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# MINUTES

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## SPECIAL MEETING OF COUNCIL

Held on  
Tuesday 30 April 2013  
6.00pm  
City of Albany Council Chambers

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**TABLE OF CONTENTS**

	<b>Details</b>	<b>Page</b>
1.0	Declaration of Opening and Announcement of Visitors	2
2.0	Opening Prayer	2
3.0	Public Question and Statement Time	2-4
4.0	Record of Attendance/Apologies/Leave of Absence (Previously Approved)	5
5.0	Declaration of Interest	6
6.0	Petitions, Deputations and Presentations Petition Received from Residents of the Elleker Area in relation to Local Planning Scheme No. 1	6
7.0	Reports	
7.1	Adoption of Local Planning Scheme No. 1	7-17
8.0	Closure of Meeting	18

## 1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

[6:00:11 PM](#)

### ITEM 1.0: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR CALLEJA

THAT Council SUSPEND Standing Order clause 3.1 to allow recording of proceedings.  
**CARRIED 10-0**

## 2.0 OPENING PRAYER

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

## 3.0 PUBLIC QUESTION AND STATEMENT TIME

Council’s Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to His Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

[6:01:29 PM](#) **Mr Richard Vogwill, La Perouse Road, Goode Beach**

Mr Vogwill’s tabled address is detailed at Appendix A

- LPS 1- Frenchman Bay Zoning

[6:05:43 PM](#) **Mr Nick Ayton, Duke Street, Albany**

Summary of key points:

- K18 of the Town Planning Scheme
- Deleting vegetation buffer

**6:09:02 PM Mr Roland Paver, La Perouse Road, Goode Beach**

Summary of key points:

- Opposed to adoption of Town Planning Scheme No. 1 as it does not include a third party right of appeal

**6:14:46 PM Mr Tony Harrison, Little Grove**

Summary of key points:

- Important that agricultural production and food security were seen as a priority.

**6:18:35 PM Ms Faileen James, Swarbrick Street, Emu Point**

Ms James asked that the following questions be taken on notice:

- Recently the City of Albany was accepting medical waste at its general landfill site including contaminated syringes, bloody operating theatre swabs and body tissue parts. Does this practice continue and what protections does the community have under the new scheme that waste contaminants such as HIV and hepatitis B and C are not a risk to the community by this land use?
- The Hanrahan Road waste site has for several years been leaching environmentally damaging poisons into the surrounding lands and waterways adjacent to that site. What safeguards are within the new scheme to avoid this, and protect adjacent landholders and the community's waterways from contamination?
- What safeguards are within the scheme to protect current listed heritage sites and sites not currently listed but of historical significance including indigenous heritage sites of cultural significance?
- What safeguards are in the new scheme to ensure valuable agricultural land is maintained for food production?
- Has the City had regard to the policies of the Shire of Jerramungup which developed policies that have received state accolades for the protection of agricultural land?
- How will this new scheme ensure that the City's drainage infrastructure is enhanced, something that the City has been promising residents for years, so that hard surface land development which exacerbates flooding is properly addressed in future development?
- How does this scheme ensure that the wonderful views of the Harbour and the Sound, for which this community is prized, is retained for public enjoyment and perpetuity?

**6:21:37 PM Ms Juliet Albany, 54 Duke Street, Albany**

Ms Albany asked the following question, which was taken on notice:

- The adoption of the scheme gives legal weight to attached policies. In September 2011 a Policy Manual published by Council included the Conceptual District Structure Plan. A number of residents of Parade Street and Serpentine Road met to protest the values attached by this policy to their roads. Councillor Wellington attended this meeting and gave an undertaking that Council would work with the residents. How is this commitment to be undertaken now, with the new Town Planning Scheme? Is there a view of the Conceptual District Structure Plan planned, and in what time frame, and if not, why not? Local people are still waiting, we are still not happy and yet it looks like we are not being heard.

