

APPENDICES

ORDINARY MEETING OF COUNCIL

To be held on
Tuesday, 17 May 2011
7.00pm
City of Albany Council Chambers

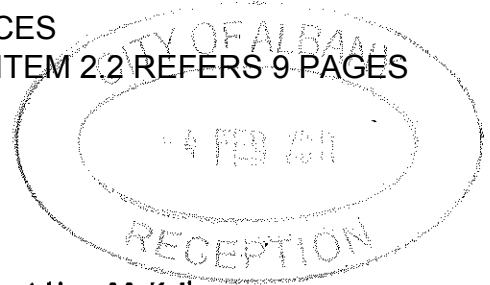
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29 January 2011



Re: Proposed use for the house on the corner of Webb St and South Coast Hwy McKail.

Dear Householder,

We would just like to take this opportunity to give you some intention of our use of this room and also to give you a point of contact should you have any concerns you would like to discuss.

The Brethren moved into Albany in February 2003. We purchased this property and were granted the use as a place of public worship in May 2009.

The purpose for use of this room is primarily for two occasions a week; Sunday 6:00am for the Lords Supper (Communion) and Monday 6:00pm for a Prayer Meeting. Approximately 32 persons attend (approx. 1/3rd of our small group) who live in reasonably close proximity to this proposed meeting room. These services are quiet and orderly with no music or smoking. The duration of these meetings is approximately 1 hour. We arrive before breakfast and tea, so we don't stay around after the services. We come and go as quietly as possible, as was witnessed by the council in the trial period around April to July 2010.

We have plans approved for a boundary fence and car park which should help to minimise the possibility of noise from without and within. This will also greatly enhance the street appearance.

It is against our policy to hire out our properties, so under no circumstances would the building be used for noisy functions or gatherings.

A recently conducted survey of our other two locations gave us a friendly response with signatures to support this.

We trust this may meet your approval and look forward to a friendly neighbourly relationship. Should you have any queries please do not hesitate to contact any of the undersigned.

Yours truly,

Dennis Buggins

7 Hall Rise, Yakamia

Ph: 9841 4427

Russell Tindal

23 Oxford St, Gledhow

Ph: 9842 5311

Charles Jackson

36 Costigan St, McKail

Ph: 9842 2408

Andrew Hill

45 Beaufort Road, Yakamia

Ph: 9842 5525

Stephen Slack

52 Sydney Street, Yakamia

Ph: 9842 1817



APPENDICES

AGENDA ITEM 2.2 REFERS 9 PAGES



ABN: 50 860 676 021

Enquiries: Steven Pickin on 9892 0541
Our Ref: 04/13069-06
Your Ref: A28032/PA33974/P295035

04 March 2011



Planning Division
City of Albany
PO Box
ALBANY WA 6330

Doc No: City of Albany Records
File: ICR1131819
Date: A28032
09 MAR 2011
Officer: SPLAN1

Attach:
XX:
X:
XX+Vol:

ATTENTION: TOM WENBOURNE

Dear Sir,

REQUEST FOR RECONSIDERATION OF CONDITION ON PLANNING CONSENT P295035 LOT 170 SOUTH COAST HIGHWAY, MCKAIL.

Thank you for your letter dated 28 February 2011 regarding the above location.

I reiterate our previous submissions made on 28 April 2009. Main Roads has not yet received confirmation that these previous concerns have been addressed.

- Main Roads intends to upgrade South Coast Highway in the future. No access to the South Coast Highway will be granted to Lot 170/P61745.
- Driveway access to lot 170 shall be from Webb Street only.
- Storm water from the lot may not be discharged into the Main Roads drainage system.

Main Roads raises no objections to the proponent's submission to amend the imposed condition restricting use of the premises from 08:00 to 06:00 on Sundays.

If you require any further information please contact Steven Pickin on (08) 9892 0541.

In reply please quote file reference 04/13069-06.

Yours faithfully,


Peter Stringer
Network MANAGER



AGENDA ITEM 2.2 REFERS

2

AGENDA ITEM 2.2 REFERS

Great Southern Region, 2 - 6 Kelly Street, Albany or PO Box 503, Albany, Western Australia 6330

Telephone: (08) 9892 0555 Facsimile: (08) 9892 0577

Email: gsreg@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au

**Ms Faileen James
CEO**

**Tom Wenbourne
Snr Planning Officer**

**City of Albany
P.O. Box 484
North Road
Albany 6330**

Ref: A28032/PA33974/P295035

**Submission re: Request for Reconsideration of Condition on Planning Consent P295035
– Change of use Public Worship –
Condition C2 – Hours of Operation
– 190 South Coast Highway McKail**

Dear Ms James & Mr Wenbourne

We received your letter regarding the above application.

In your original letter of 4th May 2009 it was stated that the hours of use would be limited to 8am and 10pm. Now a formal request/appeal has been put forward for use at 6am. We know this time change has been discussed with council previously and rejected and feel there is no reason that this should change. As mentioned in our previous letters to Council we cannot agree to this change because of the noise pollution and the current times of 8am to 10pm were considered by all neighbours as being very generous.

What will be their next request for change? There will be an ongoing series of requests to change our suburban neighbourhood into a walled business/church site. All other churches in Albany have a more open facade and a friendly welcoming demeanour.

We are against this request for 6am start Sunday morning or any other morning.

On previous occasions in the evenings when members have been attending the church and we have been visiting neighbours on foot in the dark we have come across members walking with torches as we were. Upon greeting them with a friendly Hello to allay fears in the dark; there is no answer just silence. This attitude is frankly very strange and creepy; and yet we have been approached by church members hoping to persuade us to put forward a positive vote on their behalf as they say they are honest and friendly.

Also we note that they have applied and received consent for a boundary fence. There is already a colourbond fence around the sides and back of the property. Please advise us what type of fence is going to be placed at the front of the building. Will it be a high colourbond fence the same? Will this building end up being the same as the church's other building in Albany which looks more like a locked sinister fortress instead of a neighbourhood house.

We have also spoken to neighbours including _____ who are not in agreeance with this request.

Church members have left us information regarding their beliefs and rules. We find their name alone is off putting "Exclusive Brethren". This information shows they certainly exclude themselves from neighbours and groups and do not become part of the neighbourhood although they live there, but keep exclusively to themselves. In other towns such as Gnowangerup they have ruined family friendly towns by excluding themselves and children from sports, groups, clubs and schools so that when their families move into town and others move out the funding and grants are not available to ordinary rate payers as the numbers dwindle to below requirements for grants and other funding for groups to continue. This is not a good situation for any town.

Yours faithfully

Albany

14/3/11



AGENDA ITEM 2.2 REFERS 9 PAGES

City of Albany Records
oc No: ICR1132137
le: A28032
ate: 14 MAR 2011
fficer: SPLAN1

6330

ATTN:
Chief Executive Office
City of Albany
P.O Box 484
Albany, WA
6331

tach:
XX:
JL:
XX+Vol:

CC: Tom Wenbourne, Senior Planning Officer



Your Reference: A28032 / PA33974 / P295035
Planning Consent P295035 1 MAY 2009 (with conditions)
Property 3 Webb Street, McKail (cnr South Coast Highway)

Dear Sir,

We are writing in response to the Albany Gospel Trusts recent request for changes to their hours of operation, specifically their allowable commencement time. Currently this is set at no earlier than 8:00am, and this request wishes to bring this time forward to 6:00am. We are opposed to this request for the following reasons:

- We feel that a 6:00am start time on a Sunday morning is far too early, bearing in mind that the participants will presumably start arriving prior to this time in order for the service to commence at 6:00am.
- South Coast Highway is a very busy road during the week and caters for a high amount of traffic. On Sunday, we get a slight reprieve from traffic noise. This reprieve will be short lived if vehicles are to be arriving at or before 6:00am.
- We see no arguable reason that the church needs to commence earlier than 8:00am, other than serving their own needs at the expense of others.

