



AGENDA

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 12 August 2026

5.30pm

Council Chambers

The Five Strategic Pillars



Development & Infrastructure Services Committee
Terms of Reference

Functions:

This Committee is responsible for:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment.
- Shared responsibility for climate action.
- Responsible growth, development, and urban renewal.
- Creating interesting, vibrant, and welcoming places.
- Valuing and preserving local history, heritage, and character.
- Ensuring a safe, sustainable, and efficient transport network.

It accomplishes this by:

- Developing policies and strategies.
- Creating progress measurement methods.
- Receiving progress reports.
- Considering officer advice.
- Debating current issues.
- Offering advice on effective community engagement and progress reporting.
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly Meeting

Location: Council Chambers

Executive Officers:

- Executive Director Infrastructure, Development & Environment Services
- Manager Development Services
- Manager Engineering & Sustainability

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
AGENDA – 12/08/2026

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
6.	PUBLIC QUESTION TIME	5
7.	PETITIONS AND DEPUTATIONS	5
8.	CONFIRMATION OF MINUTES	5
9.	PRESENTATIONS	5
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	REPORTS	
DIS473	LOCAL BIODIVERSITY STRATEGY	6
DIS479	INITIATION TO ADOPT AMENDMENT NO. 5 TO CITY OF ALBANY LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING	14
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	15
12.	MEETING CLOSED TO PUBLIC	15
13.	CLOSURE	15

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: G Stocks

Councillors:

Councillor	R Sutton (Chair)
Councillor	L MacLaren
Councillor	R Stephens
Councillor	I Clarke APM
Councillor	T Brough
Councillor	M Lionetti
Councillor	C McKinley

Staff:

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Manager Development Services	J van der Mescht
Meeting Secretary	P Ruggera
Meeting Observer	B Munrowd-Harris

Apologies:

Deputy Mayor Councillor	P Terry (Apology)
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4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME

Conduct of Persons at Meetings: Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.

Prevention of Disturbance:

- Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
- Attendees must:
 - Refrain from interrupting the meeting through approval, dissent or conversation.
 - Conduct themselves appropriately and follow directions if asked to leave.
 - Avoid obstructing access to the meeting or causing disturbances.

Public Question Time. In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:

- Public Question Time is limited to 30 minutes, extendable at the discretion of the Presiding Member.
- The Presiding Member may decline to respond to a question if:
 - The same or a similar question was asked at a previous meeting.
 - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.

Contents of Minutes As per the *Local Government (Administration) Regulations 1996*, regulation 11:

- The minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of the response.

Documents Tabled at Meetings. Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

7. PETITIONS AND DEPUTATIONS Nil

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 15 July 2026 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

DIS473: LOCAL BIODIVERSITY STRATEGY

Proponent / Owner	: City of Albany
Attachments	: Local Biodiversity Strategy – The Strategy 2026-2036 Local Biodiversity Strategy – Action Plan Local Biodiversity Strategy – Technical Report
Supplementary Information & Councillor Workstation	: N/A
Report Prepared By	: Manager Development Services
Authorising Officer:	: Executive Director Infrastructure, Development & Environment

COUNCIL PLAN ALIGNMENT

- **Pillar:** Environment
- **Outcome:** A city where our natural environment is valued and conserved, and climate resilience is built for future generations.
- **Strategic Priority:** Protection of our biodiversity and the natural environment

STRATEGIC IMPLICATIONS

1. In making its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy).

Maps and Diagrams:

Online mapping tool available here: <http://albany.wa.gov.au/ALBSmappingtool>

In Brief:

- The City of Albany Local Biodiversity Strategy 2026–2036 (the Strategy) provides a framework to identify and protect areas of biodiversity significance, improve ecological connectivity, integrate biodiversity considerations into relevant City decision-making, and guide coordinated land management and community stewardship.
- Council deferred consideration of the Strategy in May 2026 to allow further engagement with community members who had raised specific matters regarding aquatic systems, granite outcrops and the methodology used to identify and communicate biodiversity values.
- Further consultation has since been undertaken with Professor Stephen Hopper, Mr Paul Wettin and Mr Robin Budden. Their feedback has informed updates to the Strategy, Action Plan, Technical Report, mapping outputs and online mapping tool.
- Key changes include improved recognition of wetlands, waterbodies and upland biodiversity values; replacement of ranked biodiversity mapping with Local Natural Area mapping; removal of the Top 100 Ranking Table; strengthened governance and continual improvement actions; and improvements to the clarity, consistency and accessibility of the documents.
- The Strategy is now presented to Council for adoption.

RECOMMENDATION

DIS473: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. **ADOPT** the *City of Albany Local Biodiversity Strategy 2026 – 2036*.
2. **NOTE** the *Local Biodiversity Strategy – Action Plan* and *Local Biodiversity Strategy – Technical Report* as supporting documents.

DIS473: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MACLAREN
SECONDED: COUNCILLOR STEPHENS

THAT consideration of Report item DIS473: LOCAL BIODIVERSITY STRATEGY be DEFERRED until no later than the August Ordinary Council Meeting.

CARRIED 8-0

Councillor Reason for Deferral:

Deferral of adoption will allow engagement with Professor Stephen Hopper and Mr Paul Wettin to develop meaningful outcomes in the Strategy, and also address the importance of aquatic systems and granite outcrops and enable their inclusion in this document

DIS473: COMMITTEE RECOMMENDATION (PROCEDURAL MOTION BY COUNCILLOR MACLAREN)

MOVED: COUNCILLOR MACLAREN
SECONDED: COUNCILLOR CLARKE

THAT consideration of Report item DIS473: LOCAL BIODIVERSITY STRATEGY be DEFERRED until no later than the August Ordinary Council Meeting.