[6:22:51 PM](#) **Mr Neil Smithson, Smithson Planning, Middleton Road, Albany**

Summary of key points:

- Point K18 of the Scheme- Pendeen Estate and Menang Drive realignment

[6:24:36 PM](#) there being no further speakers, the Mayor declared the Public Question and Statement Time closed

**4.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**Mayor** D Wellington

**Councillors:**

Breaksea Ward	R Hammond
Breaksea Ward	V Calleja
Frederickstown Ward	C Dowling
West Ward	D Dufty
Kalgan Ward	Y Attwell
Kalgan Ward	C Holden
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles
Yakamia Ward	R Sutton

**Staff:**

Chief Executive Officer	G Foster
Executive Director Planning and Development Services	D Putland
Manager Planning	J Van Der Mescht
Senior Planning Officer	T Wenbourne
Strategic Planning Officer	C Simpson
Minutes	J Williamson

**Public Gallery and Media:**

One member of the media and approximately twenty members of the public were in attendance.

**Apologies/Leave of Absence:**

West Ward	G Gregson (Leave of Absence)
Yakamia Ward	A Hortin (Apology)
Frederickstown Ward	G Stocks (Apology)

**5.0 DECLARATION OF INTEREST**

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

Name	Item Number	Nature of Interest
Nil		

**6.0 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

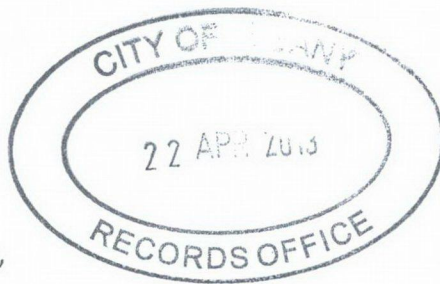
A non conforming petition was received by the City of Albany on 22 April 2013. This petition was lodged by residents of the Elleker community, regarding Local Planning Scheme No. 1. A copy of the petition is attached.

**ITEM 6.0: RESOLUTION****VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR BOWLES****SECONDED: COUNCILLOR DUFTY**

**THAT the non conforming Petition lodged by residents of the Elleker area regarding proposed zoning under the Local Planning Scheme No. 1 be NOTED.**

**CARRIED 10-0**





22 April 2013

To the Mayor and Councillors,

Please find enclosed the petition I said I would get to you regarding Local Planning Scheme No. 1 and the Elleker area. This petition clearly illustrates the high level of support of the local community that our properties should be zoned Rural Village rather than General Agriculture.

During my talks to the locals, many have said they would like to be more involved in this process - they would like to know what the implications of the various zonings would be for them.

I have put numbers on the map for each property in the local area affected and asked people to sign next to their corresponding number. Please note that it is also signed by the owner of the local general store and the chief of the Fire Brigade.

Thank you for your time and also wishing you all the best in which I'm sure can be a difficult job!

Regards,

Karin (Jolanda) Roth

34 Hassell Street

Elleker WA 6330

98 446130



City of Albany Records  
ICR1397782  
LP.LEG.1  
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MAYOR2:ACEO3:CLO1

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### Albany City of Albany Customer Service Item Receipt

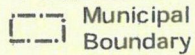
Date: 22/4/2013 Time: 4:10 AM/PM No **00866**

Customer: Karin Roth

Description: Letter to all Councillors + Mayor - petition re LPS1.

Deliver to REC Councillors/mayor Customer Service Officer: NR

**CITY OF ALBANY**  
Local Planning Scheme No.1



**Reserves**

- Local Road
- Priority Road Reserve
- Major Road Reserve
- Parks & Recreation Reserve
- Public Use Reserve
- Rail Reserve