I would also like to point out that several nearby residents have on some occasions already witnessed participants congregating at the site of the meeting place at around 5:30am, presumably prior to commencement of a meeting (otherwise the group will have arrived 2.5 hours early). That can only be taken as breach of the conditions imposed on this group during their initial submission, which was they were to commence no earlier than 8:00am. This blatant disregard for their conditions shows disrespect to nearby residents, and goes on to outline another concern regarding the earlier commencement - will they next require a 4:00am start time? What if they want to finish later? And hire out the hall? These factors must be taken into account.

Furthermore, other works that were supposed to be have been implemented at the site are still not yet complete after 10 months. We have read the explanatory note that the Trust submitted with their request which attempts to explain these shortcomings, however these we view as unacceptable to due to an undefined time line for implementation.

The previous application from this group attracted many submissions of opposition from nearby residents, however their application was granted but was accompanied with certain conditions. The nearby residents have accepted these conditions, but are now somewhat confused by a letter sent by the group that states the period between April 2010 to July 2010 was a "Trial Period", which came as a surprise to many.

We do not appreciate this "shifting of the goal posts", and we hope that the council will take these submissions into account and stand by their original decision, which we feel were fair to all parties concerned.

Your faithfully,

14 March 2011

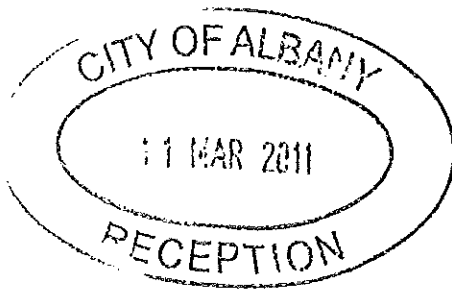


APPENDICES

AGENDA ITEM 2.2 REFERS 9 PAGES

City of Albany Records
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 Officer: SPLAN1

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Albany WA 6330

Chief Executive Officer
 PO Box 484
 Albany WA 6331

Ref: A28032/PA33974/P295035

Dear Madam

Regarding the reconsideration of condition of planning consent P295035
 hours of operation 190 South Coast Highway, McKail.

I am making this submission to oppose the change of time of use at the above address. This process has been ongoing since April 2009 at which time myself and other landowners nearby provided council with negative feelings about the submission. As is Council process the proposal was passed but with 4 conditions as outlined on a letter to myself 4 may 2009. The group began using the property from early 2010 on Sunday mornings with the first cars and people walking to the property at 5.40 am whereby causing numerous dogs in nearby houses to start barking. I witnessed this for three weeks. I made contact with Senior Planning Officer Tom Wenbourne to find out why the property was being used when the Conditions set out by Council had not been addressed. He said he was unaware that this was the case but would follow it up. This process occurred about three times until I was told that an Officer would attend the property at the early time of 5.30am on a Sunday. I believe the group was notified of not adhering to planning conditions as nothing has been done to the property and the hours of use were obviously wrong. I have since had 2 visits by members of the Gospel Trust saying that this was only a trial period. Tom Wenbourne explained to me that there is no trial period. Obviously the Gospel Trust has its own.

I have since had three letters from the Gospel Trust, one accompanying the new letter from Council requesting a change in hours of use. In the letters the Gospel Trust trust refers to the 6.00 am Lords Supper service being sacred to them. So is my Sunday morning sleep in. And by

the way the activity starts at 5.40am not 6.00. Just about every house in the neighbourhood has a dog and they will bark at unusual noises and do. Apparently the Gospel Trust has 2 other locations at present, one I know is in an Industrial area which if you want to operate late at night or early in the morning is a great place to do it. Not in a residential area. That is why Industrial and Residential areas have different planning and zoning issues.

Why didn't the Gospel Trust object straight away to the approval considering that obviously the 8.00am to 10.00pm hours of operation if it was going to be such big issue judging by my two personal visits ? I do hope Council upholds its original conditions otherwise what is the point of Residential Zoning.

Yours faithfully,

10th March 20117

Albany WA 6330

Your Ref: A28032/PA33974/P2905035



Chief Executive Officer
City of Albany
PO Box 484
Albany WA 6331

City of Albany Records
oc No: ICR1132136
le: A28032
ate: 14 MAR 2011
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Dear Sir/Madam,

**RE: REQUEST FOR RECONSIDERATION OF CONDITION ON
PLANNING CONSENT P295035 – CHANGE OF USE PUBLIC WORSHIP –
CONDITION C2 – HOURS OF OPERATION**

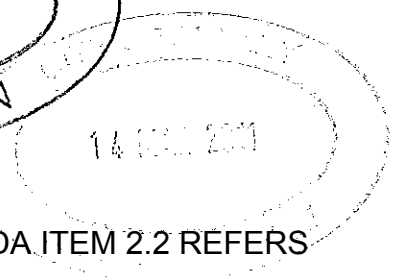
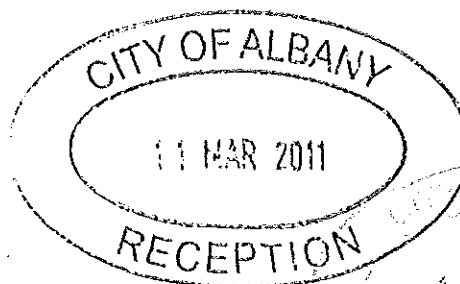
I wish to make a submission on the above matter. I oppose the request for changing the hours of operation from 8.00 am on Sunday to 6.00 am on the grounds:

- 1) That it will in effect be 5.30 when the worshippers begin to arrive, and no matter how quiet they think they are, the movement disturbs the neighbourhood.
- 2) I have a rental property directly across the road and the fact that there is a facility opposite that starts activity so early on a Sunday, when for most working people it is the only time they can sleep in and relax, would have a negative impact on my ability to attract tenants.
- 3) Condition C2 was agreed to by the Albany Gospel Trust in order to obtain planning approval. If it is changed now, that indicates applicants can agree to any condition imposed to obtain planning approval then change it once approval is granted.

In conclusion I state that 8.00 am on a Sunday is definitely early enough for this activity and I believe Condition C2 should be adhered to as originally imposed.

Yours faithfully,

10 March, 2011



CITY OF ALBANY

TOWN PLANNING SCHEME No. 3

AMENDMENT No. 293

MINISTER FOR PLANNING & INFRASTRUCTURE

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

LOCAL AUTHORITY:	CITY OF ALBANY
DESCRIPTION OF LOCAL PLANNING SCHEME:	TOWN PLANNING SCHEME No. 3
TYPE OF SCHEME:	DISTRICT SCHEME
SERIAL No. OF AMENDMENT:	AMENDMENT No. 293
PROPOSAL:	

*Modifying the Plan of Subdivision and associated Special Provisions for
Special Rural Zone No. 5 McBride Road, Goode Beach.*

TOWN PLANNING SCHEME No. 3

AMENDMENT No. 293

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1. RESOLUTION
2. REPORT
3. EXECUTION

PLANNING AND DEVELOPMENT ACT 2005

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

CITY OF ALBANY

TOWN PLANNING SCHEME No. 3

AMENDMENT No. 293

RESOLVED that the Council, in pursuance of Section 75 of the Planning & Development Act 2005, amend the above Town Planning Scheme by:

*Modifying the Plan of Subdivision and associated Special Provisions for
Special Rural Zone No. 5 McBride Road, Goode Beach.*

Dated this _____ day of _____

CHIEF EXECUTIVE OFFICER

CITY OF ALBANY

TOWN PLANNING SCHEME No. 3

AMENDMENT No. 293

PLANNING REPORT

**LOTS 6, 7, 8, 9, 10 & 11
SPECIAL RURAL ZONE AREA No. 5
MCBRIDE ROAD
GOODE BEACH**

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ATTACHMENT 4	Visual Impact Assessment

1.0 INTRODUCTION

The McBride Road precinct is shown on the attached plan. The precinct accommodates 12 lots of 2ha in area forming Special Rural Zone No. 5.