CARRIED 7-0

Councillor Reason:

To enable the consultant and City officers to make requested changes to the Technical Report to include additional information as identified by community members.

DIS473: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. ADOPT the City of Albany Local Biodiversity Strategy 2026 – 2036.
2. NOTE the Local Biodiversity Strategy – Action Plan and Local Biodiversity Strategy – Technical Report as supporting documents.

BACKGROUND

2. In 2023, Council requested the preparation of a Local Biodiversity Strategy. Funding support was subsequently secured through the Western Australian Local Government Association, and the Strategy was developed through specialist analysis and stakeholder engagement.
3. Albany contains significant biodiversity values due to its geology, climate and location at the junction of three bioregions. Historic clearing associated with agriculture and settlement has resulted in the loss of approximately 65% of native vegetation, with remaining areas often fragmented and subject to pressures including land use change, weeds, pests, altered fire regimes and hydrological modification.
4. As one of Western Australia's fastest-growing regional cities, Albany continues to experience increasing demand for housing, infrastructure and services to support a growing and diverse community. This continued demand presents further challenges for the City's natural environment. While the City has previously prepared a range of environmental strategies, surveys and management plans, these do not provide a consolidated strategic framework for biodiversity across the City's planning, land management and operational functions.

5. The Strategy was presented to Council for adoption in May 2026. Council deferred consideration of the item until no later than the August 2026 Ordinary Council Meeting to allow further direct stakeholder engagement and consideration of matters raised regarding aquatic systems, granite outcrops and the methodology used to identify and communicate biodiversity values.

DISCUSSION

6. The Strategy has been prepared with reference to the *Western Australian Local Government Association Local Biodiversity Planning Guidelines* and informed by specialist analysis and stakeholder engagement.
7. The Strategy recognises the intrinsic, social and economic value of biodiversity to the City's identity and liveability, while acknowledging the need to balance biodiversity protection with responsible growth and development.
8. The Strategy provides a framework to:
 - Identify Local Natural Areas (LNAs) and their biodiversity values across public and private land;
 - Support the protection of areas of high conservation significance and under-represented vegetation types;
 - Improve ecological connectivity through macro-corridors and linkages;
 - Integrate biodiversity considerations into relevant planning and development processes;
 - Guide coordinated land management, restoration and community stewardship.
9. The Strategy is supported by a Technical Report prepared by Aurora Environmental, which documents the spatial analysis, biodiversity values, legislative context and stakeholder engagement informing the Strategy.
10. An accompanying Action Plan translates the Strategy's objectives into proposed implementation actions across planning, reserves management, operational practices and community engagement. As an adaptive implementation document, the Action Plan will be reviewed and updated over time through the governance arrangements to be established as an initial implementation action.
11. Implementation will be coordinated through the City's internal governance arrangements and progressed through its integrated planning and annual budget processes.
12. It was identified from the outset of the project that stakeholder engagement and public consultation above and beyond standard advertising procedures was critical to inform the preparation of the Strategy.
13. Following the May 2026 deferral, City staff undertook further direct stakeholder engagement on specific matters raised by community members regarding the Strategy and supporting technical material. The targeted consultation raised matters including:
 - Clearer recognition of aquatic ecosystems, wetlands and waterbodies and their relationship to Local Natural Areas;
 - Clarification of the scope and limitations of the vegetation-based mapping and ranking methodology;
 - The potential for ranked biodiversity outputs to be misunderstood by the broader community;
 - Stronger recognition of upland biodiversity values, including granite outcrops;
 - Improved governance arrangements to support implementation, accountability and continual improvement;
 - Improved consistency between figures, mapping and supporting documents; and

- Clearer links between the Strategy, Technical Report, Action Plan and online mapping tool.
14. In response, City staff have undertaken further refinements to the Strategy and supporting documents to improve their clarity, transparency and accessibility.
15. Key changes include:
- removal of the Top 100 Ranking Table from the Technical Report;
 - replacement of ranked biodiversity mapping with Local Natural Area mapping;
 - inclusion of wetlands and waterbodies in the mapping and online mapping tool;
 - additional content recognising representative biodiversity values;
 - inclusion of an upland biodiversity section in the Technical Report; and
 - strengthened governance actions to support implementation, accountability and continual improvement.
16. For details on the earlier stakeholder engagement and public consultation, refer to the Government & Public Consultation section below.
17. The updated Strategy and supporting documents are presented to Council for consideration.

GOVERNMENT & PUBLIC CONSULTATION

18. Preparation of the Strategy was informed by various stakeholder engagement activities and public consultation undertaken throughout the life of the project.
19. Stakeholder engagement and public consultation activities are outlined in the table below.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Community Survey – note this was a broader survey that included biodiversity and related matters.	06/03/2024 – 14/04/2024	693 responses	No
Consult	Stakeholder Reference Group Workshops	29/08/2024 05/12/2024 09/04/2026	14 attendees 13 attendees 16 attendees	No
Consult	Public advertising on Draft Strategy involving online community survey	08/07/2025 – 10/08/2025	60 responses	No
Inform	Community Information Sessions (during public advertising period)	09/07/2025 12/07/2025	23 attendees 16 attendees	No
Consult	Direct stakeholder engagement with community members who raised specific matters regarding the draft Strategy following Council deferral, including written feedback, meetings and follow-up correspondence	May-July 2026	3 participants	No