**Zones**

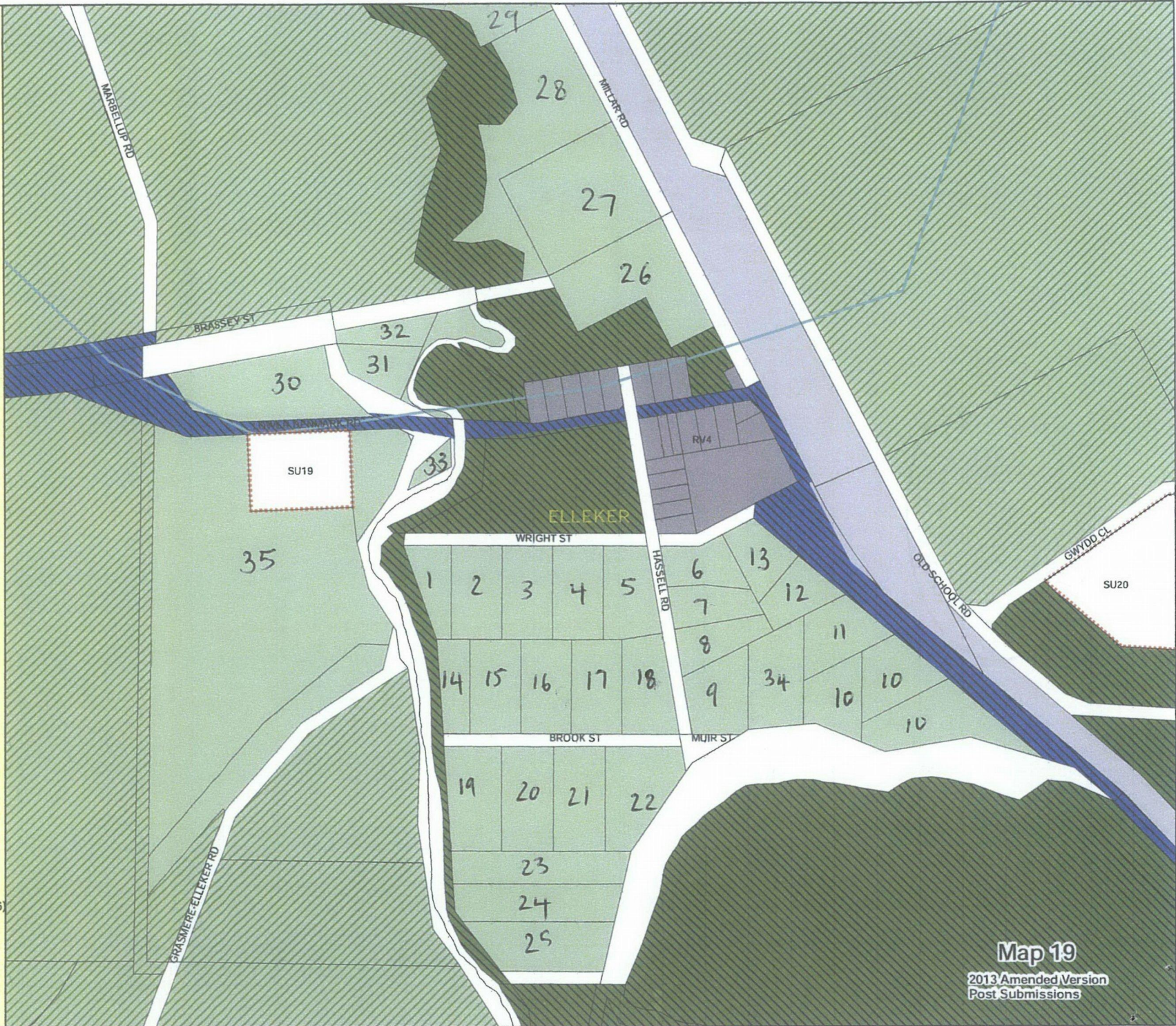
- Residential
- Tourist Residential
- Future Urban
- Yakamia Creek
- Rural Residential
- Special Residential
- Regional Centre
- Regional Centre Mixed Business
- Regional Centre Mixed Use
- Highway Commercial
- Neighbourhood Centre
- Local Centre
- General Industry
- Light Industry
- Port Industry
- Hotel / Motel
- Caravan & Camping
- Conservation
- Rural Small Holding
- General Agriculture
- Priority Agriculture
- Rural Village

**Other**

- Restricted Use
- Special Use
- R Code Boundary
- Additional Use
- Albany Airport Special Control Area (see c.6.2)
- Public Drinking Water Sources Special Control Areas (see c.6.3)
- Albany Port Special Control Area (see c.6.4)
- Albany Speedway Noise Special Control Area (see c.6.5)
- Water Corporation Waste Water Treatment Odour Buffer Special Control Area (see c.6.6)
- Industrial Buffer Area

- Wastewater/Sewer Treatment - WW
- Water Supply - W
- Hospital - H
- School - S
- Government - G
- Cemetery - C
- Technical College - T
- Refuse - R
- Museum - M
- Airport - A

1:5,716



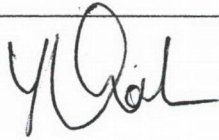
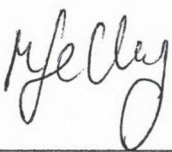