The lots being zoned Special Rural are used for rural retreat purposes in a generally bushland setting.

In view of the servicing available to the land, the size and inefficient use of existing lots (when compared to that existing in the locality) coupled with the already fragmented nature of the local area; the proposal is to provide for the resubdivision of suitable lots to create an extra lot each.

Lots directly involved with this proposal are Lots 6, 7, 8, 9, 10 & 11 all located north (generally down slope of McBride Road).

2.0 BACKGROUND

Special Rural Zone No. 5 was created almost 20 years ago with the permitted uses being single house and home occupation. Two areas of open space were also created at the same time (1.5 & 2.3ha approx). These areas were provided to buffer and protect the vegetated hilltop in the east and the heavily vegetated creek and wetland in the south west.

Of the 12 lots in the existing Special Rural Zone, six are involved in the process and a further five, although not directly involved do not object to the proposal. As a result, of the 12 lots in the existing zone 11 owners either support or do not object to the proposal.

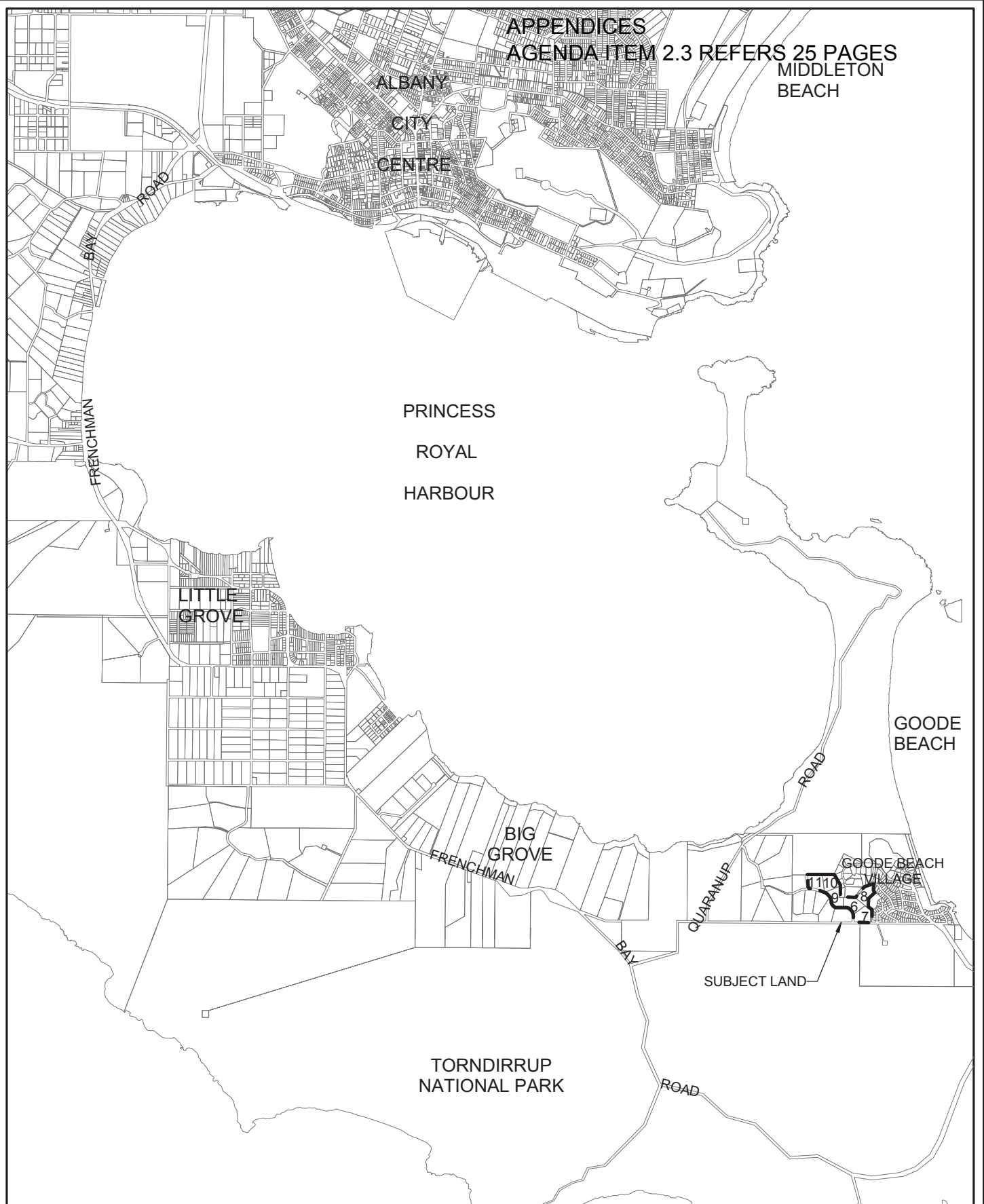
3.0 PLANNING

3.1 Landuse Context

The landuse context is shown on the attached plan. The land abuts:

- two Special Residential zones with similar landform and vegetation which support lots of around 4000m²-6500m²;
- a Residential zone with 750m² - 1500m² lots;
- two recreation reserves covering locally significant vegetation (provided as a component of the original development of the subject land);
- a tourist chalet resort site; and
- a portion of the Torndirrup National Park.

This context sets the land well for intensification on the basis the locality is dominated by lots a third to a fifth smaller than that prevailing in the zone.



