past, present, and those coming through.

Councillors, Mayor, thank you.

What a joy it was to read these words.

Environmental conservation	<ul style="list-style-type: none">• To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.• To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
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But then, along came these.

Dismiss recommendation to transfer Lot 4743 from the Urban Development zone, to a reservation (e.g. Environmental Conservation).

There's more, of course, but we're all busy so let's cut and get to another bit.

The endorsed structure plan recommends reserving areas associated with the Yakamia Creek, which dissects the southern portion of the Lot 4743. Procedurally, as the land is developed and/or subdivided, areas designated for reservation are ceded to the Crown.

The entire Yakamia Forest is associated with the creek, which is connected to Miaritch and Mamang Kort, connected to the Indian and Pacific Oceans. In more words than I will put here, it is time more folk realised the interconnectedness of everything. (Lest not forget the local endangered kurruk cockatoos, koomal possums and who knows what else, in addition to glorious jarrah, marri, condil and bantji.)

The Yakamia/Lange Structure Plan expires in 2025. A structure plan can be amended by the WAPC at the request of the local government or any person who owns land in the area covered by the structure plan. The amended structure plan can then be used to inform future subdivision and zoning of the land.

Does this mean no development can take place until at least after 2025?

And this bit - No modification recommended - given what we know about the unstable nature of the climate, given the stated aims of the City, the State, the Federal Government, is illogical, irrational and suggests modification in policy application and implementation is highly recommended.

Get serious, rezone Lot 4743 to create a reserve in the Albany Local Planning Scheme No 2 in order that we, the community, may begin the process to preserve and protect the Yakamia Forest and the creatures therein.

Both sides of the house, vote the same, to create the reserve, don't make it equal, save the Mayor from having to cast, to be the 1, the odd 1, to make it 5 to 4.

I cannot be there, in chambers, because tomorrow there is a cruise ship in port and I have to climb on a bus and entertain, and inform, all with a happy face, and I don't want to disrespect this place, this Boodja, this biodiverse wonderland, this community, by arriving to host the internationals with a lump in my gut.

Don't shame yourselves. Mamnoon. Shukran. Inshallah.

TABLED ADDRESS BY MS LYNDA MCKILLIGAN

Typo #1 Balls should read as BAL (Bushfire Assessment Level)

Typo #2 There are 4 points not 3.

Typo #3 Should read "Removal" &/or Unauthorised Removal of Verge &/or Native vegetation etc... 90+% would be "knee jerk" reactions to large Eastern State or large scale Bushfires in WA.

Comments as Follows:

1. The opposition to gazetted/draft LPS 2 proposed rezoning/ intensive & out of character developments to Urban/Tourism in Goode Beach should absolutely Not Be Allowed - Known High Risk BALLS etc.

2 Rural Residential properties have been purchased as such so; why reduce the amenity/lifestyle that has been specifically selected by those choosing to invest in Goode Beach & neighbouring Big Grove to their disadvantage & to benefit? Greedy developers etc & increased rates? Future Urban zoning & sub-division of existing lots should only be allowed within the COA town centre & areas with good access along existing arterial roads etc.

3. Support- ancillary accommodation on RRes lots 5ac+ provided adjoining property owners/ there is a public comment period etc.

4. Stop any through roads from Frenchman's Bay Rd to Quaranup Rd via Austin &/or McBride Rd & any other firebreak access. This will discourage the existing & omnipresent Hooning Element which is already well documented & rife in the aforementioned areas & suburbs.

4. The current rate of native & established vegetation in the above areas is absolutely ridiculous. Soon Goode Beach's temperature will be raised by 10 degrees p.a appx as all you will have is a vapid eyesore of concrete roads/roofs & housing with absolutely No shade element Nor habitat for all the endangered flora & fauna endemic to the Vancouver Peninsula & Torndirrup National Park.

I do apologise for any typos as I only have temporary smart phone & internet access.