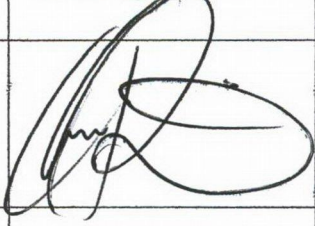
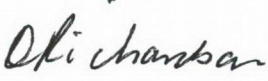

**Map 19**

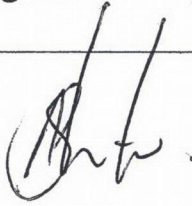




2013 Amended Version  
Post Submissions



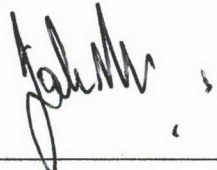
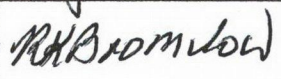


## **We, the undersigned, petition that our land be zoned as Rural Village rather than General Agriculture for these reasons:**

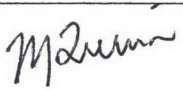
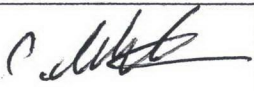


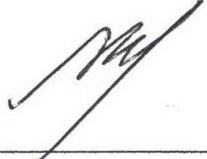

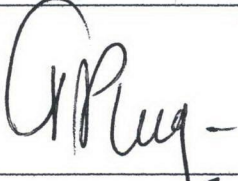

1. Our blocks average in size from 2 ½ to 3 ½ acres. This size is **NOT** suitable for “the sustainable use of land for agricultural activity” (one of the descriptors for land to be zoned General Agriculture in LPS#1)
2. At present, the Rural Village of Elleker comprises approx. 22 properties. There are approximately 25 properties in the nucleus of Elleker (our properties) that we feel should be included. Even if all 25 were subdivided into 3 (which wouldn't happen, as some don't have enough road frontage, some may not be suitable and some people wouldn't subdivide) this would still equal less than 100 town site lots. Quoting from the City's planning comment in regards to our submissions : “ALPS supports the development of the rural town sites as primary rural community focal points and settlement centres with between **30-100** lots to support local services”
3. **We do not want Elleker to become like a typical subdivision in Albany with small lots.** We want to preserve the village appeal with plenty of room between neighbours. This in turn will take some of the pressure off council to continue the urban sprawl around Albany that is taking out very productive large areas of farm land.
4. Council is able to make stipulations that subdivision includes alternative sewerage (eg. Biocycle), self-sufficiency in water supplies and power (eg. Solar). Larger lots (eg. 3000-5000m<sup>2</sup>) will be able to sustain this without any impact on the local environment.
5. More people in our community will be of benefit to various services and facilities eg. Fire brigade, hall, general store, community and sporting involvement.
6. In 2005 Council re-evaluated our rates and increased them to reflect that our properties are predominantly non-rural. Council can't charge us non-rural rates, yet zone us General Agriculture with all that that entails.
7. Our properties, now and in future, if subdivided, meet the descriptors for Rural Village (LPS#1) very well:
  - (a) Create a strong sense of community by enabling residential, commercial and recreational land uses to occur within the zone;
  - (b) Provide for a range of lot sizes and activities within the zone to achieve self-buffering of uses within the rural settlement to adjoining rural zone;
  - (c) Provide for the development of existing rural townsites in accordance with an individual Structure Plans prepared for the townsite; and
  - (d) Achieve self-sustaining settlements by requiring self reliance of individual lots in drainage management, the provision of water supplies and effluent disposal and other infrastructure needs.

(pp19-20 DLPS No 1):

Number on Map	Full Name	Address	Signature
1	—		
2	Yvette Quarles	31 WRIGHT ST ELLEKER	
3	Melynda Jelley	17 Wright st Elleker	
4	VACANT		
5	Bruce K. WARD)	24 HASSELL ST.	
6	VACANT		
7	MARK TIBSTEN	29 HASSELL ST	
8	Kris Wetton	35 Hassell St.	
9	KEITH · DEBBIE RICHARDSON	43 HASSELL STREET	
10	EDWARD SIRENS KNIGHT	1189 LWR DENMARK RD	

Number on Map	Full Name	Address	Signature
11	ADRIAN MASTERS	1201 LOWER DEKORMAN RD, ELLEKER	
12	<sup>Howe</sup> Uncontactable. Did sign last petition in favour of Rural Village.		
13	VACANT		
14	-		
15	JASON CASTLEHOW or AMANDA PROWMAN	32 BROOK ST ELLEKER	
16	<sup>Edman</sup> Didn't get back to me. Did sign last petition in favour of Rural Village.		
17	RAY + TRUMPY SMITH	16 BROOK ST ELLEKER	
18	Steve + Jolanda (Karin) Roth	34 HASSELL ST ELLEKER	
19	Away on holiday. Rural Village vs.	Did sign last petition supporting Priority Agriculture.	
20	VIVIEN GOTT	27 BROOK ST ELLEKER.	