LOCATION PLAN

Lots 6 to 11 McBride Road
Goode Beach, City of Albany

AYTON BAESJOU

PLANNING

AGENDA ITEM 2.3 REFERS

22 Duke Street
Albany WA 6330

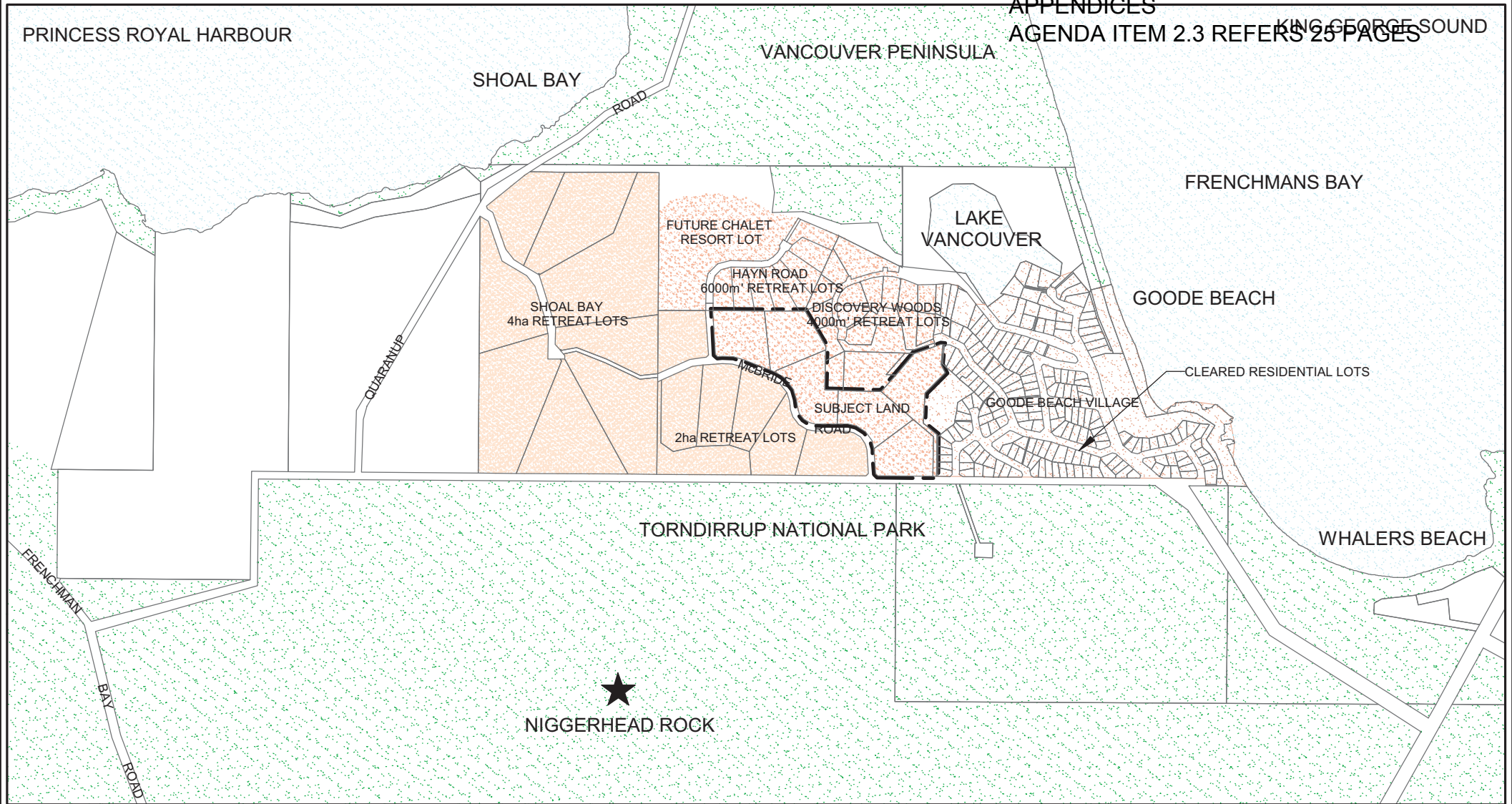
Ph 9842 2304 Fax 9842 8494

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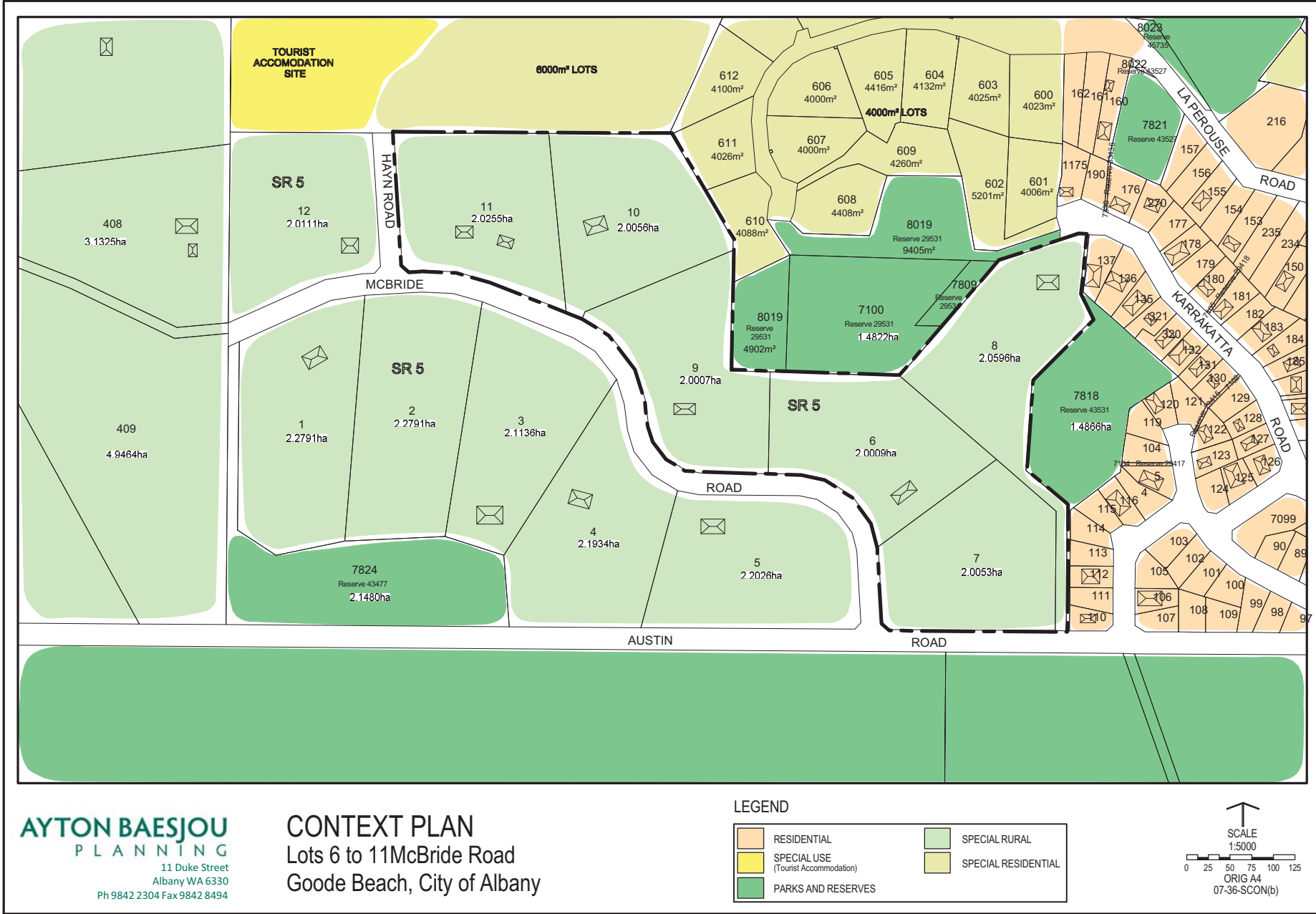
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LANDUSE CONTEXT PLAN McBRIDE ROAD, GOODE BEACH



3.2 Town Planning Scheme No. 3

As mentioned above, the land (being zoned Special Rural) is already under a zone that provides for retreat uses. As a result, to provide for the redevelopment of the land, it will only be necessary to modify the existing Subdivision Guide Plan and associated special management provisions. The existing list of Special Provisions from Scheme 3 relating to the zone are included as Attachment 1.

In summary, uses are restricted to single residential within a 2000m² building envelope, clearing is restricted other than for fire safety or approved dwelling and associated access. Non reflective colours that blend into the landscape are to be used for buildings. Other requirements were applied to the original subdivision of the land such as road construction requirements and provision of potable water supplies and fire hydrants.