20. As outlined in the table above, stakeholder engagement and community consultation included the following activities:
- an initial community survey, which received 693 responses;
 - creation of the Stakeholder Reference Group involving participants from State Government agencies, community groups, non-government organisations and technical specialists with three workshops held at specific milestones of the project;
 - ongoing internal officer workshops across relevant City teams, including Planning, Reserves, Sustainability, Operations and Executive to ensure feasible and effective delivery of the Strategy and Action Plan; and
 - direct consultation with Professor Stephen Hopper, Mr Paul Wettin and Mr Robin Budden following Council's deferral of the Strategy in May 2026.
21. The initial community survey informed the direction and approaches to the project. The outcomes of the survey demonstrated strong support for biodiversity protection, with 93% of respondents rating biodiversity conservation as important or very important and strong support expressed for integrating biodiversity considerations into City decision-making.
22. Workshops were held with the Stakeholder Reference Group at key stages of the project. The first two workshops informed matters including the Strategy's objectives and goals, opportunities, assessment methodology, and approaches to biodiversity protection and management. The engagement highlighted that, while State Government agencies have primary responsibility for administering relevant environmental legislation, local government also has an important role in biodiversity protection through its planning, land management and operational functions, and its relationships with the community, government agencies and other stakeholders.
23. The feedback received during formal public advertising of the draft Strategy (presented as a single Strategy document at that time) demonstrated strong support for biodiversity protection, whilst raising matters relating to the length and structure of the document, resourcing and enforcement, measurable outcomes, integration with planning processes, protection of key biodiversity areas, ecological connectivity, involvement of Traditional Custodians, and access to mapping and data.
24. The third workshop was held at the later stage of the project, to present and discuss the substantive refinements to the layout and format of the Strategy and supporting documents undertaken to address feedback.
25. Following Council's deferral, further direct consultation was undertaken with Professor Stephen Hopper, Mr Paul Wettin and Mr Robin Budden. This included consideration of written feedback, meetings and follow-up correspondence regarding the matters raised and the proposed responses. The feedback highlighted the need to more clearly communicate the scope and limitations of the Local Natural Area analysis, better recognise aquatic ecosystems and upland biodiversity values, and strengthen governance and continual improvement arrangements.
26. The input and feedback received throughout the project through stakeholder engagement and public consultation were considered by City officers and the project consultant and informed the continued refinement of the Strategy and supporting documents.

STATUTORY IMPLICATIONS

27. The Strategy is a non-statutory strategic document and there is no specific legislated process governing its adoption. Adoption of the Strategy will establish Council's strategic direction for local biodiversity and may inform future planning, policy, budget and operational decision-making where relevant. Any future statutory planning proposals or decisions will continue to be considered through the applicable legislative and planning framework.

POLICY IMPLICATIONS

28. The proposed Strategy provides a coordinated framework to support biodiversity management across City planning, reserves and operational functions.
29. The Strategy complements existing City strategies and does not introduce new statutory requirements.
30. The Strategy has been prepared with consideration of the City of Albany Council Plan 2026–2031, Local Planning Strategy 2019, Local Planning Scheme No. 2, Waterwise Albany Strategy 2026, and other relevant City environmental, land management and operational strategies and plans.
31. The Strategy may also inform future reviews of relevant City policies and management plans, consistent with guidance from the *WALGA Biodiversity Planning Guidelines*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community <i>There is a reputational risk if the City does not act consistently with environmental objectives and actions outlined in the Action Plan. There is also a reputational risk associated with not adopting a Local Biodiversity Strategy, given increasing community and stakeholder expectations for structured biodiversity planning and management.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Manage community expectation through clear and transparent communication and leadership.</i>
Environmental <i>If the Strategy is not adopted, there is a risk the City will lack a clear framework to guide biodiversity management in the context of a changing climate and ongoing population growth.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Adopt and implement the Strategy as a coordinated framework, supported by partnerships with relevant government agencies, community organisations and technical stakeholders.</i>
Service Delivery <i>If the Strategy is not adopted, implementation of biodiversity-related initiatives may be delayed, with potential impacts on coordination and competing priorities across business areas including Reserves, Sustainability and Planning Services.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Establish governance arrangements, regularly review and prioritise the Action Plan, and integrate approved actions into relevant business planning and budget processes.</i>
Implementation Risk <i>There is a risk that adoption raises expectations that cannot be met within available resources, leading to reputational and organisational risk.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Clear communication that actions are subject to business planning and budget decisions Annual review and prioritisation of the Action Plan</i>
Opportunity 1: <i>The Strategy demonstrates continued leadership and a collaborative approach to managing biodiversity in an open and transparent document.</i>				

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Opportunity 2: The Strategy will help leverage funding for projects and collaboratively work across different business areas and related strategies to achieve mutually beneficial environmental, financial and community outcomes.				
Opportunity 3: Identify actions that can be delivered through current budget and those that can be incorporated into long term financial planning and business plan.				

FINANCIAL IMPLICATIONS

33. Implementation of actions will be subject to Council consideration through the City's integrated planning, annual budget and long-term financial planning processes.
34. The Action Plan identifies an indicative funding requirement for each action and indicates whether actions may be delivered through existing resources, require additional resourcing or potentially attract external funding.

Cost	Likely order of magnitude costs
High	Over \$100,000
Medium	\$50,000 - \$100,000
Low	Under \$50,000

Funding consideration	
	The action is currently resourced and can be delivered within existing operational capacity.
	The action is currently resourced through the Annual Budget or available external grant funding.
	The action is not currently resourced and will require additional resourcing to enable implementation.
*	Potential to seek external funding to resource this action.