Number on Map	Full Name	Address	Signature
21	BAIN	13 Brook	JMBain 2 Bain
22	VACANT		
23	Renters		
24	MULHOLLAND	88 Hassou St ELLEKER	
25	Garry Roth	84 Hassel st	
26	Uncontactable - Did sign last petition in favour of Rural Village.		
27	JOHN & KEZ MITCHELL 59 MILLAR RD	59 MILLAR RD	
28	Robin + Neil Bromlow <del>79 Millar Rd.</del> ETT	79 Millar Rd. Elleker	
29	CLIFF AND HELEN CHAPMAN	91, MILLAR ROAD, ELLEKER	
30	Carolyn + Richard Watkins	15 Brassey Road Elleker	

Number on Map	Full Name	Address	Signature
31	Michelle Quinn	6 BRASSEY ST ELLEKER	
32	CRAIG WICKHAM	24 BRASSEY ST ELLEKER	
33	WILLIAM DWYER	3 ELLEKER - GRASMERE Rd ELLEKER	
OWNERS ELLEKER GENERAL STORE	GLENDA PARSONS	1309 LOWER DENMARK RD ELLEKER.	
ELLEKER GENERAL STORE	M. PARSONS	1309 LOWER DENMARK ROAD ELLEKER 6330	
34	Jodie Plawman	13 MUIR rd ELLEKER 6330	
35	Carl + Tiny Plug	38 Elleker Grasmere Road	
Chief of Elleker BFB	R. Parsons	1309 Lower Denmark Rd Elleker 6330	

## **7.1: ADOPTION OF LOCAL PLANNING SCHEME NO. 1**

<b>Proponent</b>	: City of Albany
<b>Attachment(s)</b>	: Schedule of Submissions (Executive Summary and Volumes 1 – 9) : Local Planning Scheme 1 : Copy of OCM 21/02/2012 Item 2.1 : Copy of OCM 20/09/11 Item 2.1
<b>Responsible Officer(s)</b>	: Executive Director of Planning and Development Services (D Putland)

### **IN BRIEF**

- Local Planning Scheme 1 (LPS1) has been advertised for public comment. All submissions are contained in the Schedule of Submissions. It is recommended that Council adopt LPS 1 with modifications and forward all relevant documents to WA Planning Commission (WAPC) for their assessment and approval from the Minister for Planning.

### **RECOMMENDATION**

#### **ITEM 7.1: MOTION BY COUNCILLOR BOSTOCK**

**MOVED: COUNCILLOR BOSTOCK  
NOT SECONDED**

1. THAT condition 2c be replaced to state:
  - Access/egress to the site to be from a road west of Lake Vancouver and located and constructed to prevent any adverse environmental impact on Lake Vancouver and the catchment area.
2. Extend the existing Special Use site over all of Lot 660 La Perouse Road, Goode Beach, with development to be limited to the low relief north eastern portion of the lot to avoid disturbance of the large sand dunes along the coast and minimise environmental impacts on the Lake Vancouver wet lands.

**MOTION LAPSED DUE TO NO SECONDER**

### **Councillor's Reason:**

I would like to recognise at the outset the outstanding work which has been performed by Dr Putland and his team in the preparation of this document. There can be no doubt that they have produced a comprehensive plan and bent over backwards to accommodate the wishes of the people of Albany. Sadly, the same cannot be said for the Department of Planning, which has bent over forwards to frustrate the legitimate concerns of the people.



I refer, of course, to the third party of right of appeal, which the electors, through their duly appointed representatives, made clear that they wished to retain. Therefore, the statement from the central government that under no circumstances could the new LPS 1 include such a right demonstrates an almost unbelievable disregard for the processes of local democracy. There have been two previous Council motions, neither of which has been rescinded, in support of this right, to the extent of agreeing to seek legal redress in the event of any attempt to have it removed. As you will be aware, TPS 3 is the only scheme which retains this right in WA, a source of immense pride to anyone who values the autonomy of local government, while it has only been exercised twice in living memory, so can hardly be considered a threat to development. The State's rejection of it is apparently due to a desire to stifle all opposition, no matter how insignificant, which attitude is the mark of tyrants everywhere and bodes ill for the future of local government in WA.