3.3 Draft Albany Local Planning Strategy

Support for the proposed intensification is shown in the Albany Local Planning Strategy continuing to identify the land for intensive development and supporting the more efficient use of existing Special Rural zones, especially those in well serviced and attractive high amenity areas.

3.4 Previous Assessment

Following preliminary discussions, a joint site inspection has confirmed the merit of the proposal. Critical considerations flowing from this background is that:

- Visual dominance and vegetation/national park buffer issues preclude lots generally south of McBride Road.
- Smaller lots and retreats of the style proposed, will match in with the even smaller residential lots existing within the Goode Beach Village.
- Attention should be paid to the need for building colouring and toning controls as lighter colours do not assist in blending development into the landscape.
- Given existing development in the area and the approved development yet to occur, immediately north, there clearly is the scope to accommodate the proposal without changing the character of the Goode Beach Village.

Subsequently, a Scheme Amendment Request was considered and supported by Council. Specific issues within that support was the need for visual impact, vegetation and land capability assessments and that the proposed resubdivision be supported by a Fire Management Plan and be based on a minimum 1.0ha lot size.

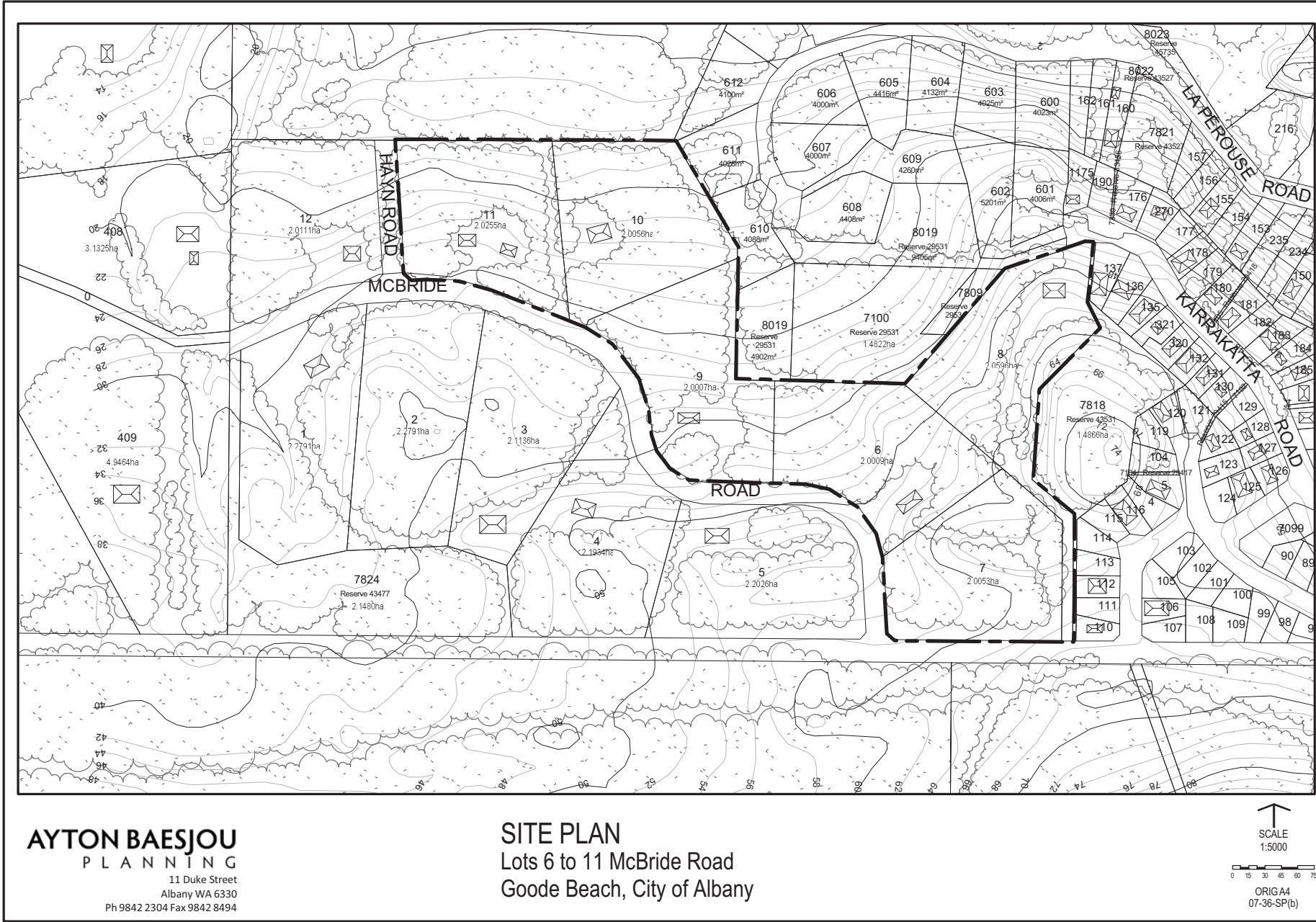
4.0 SERVICING

All existing lots have bitumen road frontage, electrical power and telecommunications connections. Potable water is available in the locality and connections will need to be provided to new lots. Street fire hydrants have already been installed. Reticulated sewer is not available in the locality and is not planned for provision under the infill program. New development will need to rely on onsite disposal as per existing development.

5.0 SITE CONTEXT & ISSUES

The relevant issues are summarised below:

- The land is under the Special Rural zone noted as Area 5.
- The land is sandwiched between the Goode Beach residential lots (~1000m²) to the east and north, with special residential lots to the north (4000m² to 6700m²) and a tourist resort (Special Use) with Special Rural (4ha) ranging further west.
- The land is not within the South Coast Groundwater Reserve or the Lime Burner Creek Catchment Area and is therefore not compromised by priority code constraints.
- The area is elevated with a sandy base soil type. This soil type readily supports onsite effluent disposal and house construction. This is further explored below.
- Vegetation on site generally consists of open Mallee heath. This vegetation is common in the region and is well represented in the local reserve system. This is further explored below.
- The land is identified within the Albany Local Planning Strategy for Special Rural type subdivision and development. Intensification/more efficient use of existing zoned areas is a noted planning objective.
- The lots, being slightly elevated and sandy are not compromised by high groundwater levels. Site constraints are the sporadic drainage line on Lot 1, localised shallow granite associated with the hill top adjacent to Lot 8 and the generally vegetated nature of the area (discussed further in subsequent sections).
- Visual issues are a consideration within the area. From within the area, impacts are limited to the lots included within the zone and as a result are manageable. From outside the area, the area is visible from town across the harbour. Balancing this is that the general area is distant and is the green backdrop already significantly developed which has effectively broken up from a visibility standpoint. As a result, providing for the re-subdivision of the subject land is not considered significant as it would not be compromising as existing significant viewscape or providing the visual break in an otherwise unbroken landscape. Zoning limitations can ensure new lot sizes end up over six times larger than the adjacent residential lots that mark the Goode Beach Village (discussed further in subsequent sections).
- In the original subdivision of the lots two areas of reserve were ceded. In the west an area was provided to protect the hill and associated vegetation rising above the development area. The other area was provided to protect the elevated land to the south west, its associated remnant vegetation and the start of the sporadic drainage line on Lot 1.



6.0 SITE QUALITIES

Refer to Attachment 2 for a comprehensive analysis of site qualities, issues and management requirements. Sections 6.1, 6.2 & 6.3 below, are summaries from the documentation included within Attachment 2.