35. It may be possible to seek external funding to co-fund various projects.

LEGAL IMPLICATIONS

36. Adoption of the Strategy does not create new statutory or legally enforceable obligations. The Strategy has been prepared with the intention of informing future policy development, strategic planning and operational decision-making.

ENVIRONMENTAL CONSIDERATIONS

37. The Strategy provides a structured framework to support the identification, protection and management of biodiversity values across the City.
38. It consolidates existing information and aligns management approaches to address key environmental pressures including habitat fragmentation, land use change, weeds, pests, altered fire regimes and hydrological modification.
39. The Strategy also supports a more coordinated response to climate change impacts by informing priorities for conservation, restoration and land management across reserves and other natural areas.
40. The Strategy complements the recently adopted *Waterwise Albany Strategy 2026* and the City's broader urban forest planning, natural reserve management and environmental initiatives. Together, these initiatives will support the protection of biodiversity and water resources, enhance landscape values and improve community liveability.

ALTERNATE OPTIONS

41. Council may choose not to adopt the Strategy.
42. Council may request further modifications to the Strategy or Action Plan before adoption or amend the proposed priorities subject to consideration of the associated resource and implementation implications.

CONCLUSION

43. The Strategy has been prepared with considerable input from City staff, the Stakeholder Reference Group and the broader community.
44. Following Council's deferral of the item in May 2026, additional direct consultation was undertaken with community members who had raised specific matters regarding the draft Strategy. The feedback received informed refinements to the Strategy, Action Plan, Technical Report, mapping outputs and online mapping tool.
45. The Strategy is supported by a detailed Technical Report prepared by Aurora Environmental, which documents the analysis and information informing the Strategy. The accompanying Action Plan translates the Strategy's objectives into proposed implementation actions across planning, reserves management, operational practices and community engagement.
46. Together, the documents provide a coordinated framework to identify and assess Local Natural Areas, better recognise aquatic and upland biodiversity values, improve ecological connectivity, inform relevant planning and decision-making processes, and guide land management, restoration and community stewardship.
47. Implementation will be coordinated through the governance arrangements to be established as an initial implementation action and integrated into the City's business planning and annual budget processes. Regular monitoring and review of the Action Plan will support accountability, responsiveness to new information and continual improvement.

Consulted References		<i>City of Albany Strategic Community Plan & City of Albany Corporate Business Plan superseded by City of Albany Council Plan 2026–2031 (adopted June 2026)</i> <i>City of Albany Local Planning Scheme No. 2</i> <i>City of Albany Local Planning Strategy 2019</i> <i>Waterwise Albany Strategy 2026</i> <i>Local Government Guidelines for Biodiversity Planning (WALGA, 2023)</i>
File Number	:	EM.PLA.46
Previous Reference	:	Strategic Workshop – 18 July 2023 Post DIS Committee Presentation – 15 April 2026 DIS473 - May 2026 DIS DIS473 – May 2026 OCM

DIS479: INITIATION TO ADOPT AMENDMENT NO. 5 TO CITY OF ALBANY LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING

Land Description	:	Lot Number	Registered Proprietor
		503	Anchorage Park Pty Ltd
		504	Terry R Jackson
Proponent	:	Planning Solutions	
Attachments	:	1. Scheme Amendment Report	
		2. Appendix 1 – Certificates of Title	
		3. Appendix 2 – Coastal Hazard Risk Management Report (2021)	
		4. Appendix 3 – Bushfire Management Plan (2024)	
Supplementary Information & Councillor Workstation	:	1. Cover Letter	
		2. Indicative Development Plans	
Report Prepared By	:	Senior Planning Officer	
Authorising Officer:	:	Executive Director Infrastructure, Development & Environment	

COUNCIL PLAN ALIGNMENT

- **Pillar:** Economy
- **Outcome:** A thriving, diverse and innovative regional economy that creates a diversity of opportunities.
- **Strategic Priority:** Support diversified and thriving local businesses and industries.
- **Pillar :** Infrastructure:
- **Outcome:** A vibrant city with attractive and connected spaces, supported by forward thinking and responsible planning and development.
- **Strategic Priority:** Provide the core and critical infrastructure to enable responsible and sustainable growth.

STRATEGIC IMPLICATIONS

1. In making its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy).
2. Council is required to exercise its quasi-judicial function in this matter.
3. The *Albany Local Planning Strategy 2019* (Planning Strategy) outlines the long-term vision for land use and development in Albany. Amendment No. 5 (AMD5) is in alignment with the Planning Strategy which identifies the land as being for urban purposes.
4. Given AMD5 is consistent with the City of Albany Local Planning Strategy, the amendment is determined a 'standard' amendment to the City of Albany Local Planning Scheme No. 2 (LPS2).