What adds poignancy to this anti democratic stance is the imminent commemoration of the centenary of Australia's outstanding contribution to the "war to end all war". We have already heard, and are destined to hear many more, fine words on this subject yet they will have a distinctly hollow ring unless our generation is also prepared to make a stand, albeit on a tiny scale compared with the sacrifices our ancestors made in the fight for freedom.

Some may consider that I am making a mountain out of a mole hill by wishing to reject the scheme on the basis of this issue, but please remember that the Planning Department has done precisely that by threatening to dismiss the whole policy unless we roll over like good little poodles and kow tow to its demands. After all, we have managed for thirty odd years with the original plans and no doubt can manage for thirty more if we have to. No one should be in any doubt that dictatorships develop from small beginnings, but every little victory gives them more encouragement until eventually they end in civil war, which no one in their right mind would want.

Finally, I would like to repeat the last verse of W Campbell's emotive poem "on freedom" which says it all:

We are the sons of the men who battled

Crowned and Mitred tyranny.

They defied the guns and scaffold for our birthright,

So must we.

**ITEM 7.1: RESOLUTION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA**  
**SECONDED: COUNCILLOR HAMMOND**

**THAT Pursuant to regulation 17(1) of the *Town Planning Regulation 1967* NOTES the staff recommendations within the attached Schedule of Submissions and ENDORSES those recommendations.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**ITEM 7.1: RESOLUTION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA**  
**SECONDED: COUNCILLOR HAMMOND**

**THAT Pursuant to regulation 17(2) of the *Town Planning Regulation 1967* ADOPTS Local Planning Scheme 1.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**ITEM 7.1: RESOLUTION 3**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA**  
**SECONDED: COUNCILLOR HAMMOND**

**THAT Pursuant to regulation 18 of the *Town Planning Regulation 1967* FORWARD Local Planning Scheme 1 documents to the Commission together with the following:**

- i) Schedule of Submissions;**
- ii) Council's recommendations made in respect of those submissions;**
- iii) particulars of the modifications to the Scheme recommended by Council;**  
**and**
- iv) a copy of the resolution.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Bostock

**BACKGROUND**

1. At their meeting of 21 September 2011 Council resolved the following:

*“That Council:*

1. ACCEPT the modifications undertaken to the draft LPS1 resulting from the advice/recommendations from the EPA and suggested modifications from the DoP assessment of draft LPS1.
2. ADOPT the revised draft LPS1 (Amended Version – July 2011) and resubmit it to the Department of Planning/WA Planning Commission for approval to advertise for public comment for an extended period of four months, including the advice supporting the retention of third-party appeals in the Discussion section of the report.
3. ADVISE town planning consultancies that have lodged amendments with the City within the past two years that it will formally consider imposing a moratorium on new scheme amendment requests and/or scheme amendments once approval is gained from the Western Australian Planning Commission to formally advertise the draft LPS1.
4. UNDERTAKE on approval for the draft LPS1 to be advertised for public comment, consultation tasks included within the Public Consultation/Engagement section of the report.”

2. At their meeting of 21 February 2012, Council resolved the following:

*“That Council in accordance with Regulation 14(4) of the Town Planning Regulations 1967 resolve to accept the Minister’s modification and resubmit the draft Local Planning Scheme No. 1 to the WA Planning Commission/Minister with the modification (clause 10.10 ‘Appeals’ to read ‘An applicant’) to enable the public submission period to commence.”*

3. The City of Albany undertook an extensive public consultation process to encourage Albany residents to make submissions on the draft Local Planning Scheme 1 (LPS1). The consultation process ran for four months and closed 3 August 2012.
4. During the public consultation period, a total of 198 submissions were received. Under the *Town Planning Regulations 1967* Council is now required to consider all submissions to the Scheme and determine to support or not to support each submission.