6.1 Geotechnical and Land Capability (Landform Research 2009)

Site Assessment – Methodology

A site study of Lots 6, 7, 8, 9, 10 and 11, McBride Road, Goode Beach Albany, was conducted on 16 August 2008 and then more intensively on 27 October 2008 by Lindsay Stephens of Landform Research.

The aim was to provide information on the capability of the site to sustain subdivision of the six existing lots into half to generate an additional 6 lots.

During this study the soils were surface mapped and examined, and 10 exploratory holes excavated with hand auger, noting the geology, hydrology and potential impact of subdivision.

The soil test holes and investigations concentrated on the building envelopes. The locations of the test holes are shown on the attached aerial photograph.

In addition to extensively walking through the site and each lot, a 100m² sample plot was located on each building envelope and the vegetation assessed for species richness. These were located in vegetation which typified the types and quality of vegetation on the site.

During the survey the whole building envelope and a wider surrounding area was walked and all native species identified. Exotic species were also identified.

In addition to field observations, interpretations were made from aerial photography.

A study of the geology can provide valuable background material on the nature of the site and the way that various land uses may impact on the developments. This was completed during the field work.

Site Description

The site lies at the end of the Torndirrup Peninsula overlooking Goode Beach. The area of the proposed subdivision consists of 2.0 hectare lots in a parcel adjoining and partially enclosed by smaller lots of 0.4 ha to the east and 0.6 ha lots to the north.

Six lots of 2.0 hectares are proposed to be split into lots of 1.0 hectare to create an additional six lots.

The site is north facing, and well vegetated, with currently six dwellings located on site, one on each existing lot. The land is currently used for Rural or Lifestyle Living.

Torndirrup National Park lies to the south but only adjoins the south eastern corner.

WEATHER CONDITIONS

Rainfall at Albany during winter 2008 was relatively high, having received early rain, and therefore the soils condition at the time of the site inspections were wet and representative of winter wet conditions.

Climate

The weather and soil moisture conditions are therefore regarded as suitable for assessment of waste water disposal capability.

Weather data is recorded at Albany and Albany Airport.

The overall climate however is warm, dry summers with cool, wet winters. Drizzle from onshore winds is common during summer nights and mornings.

Rainfall at Albany Airport is 798 mm per year and 932 mm in the town. Rainfall on site will therefore be likely to be somewhere between those two figures.

Temperatures could be expected to have a summer maxima of 25oC in the hottest months down to just over 15oC in the coldest months, July and August. Minimum temperatures range down to 10 o C in the coldest months.

Annual evaporation is less than 1000 mm per year, with rainfall exceeding evaporation for almost nine months of the year.

REGOLITH AND HYDROLOGICAL ASSESSMENT

Geology and Geomorphology

The Goode Beach area is typified by hills and headlands of granite basement highs between the Great Southern Ocean and Princess Royal Harbour.

The site is a north facing slope, dropping from a ridge in the east at 64 metres down to 20 metres AHD on the northern boundary.

Torndirrup Peninsula, on which the study site is located, is formed of a prominent Archaean granite basement high which rises significantly to the south of the study area.

The geology is summarised in Gozzard J R, 1989, 1 : 50 000 Environmental Geology Series, Albany, Geological Survey of Western Australia and Smith R A, 1997, Hydrogeology of the Mount – Barker-Albany 1 : 250 000 Sheet, Water and Rivers Commission Report HM 1.

The basement rocks are granite and gneiss of felsic to intermediate composition. These poke through the covering regolith in places to form granite outcrops. Smith 1997 shows the regolith between the Granite outcrops as Werillup Formation which is normally a remnant and exhumed regolith, locally underlying the Plantagenet Group.

Fine coastal sands of Pleistocene age are sheeted over the site, having been blown inland during the land glacial period, from the south and south west. The sand is calcareous in origin, but through acidic soils and precipitation, the calcium carbonate of the sand locally has been dissolved leaving a sheet of medium grained quartz sand covering loam saprolitic soils formed on the basal granite.

In swales the sheeted Pleistocene sand is deeper, approaching 2 metres, but in other parts the sand sheet is much thinner and is commonly only 200 – 500 mm thick.

Regolith and Soils

The surface sand sheet is medium grained quartz sand of coastal and aeolian origin. This overlies coarse angular quartz sand shed from weathering of the granite basement and concentrated in some areas through dissolution and weathering removal of feldspar and clay.

These two layers then overlay granite loam saprolite with granite basement at depth.

The soils on site are therefore a combination of the four layers, and range from deep Pleistocene Sands to sand over loam to granite outcrop.

As this variation occurs over short lateral distances is not readily possible to separate the soils into mapped areas, apart from the deeper medium grained surface sands normally occur in the swales with the sand sheet thinning up slope over loam saprolite to granite outcrop on some higher locations.

On some slopes the loam saprolite soils form the main part of the soil profile.

The other factor is that six building envelopes have been allocated and these were tested using a hand soil auger. The building envelopes and soil logs therefore provide a snapshot of the soils at six points.

The building envelopes were selected as being suitable for development. For example they did not include areas of granite basement outcrop.

6.2 Fauna (Landform Research 2009)

The observed fauna are listed in the attached tables. For additional information about the lifestyles and habits of the fauna see Smith 1995.

Of the birds recorded from the Peninsula, 99 are land based species or species that might access the site given its proximity to the coast. A significant number of water and marine bird taxa are reported and may access the beach or near waters.

Eight marsupials are recorded, including two species of kangaroo, the Western Grey and Western Brush Wallaby, together with the Southern Brown Bandicoot, Honey Possum, carnivorous marsupials such as the Coastal Dunnart and Yellow Footed Antechinus. Eleven marine mammals have been recorded, including the New Zealand Fur Seal, Australian Sealion and Leopard Seal.

Reptiles represent a number of taxa, with two legless lizards, nine skinks, a gecko, one monitor and seven snakes.

Five taxa of frogs have been recorded.

Considering the diversity of the fauna it is possible that any of the listed species could access the site, considering that it borders the Torndirrup National Park.

The best means of protecting fauna is to protect habitat. In this case this will amount to minimisation of impacts on the adjoining Torndirrup National Park.

The species listed on DEC database are relatively small and unlikely to be significantly impacted on by the addition of six dwellings with the protection of vegetation outside the building envelopes.

*Listed on DEC database are Chuditch *Dasyurus geoffroii*, Bilby *Macrotis lagotis*, Dibbler *Parantechinus apicalis*, Western Ringtail Possum *Pseudocheirus occidentalis* and Quokka *Setonix brachyurus*, although some of the records are now old. Smith 1991 provides the best listing of taxa that might be present.*

DISCUSSION

Vegetation on site will be providing habitats for birds and other small fauna.

A search of the DEC database for Fauna did not reveal any fauna locally present that might be totally dependant on the vegetation on site.

There may be some additional potential light impacts on the Torndirrup National Park.

Impacts from noise, light overspill and other factors such as wastes and food scraps are also unlikely to be significantly different with six additional dwellings. The adjoining lots to the east are much smaller and any impacts from this subdivision are likely to be substantially less than that development.

There is also the potential to protect the vegetation outside the building envelopes with a higher level of protection than currently exists.

6.3 Flora (Landform Research 2009)

The vegetation on site is predominantly Agonis flexuosa – Eucalyptus marginata Low Woodland.

In places the height of the vegetation reduces to a Thicket. This community occupies the western and northern portion of the site, generally on the lower elevations.

Typical understorey species are Acacia myrtfolia, A. gilbertii, Gompholobium polymorphum, Banksia grandis, Hakea elliptica, H. linearis and Xanthosia rotundifolia.