Figure 1: LPS2 Map - existing additional use site (A4) area location

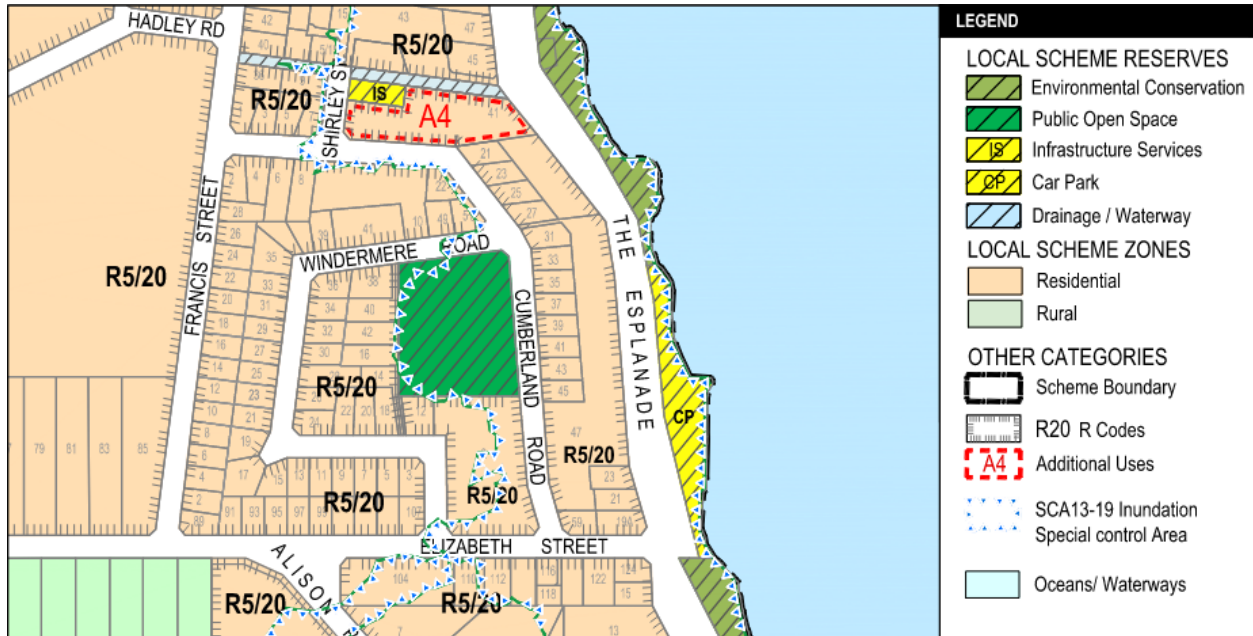
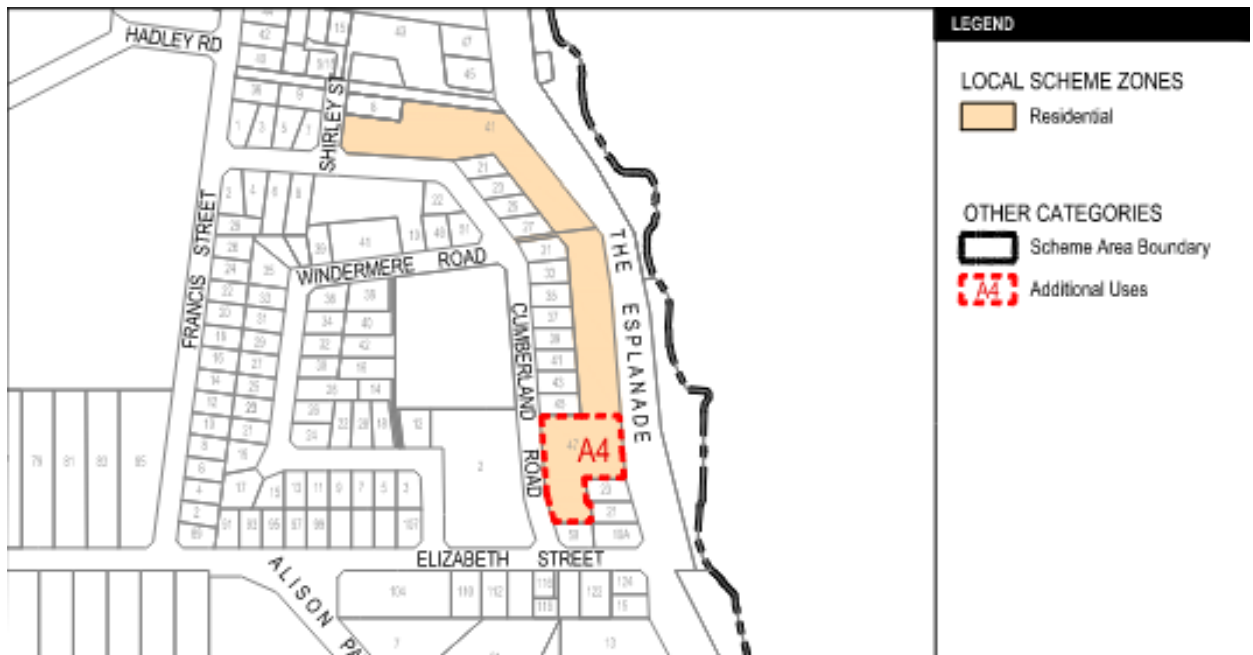


Figure 2: AMD5 LPS2 Map – proposed additional use site (A4) area location



In Brief:

- The City has received a request to amend LPS2 Text and Map relating to Additional Use No. 4 (A4), applying to land in Lower King between Cumberland Road and The Esplanade, to:
 - Update the Scheme Map by relocating the A4 area from Lot 502 (41 The Esplanade) to Lot 503 (47 Cumberland Road) (as shown in Figures 1 and 2); and
 - Modify the associated Scheme text provisions in Schedule 2 – Table 9 to include additional uses proposed by the proponent and update the existing provisions to reflect the current planning framework.
- A previous subdivision application involving residential lots on Lot 503 fronting The Esplanade was not supported, due to the identified risk of coastal hazards affecting the ability to maintain safe and reliable access being maintained to the new lots during the applicable planning timeframe (100 years).
- The proposed relocation of the A4 area from Lot 504 to Lot 503 has been identified as an alternative approach to facilitate development of Lot 503 while maintaining primary vehicle access from Cumberland Road. It also provides a more appropriate location for the additional uses to support the creation of a local activity node, taking advantage of the site's frontage to the Oyster Harbour foreshore and associated amenities, including the dual use path, public parking and private jetty.
- The proposal and supporting documentation provided to date are considered sufficient to progress to public advertising and formal consultation with relevant State agencies.
- Council is therefore requested to initiate the proposed Scheme Amendment No. 5 to LPS2 for public advertising.