**DISCUSSION**

5. All submissions and the City's response and recommendation thereto are contained in the 'Schedule of Submissions'. The Schedule of Submissions is divided into nine volumes. The first eight volumes contains submissions as follows:
  - Government Agencies (24 submissions)
  - Vancouver Ward (51 submissions)
  - Frederickstown Ward (10 submissions)
  - Breaksea Ward (7 submissions)
  - Yakamia Ward (10 submissions)
  - West Ward (37 submissions)
  - Kalgan Ward (30 submissions)
  - General (29 submissions)
6. Volume 9 contains those modifications to draft LPS1 which is recommended by the City's planning officers to improve the content and format of the Scheme.
7. The Schedule of Submissions provides a recommendation to 'accept', 'accept in part' or 'reject' each submission and provides an explanation of the reasons for the recommendation under the column '*City's Planning Comment*'.
8. To avoid delays to the final approval of the Local Planning Scheme 1, the City's planning staff did not support major modifications to the draft scheme; modifications where additional information or technical reports were required to support the modification, where extensive consultation or re-advertising will be required; or modifications that have the potential to prejudice the land uses or amenity of neighbouring property owners.
9. Where a submission is considered to have potential merit, but is likely to result in re-advertising, or should be supported by additional technical information, the submission is recommended to be rejected and a recommendation made under 'Other City Recommendations' that the matter be investigated as part of the review of the Albany Local Planning Strategy and/or that it could be considered through a separate amendment to LPS1 after gazettal.
10. *Town Planning Regulations 1967* stipulate the process relevant to the finalisation of draft LPS1. Following adoption of draft LPS1 for finalisation, the City refers all of the submissions and associated scheme documents to the WAPC for their consideration and assessment. The WAPC then makes a recommendation to the Minister for Planning. The Minister for Planning will make the final determination on the Scheme. When the Scheme is approved, the City will publish a notice of approval in the local newspaper and advise all submitters of this outcome.

11. Following Council's briefing session on Thursday 11 April 2013, planning officers have undertaken the following modifications to the Schedule of Submissions and Scheme documents:

Relevant submission number	Reason for change	Modification
V17 – V20	Lot 217 omitted from the recommendation	<p>The recommendation has been modified to read as follows:</p> <p><i>“That the City accepts the submission in part and undertake the following modifications:</i></p> <p><i>Scheme Map:</i></p> <p>1) <i>Remove Lots 216, 217, 662, 663, 664, 665, 666, 221, 222 and 223 La Perouse Road/Court, Goode Beach from the Special Residential Zone (shown as SR8) and include it within the Residential Zone with an R5 density code.”</i></p>
V28 and V29	Residents of Frenchman Bay are concerned that western access Lot 660 La Perouse Road, Goode Beach will result in environmental damage. Recommendation 1 of the relevant submissions was therefore modified.	<p>The recommendation was modified to read as follows:</p> <p><i>“The City accepts the submission in part and undertakes the following modifications to Special Use Zone No. 1 in Schedule 4 Special Use Zones for Lot 660 La Perouse Road, Goode Beach:</i></p> <p><i>Scheme Text</i></p> <p>1) <i>That condition 2(c) be replaced to state:</i></p> <p><i>Access/egress to the site to be from the western sector off La Perouse Road and located and constructed to prevent any adverse environmental impact on Lake Vancouver and the catchment area;</i></p> <p><i>Scheme Map</i></p> <p>2) <i>Extent the existing Special Use site over all of Lot 660 La Perouse Road, Goode Beach.”</i></p>
W5	The initial recommendation to reject the submission may potential result in the land owner being entitled to obtain compensation in respect of the injurious affection from the City of Albany.	<p>The recommendation has been modified to read as follows:</p> <p><i>“The City accepts the submission and removes 40 (Lot 16) Kitson Road, Gledhow from the General Agriculture Zone and includes it with the Light Industry zone.”</i></p>
A42	Submission number W5 raise concern with regard to the proposed zoning Lot 16 (40) Kitson Road, Gledhow under draft LPS1. Planning officer's recommendation is to zone the land as per TPS3 being Light Industry. The zoning of existing Light and General Industry zone under TPS3 however, applies to a larger area bounded by Old Elleker Road to the south,	<p>The following recommendation was included under the City of Albany staff recommended changes to the Scheme text:</p> <p><i>“Amend Scheme Maps 11 and 12 to show all land bounded by Old Elleker Road to the south, Cumming Road to the north, Public use zone to the west (except lot 16 (40) Kitson Road, Gledhow) within the General Industry zone.”</i></p>