In the more shaded wetter areas some species such as Taxandria linearifolia and Baumea juncea are added to the community and there are minor changes to the species composition. Sample Plot 6 is located in a shaded lower situation where the soils are shaded and moist for longer periods.

On the other hand Sample Plot 5, which lies on the brow of a hill, has a higher proportion of Papilionaceae such as Bossiaea praetermissa, Gastrolobium bilobium, G. brownii, Gompholobium confertum, G. knightianum, Pultenaea reticulata and Hovea trisperma.

The drier sites have a much higher species richness, for example Plot 5 had 57 species compared to 27 species on Plots 2 and 3.

Higher up the ridge in the south eastern corner of the site the vegetation changes to a Proteaceous Heathland with occasional stunted trees of Eucalyptus marginata and Corymbia (Eucalyptus) calophylla over Proteaceous low shrubs of Hakea ceratophylla, Hakea trifurcata, Adenanthos cuneata, Petrophile rigida, with Myrtaceous specis such as Melaleuca thymoides, and a significant number of rush like plants such as Cyathochaeta avenacea, Dasypogon bromeliifolius, Patersonia occidentalis, Anarthria scabra and Lepidosperma squamatum.

The vegetation complexes of the Albany area were studied by ATA 2001.

ATA 2001, list the vegetation across the whole site and surrounding area as Vegetation Complex 180, Coastal Mallee Heath D, which is typified as "Coastal Shrublands and Heath on calcareous low plains, (<15 metres elevation). Species include Agonis flexuosa, Hakea suaveolens, Scaevola crassifolia, Olearia axillaris, Phyllanthus calycinus, various Epacridaceae and Myrtaceae". The ATA report shows the Vegetation Complex 144, Low Agonis flexuosa Woodland on low calcareous plains (<15 m elevation), occurs to the north outside the site. Species in Complex 144 include E. cornuta, B. ilicifolia, Scaevola crassifolia, Hibbertia cuneiformis. Generally these species are not present on site and the site is better described as Complex 180.

7.0 FIRE SAFETY

As this is a potentially bush fire prone area, Planning for Bush Fire Protection requires, hazard identification, risk reduction and fire planning.

A Fire Management Plan is included as Attachment 3 which analyses these issues and proposed measures to be applied at subdivision, development and those that will be ongoing and will apply via Council's annual Fire Safety Notice.

The Fire Management Plan includes Subdivision Guide Plan modifications and provisions to improve the fire safety of both the subject lots and general area.

These include:

- an improved emergency egress network.
- clearer and more easily enforced building protection zones and hazard separation areas that will be pre-prepared by the subdivider for future landowners.
- improved building construction standards referenced to the requirements of the relevant Australian Standards.
- relocation of building envelopes to allow fuel reduction areas to be shared across boundaries.

For the existing seven lots, building envelopes and the (inadequate) low fuel areas total some 7ha. Referencing acceptable fire safety guidelines, to adequately protect this development without the additional protection mechanisms to be applied in the amendment proposal, the entire site of 12.1ha should be managed to hazard separation levels, i.e.; all 12.1ha of the site to be modified to a fuel reduced state and maintained as such.

With the improved access, construction standards and other features recommended by the FMP (to be introduced by the SGP modification and provision update), building envelopes, building protection zones and hazard separations can be reduced from 12.1ha to 8.1ha in total. Compared to that necessary to adequately serve the site without the proposed measures, some 4.0ha (33%) of the site is removed from hazard separation requirements and is thus provided greater protection.

These improvements also benefit off site landowners and the local fire fighting service by providing for a general improvement in infrastructure and a reduction in hazard.

Independent of the subject proposal, the following should to be taken into account when considering the fire Protection and amenity of the locality.

- Bushfire Protection Guidelines essentially require that the 6000m² lots to the north and the 4000m² lots to the north east of the subject land to be hazard reduced so as to adequately accommodate existing and "as of right" development.
- The amenity and character of the area will change and continue to change to one of a more semi urban nature as currently approved special residential style development continues in the north and northeast.

8.0 VISUAL IMPACT

A Visual Impact Assessment is included as Attachment 4. It analyses the site, location and proposed development. The assessment concludes with the note that although the proposed development is a relatively minor change to an existing natural built landscape, measures should be maintained, or reinforced, that ensure:

- The density of development does not exceed that already existing in the immediate area;
- Some vegetation is retained between house sites/building envelopes;
- Materials & colours used within the area complement main colours in the landscape and the colours and materials already established in the locality.

9.0 PROPOSED DEVELOPMENT AND ASSOCIATED ISSUES

The issues above have guided the preparation of the attached Subdivision Guide Plan.

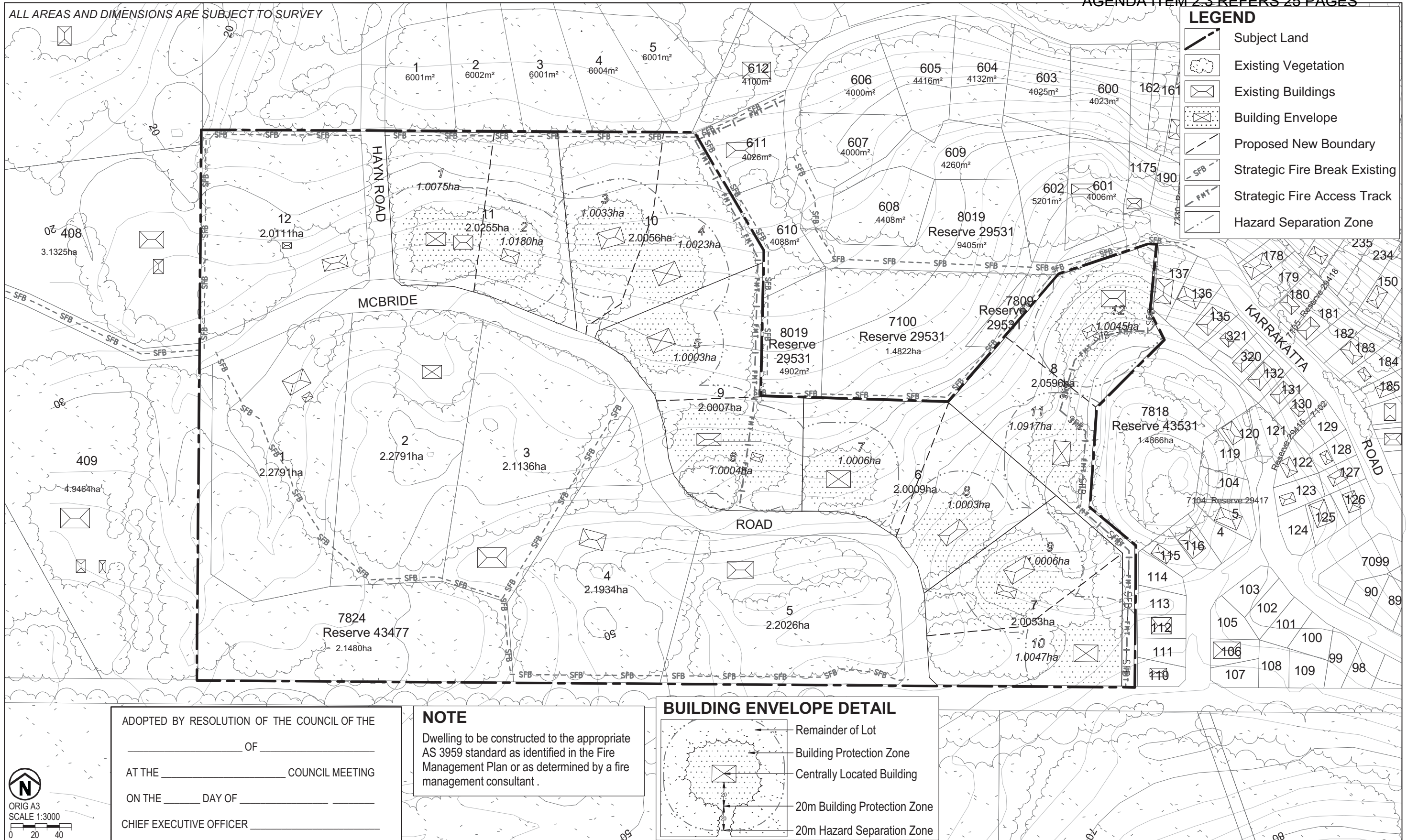
The plan is based on providing a lot size greater than the 6000m² established by development immediately north and east. Existing lots are retained as is in the south and on the higher land as a buffer to the National Park.