RECOMMENDATION

DIS479: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

That Council:

- 1. Pursuant to section 75 of the *Planning and Development Act 2005*, RESOLVES to initiate adoption of Amendment No.5 to replace the text in row of Schedule 2 (Table 9), with the following:**

No.	Description of Land	Additional Use	
A4	Portion of Lot 503 (47) Cumberland Road.	Art Gallery (D) Exhibition Centre (D) Hotel (A) Motel (A) Reception Centre (D) Restaurant/Café (A) Small Bar (A) Shop (I)	1. Vehicle access shall only be permitted from Cumberland Road. No new vehicle crossover to The Esplanade shall be permitted unless supported by an adopted Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), or other equivalent coastal hazard planning framework endorsed by the local government, demonstrating that ongoing safe and appropriate vehicle access from The Esplanade can be managed over the applicable planning timeframe. 2. Prior to the submission of any development application, a Local Development Plan shall be prepared and

		Tavern (A) Tourist Development (A)	approved for the site. The Local Development Plan shall provide an integrated framework for the coordinated planning and development of the whole development site, comprising the land subject to Additional Use A4 provisions and the balance of Lot 503, and shall address, where relevant, the following matters: a) Coastal hazard risk management and adaptation measures, consistent with an adopted CHRMAP or other equivalent coastal hazard planning framework endorsed by the local government. b) The identification and management of an appropriate foreshore reserve, consistent with State Planning Policy 2.6 – Coastal Planning, including arrangements for the ceding of the foreshore reserve to the Crown free of cost if required through the CHRMAP or other equivalent coastal hazard management plans. c) Traffic management and integrated access arrangements, including vehicle access to the whole development site, the location and design of shared vehicle access points, parking areas, servicing and loading areas, and on-site vehicle manoeuvrability. d) Pedestrian and cycling access connections between the development site, Cumberland Road, The Esplanade and the adjoining foreshore reserve; e) Acoustic impacts and the protection of surrounding residential amenity, including consideration of noise-generating activities, vehicle movements and any required noise attenuation measures; f) Building envelopes to guide the siting and built form of development on the site; g) Fencing, including the location, height, design and materials of	
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			fencing, having regard to sightlines, passive surveillance and streetscape amenity; h) Waste management arrangements, including the location, design and operation of bin storage and collection areas to minimise impacts on adjoining residential properties; and i) Landscaping measures to enhance visual amenity and manage potential impacts on adjoining land uses. 3. The Shop use is restricted to a maximum of 300m² net lettable area. 4. Development shall be designed to minimise overshadowing of adjoining properties, having regard to the overshadowing provisions of the Residential Design Codes. 5. Any application for non-residential development shall be supported by appropriate traffic investigations to determine whether upgrades to the Elizabeth Street/Cumberland Road intersection are required to safely accommodate commercial vehicle access.	
2. Pursuant to regulation 35(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, RESOLVES that the amendment is 'standard' in accordance with regulation 34 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, as it satisfies the following criteria: (g) any other amendment that is not a complex or basic amendment. 3. REFERS Scheme Amendment No. 5 to the Environmental Protection Authority, pursuant to Section 81 of the <i>Planning and Development Act 2005</i>, by giving to the EPA written notice of this resolution and such written information to enable the EPA to comply with s. 48A of the <i>Environmental Protection Act 1986</i>. 4. Pursuant to r. 46A of the <i>Planning and Development (Local Planning Schemes) 2015</i>, AUTHORISES the Chief Executive Officer to forward a copy of the amendment to the Western Australian Planning Commission to seek approval from the Minister to advertise the proposed standard amendment in accordance with section 83A of the <i>Planning and Development Act 2005</i>. 5. Pursuant to r. 46C of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, DELEGATE the Chief Executive Officer to:				

- a) Undertake any modifications to Amendment No. 5 as required by the Minister, in accordance with s. 83A (2)(b) of the Planning and Development Act 2005;
 - b) Undertake any further referrals of modified Amendment No. 5 to the EPA, if required, in accordance with s. 83A(3), s. 81 and s. 82 of the Planning and Development Act 2005; and
 - c) Resubmit the modified amendment to the Minister for approval, in accordance with s. 83A (1) of the Planning and Development Act 2005.
6. In accordance with the requirements of r. 47 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to ADVERTISE Amendment No. 5 to Local Planning Scheme No. 5, as soon as reasonably practicable after the Minister grants approval in accordance with s. 83A(2)(a) of the *Planning and Development Act 2005*.
- Note:**
- Advertisement of Amendment No. 5 including publication of a notice to be undertaken in accordance with Part 5 Division 3 r. 47 and Schedule 2 Deemed Provisions Part 12 cl. 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in a form approved by the Western Australian Planning Commission.
 - In accordance with Part 5 Division 1 r.35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, when the proposed amendment takes effect, the approval of any structure plans is not affected.

BACKGROUND

5. The locality surrounding the subject site began to develop during the 1970s, including low-key tourist accommodation such as the former caravan park on Alison Parade and low-density residential development.
6. In December 1980 the City of Albany's former Town Planning Scheme No. 3 (TPS3) was amended by modifying the pre-existing zoning of Motel, Rural and Residential. A portion of Lot 504 retained its 'Motel' zoning. The amendment also facilitated development of the adjacent residential estate and by 1988 various roads including Elizabeth Street, Windermere Road, Cumberland Road, and The Esplanade had been constructed providing access to the new residential estate and the subject site. A private jetty adjoining the subject site was also constructed around this time.
7. In 2007, the owners of Lots 503 and 504 lodged a formal request for an amendment to TPS3 to rezone Lots 503 and 504 and adjoining land from Residential and Motel to Tourist Residential (R60). The amendment application to TPS3 was subsequently withdrawn however, due to the progression of the new replacement Local Planning Scheme No. 1 (LPS1) at the time, that was gazetted in April 2014.
8. LPS1 did not retain the Motel zone applying to the site and instead the land was zoned Residential, with Additional Use provisions applying to Lot 504 to permit hotel and motel development, subject to specific design and development requirements.
9. In 2020 an application was lodged with the Western Australian Planning Commission (WAPC) to subdivide Lots 503 and 504 for residential purposes. Given the site's coastal location, the Department of Planning, Lands and Heritage required a coastal processes report prepared to support the application, in accordance with State planning Policy 2.6 – Coastal Planning (SPP2.6).

10. The Coastal Hazard Risk Management (CHRM) report prepared by Seashore Engineering was submitted by the applicant to DPLH in 2021. The CHRM report identified that while future dwellings could potentially accommodate identified coastal hazards, The Esplanade was likely to be impacted by coastal processes within the applicable planning timeframe (100 years) — specifically access not being assured for future dwellings fronting The Esplanade on Lot 503 — and therefore the subdivision could not be supported.
11. Following the outcome of the subdivision application, the owners of Lot 503 and Lot 504 lodged a request to relocate the existing Additional Use area from Lot 504 to Lot 503, together with a number of additional tourism-related land uses. However, the amendment did not proceed at the time, as Council had placed a moratorium on accepting and processing further amendments to LPS1, whilst the City progressed preparation of the new LPS2, to replace LPS1.
12. Following gazettal of LPS2 in February 2024, the proponents prepared the current amendment documentation, including supporting technical reports, and undertook preliminary discussions with the City, DPLH and other relevant agencies. The proposal has subsequently evolved through ongoing discussions to ensure the amendment responds to the site's opportunities and constraints and can be supported within the current planning framework.

DISCUSSION

13. The proposed modifications to the LPS2 Text and Map have been assessed against the relevant planning framework and key planning considerations. The principal matters arising from the assessment are discussed below.

Land use & potential impacts on amenity

14. The proposed LPS2 Map amendment relocates the existing A4 area from the northern portion of Lot 504 to the southern portion of Lot 503. This responds to the identified constraints affecting residential subdivision of Lot 503 while providing a more suitable location for the proposed tourism-related development (refer Coastal considerations below).
15. The modifications to the LPS2 Text involve adding new uses Tavern (A), Shop (I), Small Bar (A), Reception Centre (D), Exhibition Centre (D), Art Gallery (D) and Tourist Development (A) to the existing list of additional uses permitted under the A4 provisions.
16. The Planning Strategy identifies the land for Urban purposes, supporting a mix of residential, commercial, community and recreational activities within existing urban areas.
17. Given the proposed commercial uses and proximity to surrounding residential development, it is important that residential amenity is protected. The updated A4 conditions therefore includes the requirement for the preparation of a Local Development Plan to identify design and management measures to minimise potential impacts on adjoining residential amenity, including noise associated with the proposed land uses.
18. The proposed land uses are considered capable of being supported at the updated location, subject to a future development proposal meeting the requirements of the updated A4 area provisions as outlined under Table 9 of the LPS2 Text.
19. Officers also identified concerns regarding the ability for a tavern to be successfully accommodated on the site, with impacts on residential amenity capable of being mitigated appropriately. To inform the City's initial consideration of the scheme amendment proposal, the proponents provided indicative concept plans for a potential tavern development. While the concept plans do not resolve all identified issues, they provide confidence that, in principle, the site is capable of accommodating a tavern use and go some way towards addressing officers' concerns.

Bushfire

20. The land in question is considered 'bushfire prone'. A Bushfire Management Plan (BMP) was therefore submitted with the application in accordance with the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)*.
21. As it stands, the proposal appears to comply with the relevant criteria of SPP3.7 however compliance will be further informed by referral of the BMP to the Department of Fire and Emergency Service (DFES), should Council resolve to initiate the proposed scheme amendment.

Coastal

22. The CHRM report prepared to support the earlier subdivision application identified coastal hazards affecting Lot 503, the eastern portion of Lot 504 and The Esplanade over the planning timeframe.
23. The CHRM report identified that coastal hazard risk could potentially be managed with adaptation measures such as:
 - Development of new lots subject to minimum finished floor levels of 2.5AHD; and
 - Management (protection) of the foreshore by the City.
24. City officers advised that future land use and development should not rely on adaptation or management measures, such as foreshore protection works, that have not been identified through an appropriate coastal management planning framework or committed through future funding.
25. To progress subdivision application of the unconstrained portions of the site, the proposal was modified to remove new lots from Lot 503 that directly fronted The Esplanade.
26. While the CHRM report identifies the site's coastal hazards, longer-term adaptation planning will be informed by the preparation of a coastal risk adaptation and management plan (CHRMAP) for Oyster Harbour– the City is expected to commence the first stage of the CHRMAP later this year. The CHRMAP will consider the coastal processes of Oyster Harbour as a whole system and identify adaptation and risk management measures, following investigations such as assessment of asset vulnerability and cost benefit analysis.
27. In addition to addressing coastal hazards, SPP 2.6 also requires the ceding of a foreshore reserve free of cost to the Crown, typically during the subdivision or development process, to provide for public access, recreation, conservation, and management, taking into account coastal processes and climate change impacts within the applicable planning timeframe.
28. Accordingly, the modified A4 provisions include requirements to:
 - Restrict primary vehicle access to The Esplanade from the site servicing any new development – applicable to the A4 area over the southern portion of Lot 503 and also the balance of the remaining area of Lot 503;
 - Ensure the siting and design of development consistent with a CHRMAP or equivalent coastal hazard management framework, endorsed by the local government; and
 - Identify an appropriate foreshore reserve for ceding to the Crown and ensure public access to waterways is maintained within the planning timeframe.