Building envelopes are shown. These are generally positioned in line with capable and suitable areas identified in the site assessment and are generally co-located with existing buildings so that existing hazard separation areas can be shared. As a result, minimal clearing is required to accommodate new fire safety buffers. McBride Road is still retained as a hard edge from which to protect those smaller lots. Adjacent portions of the National Park are and will continue to be maintained in a low fuel condition so as to provide necessary protection to the existing village as well as this area.

New boundaries generally follow existing clearings where available whilst the provisions ensure that if landowners choose to use boundary fencing, any such fencing will be open post and strand wholly contained within a 1m wide corridor.

Lots will also have:

- Constructed road access;
- Reticulated water supplies;
- Underground electrical and telecommunications connections;
- Revised provisions for maintaining the existing parkland setting and ongoing land management;
- Stronger controls to ensure new development uses appropriate colours and tones so as to better match the vegetated backdrop.



10.0 CONCLUSION

On the basis of maximising the efficient use of the land resource, the Albany Local Planning Strategy promotes the replanning of existing areas such as the subject land while restricting Special Rural development in new or greenfield areas. Intensification in this area is supported by Albany Local Planning Strategy as the additional lots can be comfortably accommodated and the area is already appropriately serviced by the City and other authorities.

Further development will also add to local population thresholds and make it more likely private sector services could be sustained within the locality.

Given the overwhelming landowner support, the support for controlled intensification within the Albany Local Planning Strategy, the appropriate level of servicing, the already fragmented nature of the site from a visual and remnant vegetation perspective, the extensive areas of local landform and vegetation already protected in local and state conservation reserves and the very restricted nature of land available for further development in the area, there is the opportunity to provide for this limited redevelopment.

The amendment proposal is a simple one providing for subdivision and development already heavily established in the area whilst still retaining large lots on the more elevated ground buffering the National Park.

ATTACHMENT 1

Town Planning Scheme No. 3 Special Rural Zone No. 5 Special Provisions

AGENDA ITEM 2.3 REFERS 25 PAGES

(a)
SPECIFIED AREA OF LOCALITY

5 - Pt Plantagenet Location 2471,
Austin Road, Frenchman Bay

(b)
SPECIAL PROVISIONS TO REFER TO (a)

AREA NO. 5-

1.0 PLAN OF SUBDIVISION

Subdivision of Special Rural zone No. 5 is to be in accordance with "Plan of Subdivision No. 5 - Frenchman Bay" as signed by the Shire Clerk and dated January 1990.

2.0 Minimum Lot Size and Setbacks

2.1 Minimum lot size shall be 2 hectares.

2.2 Minimum setbacks for any building from any boundary shall be 15 metres.

3.0 Objectives and Permitted Uses

Within Special Rural Zone No. 5 -

- (a) the intent is to create a rural-residential retreat in a coastal area with emphasis on minimising impact on both the landscape and natural vegetation;
- (b) the only permitted (P) use is a Residential Dwelling House;
- (c) the only use permitted with the approval of Council (A) is a Home Occupation;
- (d) all other uses are not permitted (X).

4.0 Keeping of Stock and Intensive Agriculture

4.1 The keeping of grazing animals shall not be permitted.

4.2 Intensive agricultural pursuits shall not be permitted.

5.0 Building envelopes

5.1 Any building on a lot must be erected within the Building Envelope defined on the Plan of Subdivision. Such Building Envelopes shall not exceed 2000m².

5.2 Notwithstanding this requirement:

- (a) Council may permit a variation of the Building Envelope if it is shown to the satisfaction of Council and the Department of Planning and Urban Development that the proposed location of the Building Envelope will not be detrimental to the landscape or the environment;
- (b) Building envelopes as shown on the Plan of Subdivision shall be delineated on site by landowners and approved by Council prior to the commencement of any clearing whatsoever, and Council may require an alternative building envelope if it considers the envelope delineated would be detrimental to the landscape or environment.

AGENDA ITEM 2.3 REFERS 25 PAGES**6.0 Landscape Protection**

- 6.1 Non reflective camouflage colours and materials which blend with the landscape to the satisfaction of Council shall be used on the external roofs and external walls of all buildings.
- 6.2 Driveways shall be designed, located and constructed to the satisfaction of Council.

7.0 Tree Preservation

- 7.1 Within the Tree Preservation Areas defined on the Plan of Subdivision, no indigenous trees or substantial vegetation shall be felled or removed except where:
- (a) trees are dead, diseased or dangerous;
 - (b) the establishment of a firebreak is required under a regulation or by-law;
 - (c) access to and/or development of a building site is required and approved;
 - (d) an area up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by Council. In these areas the land shall be slashed with a view to preventing soil erosion
- 7.2 Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.
- 7.3 Clearing of native vegetation for the erection of a dwelling with Council approval shall not exceed the approved building envelope. Parkland clearing may be permitted within the building envelope provided that flammable material is controlled within 50 metres of all buildings.

8.0 Water Supply

A reticulated water supply including the installation of fire hydrants every 200 metres along the water main shall be provided as a condition of subdivision.

9.0 Waste Disposal

Waste disposal shall be the responsibility of the individual landholder and shall be effected by septic or other approved waste disposal systems installed to the specifications of Council.

AGENDA ITEM 2.3 REFERS 25 PAGES**10.0 Signs**

No signs, hoardings or billboards shall be erected without prior Planning Scheme Consent, in accordance with Clause 5.1 of the Scheme Text.

11.0 Fences

No fences shall be erected without prior Planning Scheme Consent in accordance with Clause 5.1 of the Scheme Text, and only rural type fences shall be considered for approval on lot boundaries.

12.0 Fire Control

12.1 Strategic Fire Breaks as nominated on the Plan of Subdivision shall be provided as a condition of subdivision and constructed to a standard approved by the Council and Bush Fires Board.

12.2 Where a lot is traversed by a Strategic Fire Break shown on the Plan of Subdivision, the owner of the lot shall maintain such fire break to the satisfaction of Council

12.3 Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain Strategic Fire breaks, where that Strategic Fire Break crosses his/her lot.

12.4 To maintain access for fire fighting purposes a well maintained access track and limited clearing around all building structures shall be required by Council.

12.5 Clearing of fire breaks along fence lines other than for Strategic Fire Breaks will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements, and should be in accordance with 7.0.

13.0 Part Construction of Austin Road

The developer will be responsible for the construction of portion of Austin Road from the intersection of Austin and Rossiter Roads, to the satisfaction of Council, as a condition of subdivision approval.