Vehicle access

29. Consistent with the coastal hazard assessment, all primary vehicle access is proposed to be from Cumberland Road. This requirement is reflected in the proposed Scheme text to provide certainty for future development.
30. Difficulties may arise in this regard due to access restrictions from The Esplanade and the associated requirement to gain access from Cumberland Avenue adjacent existing residential development.

31. To ensure considerations such as traffic management and integrated access arrangements, including vehicle access to the whole development site, the location and design of shared vehicle access points, parking areas, servicing and loading areas, and on-site vehicle manoeuvrability can be adequately addressed prior to lodgement of a formal development application of the site, it is recommended to extend the requirement for a Local Development Plan to address both the portion of Lot 503 subject to the A4 provisions and the remaining balance of Lot 503.
32. A future development application would then be accompanied by an appropriate Traffic Impact Statement or similar, addressing relevant matters identified in the LDP, such as informing siting and design of crossovers, design and movement of parking areas, waste collection, loading areas and any required upgrades to local roads or footpaths.
33. Based on the assessment above, officers consider the proposal is suitable to progress to public advertising and formal consultation with relevant government agencies.

GOVERNMENT & PUBLIC CONSULTATION

34. Should the Council and the Commission resolve to advertise the scheme amendment, advertising to public and government agencies is undertaken for a minimum period of 42 days.

STATUTORY IMPLICATIONS

35. The proposed amendment has been prepared and assessed in accordance with the requirements of the *Planning and Development Act 2005* (Planning Act) and the Planning Regulations.
36. Pursuant to regulation 34 of the Planning Regulations, the amendment is considered to be a standard amendment, as it satisfies the following criterion:
(g) any other amendment that is not a complex or basic amendment.
37. Should Council resolve to initiate the amendment, it will be referred concurrently to the Environmental Protection Authority under section 81 of the Planning Act and submitted to the WAPC seeking the Minister's approval to advertise the proposed amendment under section 83A of the Act.
38. If approval to advertise is granted, the amendment will be publicly advertised in accordance with the requirements of the Planning Regulations before being reported back to Council for consideration of submissions and a recommendation on whether to adopt the amendment, with or without modification.

POLICY IMPLICATIONS

39. Future non-residential development proposed is required to comply with the City's *Local Planning Policy 2.1 – Non-Residential Development in the Residential Zone*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational: The amendment may facilitate development that is incompatible with surrounding residences and coastal processes.	Possible	Minor	Low	Approving the amendment subject to additional scheme text requiring the provision of appropriate technical reports to inform a local development plan prior to the lodgement of a development application. .
Opportunity: Facilitates the development of a constrained site and locating the activity node in a more strategic and functional position.				

FINANCIAL IMPLICATIONS

41. The costs associated with advertising and processing are fully recovered from applicants through the applicable fees.

LEGAL IMPLICATIONS

42. There are no legal implications relating to advertising of the proposed scheme amendment.

ENVIRONMENTAL CONSIDERATIONS

43. The land is subject to both bushfire and coastal hazards.
44. A Bushfire Management Plan has been prepared, identifying areas subject to moderate and low bushfire risk, together with the associated measures for implementation.
45. A CHRM report was prepared for the site as part of the subdivision process (Attachment 3). The Plan indicates Lot 503 and the eastern portion of Lot 504, along with The Esplanade directly in front (east) of the lots to be imminently at risk of coastal hazards within the planning timeframe

ALTERNATE OPTIONS

46. Council may decide not to support advertising or to support advertising subject to submission of additional information and/or other modifications, prior to forwarding the proposal to the WAPC for approval to advertise.

CONCLUSION

47. Proposed AMD5 seeks to relocate the existing Additional use area A4 from Lot 504 to a portion of Lot 503 and update the associated Scheme text to facilitate a broader range of tourism-related land uses, while reflecting the current planning framework and site-specific constraints.
48. The proposed amendment responds to the site's identified coastal hazard constraints by relocating the Additional Use area to facilitate an alternative form of development, while incorporating updated provisions requiring future development to appropriately address matters including coastal hazard risk management, vehicle access, traffic, residential amenity and foreshore planning.
49. The proposed land uses are considered appropriate for the site, subject to the requirements of the amended Scheme provisions and further detailed assessment through future local development planning and development application processes.
50. Accordingly, officers consider the proposed amendment is suitable to progress to public advertising and formal consultation with relevant government agencies, and Council is requested to initiate AMD5 to LPS2.

Consulted References	• <u>Local Planning Scheme No. 2</u> • <u>Planning and Development Act 2005</u> • <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> • <u>State Planning Policy 2.6 – Coastal Planning</u> • <u>State Planning Policy 3.7 – Bushfire.</u>
File Number	Synergy File Number – AMD005
Previous Reference	N/A

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 13. CLOSURE**