	Cumming Road to the north, Public use zone to the west and Light Industry zone to the east. Amend Scheme Map 11 and 12 to show all land as described (except lot 16 (40) Kitson Road, Gledhow) within the General Industry zone.	
Scheme Text	Schedule 15 – Special Residential (SR 8) was incorrectly deleted in the Scheme Text.	Undelete Special Residential Area 8 under Schedule 15.
A30	An additional modifications proposed by planning officers under Volume 9 – City of Albany (Schedule of Submissions)	The following recommendation was included under the City of Albany staff recommended changes to the Scheme text: “1. Modify Schedule 2 – Additional Uses, AU8 (Lot 30 Nanarup Road, Kalgan) special provisions no.4 to read: “No modifications to the existing dams are permitted without the Local Government approval.”

### GOVERNMENT CONSULTATION

12. Draft LPS1 was referred to all government and service agencies. The submissions received are contained in Volume 1 – Government Agencies.

### PUBLIC CONSULTATION / ENGAGEMENT

13. LPS1 was advertised in accordance with the requirements of the *Town Planning Regulations 1967*.
14. Draft LPS1 was on advertised from 3 April and concluded 3 August 2012 public comment. The advertising period of 4-months enabled the public to lodge submissions on the draft scheme for consideration prior to the scheme being finalised. Major communications tools and channels were as follows:
- i) An A1 sized folded pamphlet was sent through Australia Post to all addresses within the City municipality (some 17,000).
  - ii) Public notices were placed in both local and state wide newspapers informing the public of the advertising of draft LPS1 and encouraging them to make a submission. Advertisements were placed at regular intervals during the 4 month consultation period. As required under the *Planning and Development Act 2005*, the notice has also been published in the Government Gazette.
    - 6 ads in Albany Advertiser (proposed for 3/4, 24/4, 15/5, 5/6, 26/6 & 17/7)
    - 6 ads in Weekender (proposed for 12/4, 3/5, 24/5, 14/6, 5/7 & 26/7)
    - 4 ads in Saturday’s West Australian (proposed for 7/4, 5/5, 2/6 & 7/7)
    - 1 ad in Government Gazette
    - Additional adverts in local community newspapers (including Wellstead Whisper etc.)
  - iii) In addition, 4 adverts were placed in Albany Advertiser & Great Southern Weekender advising of the proposed times/dates/venues for the displays to be completed in shopping centres and rural communities.

- iv) Hard copies of the scheme documents were placed at the following venues for viewing during the advertising period:
    - 3 copies at City of Albany Offices
    - 3 copies at Albany Public Library (some copies available for loan)
    - 2 copies at Department of Planning (Albany Office)
    - 1 copy at Wellstead Community Resource Centre
  - v) Copies of the scheme documents on cd-roms were available to be collected and/or posted out to all interested parties through the City Office.
15. All government agencies and service providers were sent written invitations to make a submission on the Scheme.
16. Following the closure of the advertising period, the City's planning officers have had ongoing discussion with submitters regarding their concerns raised in submissions.
17. All submitters were sent a letter (dated 5 April 2012) which advised them of planning staff's recommendation to Council in relation to their submission, of the process to finalise LPS1 and invited them to a public meeting to make a verbal presentation on their submission.
18. The public meeting was held on 17 April from 5:30pm to 7:00pm at Council Chambers. The meeting was well attended and 16 people made verbal presentation on their submission. As per Council meeting protocols, each person was given 4 minutes to raise any matters relevant to their submission.

### **STATUTORY IMPLICATIONS**

19. The preparation and finalisation of LPS1 is governed by the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*.
20. Regulation 17(1) of the *Town Planning Regulations 1967* requires that the City consider all submissions to the Scheme and in respect of each submission to the Scheme consider whether the Scheme should be modified accordingly or whether that submission should be rejected.
21. Regulation 17(2) of the *Town Planning Regulations 1967* requires that the City pass a resolution either (a) that the Scheme be adopted with or without modifications; or (b) that it does not wish to proceed with the Scheme.
22. Regulation 18 of the *Town Planning Regulations 1967* requires that the City forward the Scheme documents to the Commission together with (a) a schedule of submissions made on the Scheme; (b) its recommendations made in respect of those submissions; (c) particulars of the modifications to the Scheme recommended by the City; and (d) a copy of the resolution.

## **STRATEGIC IMPLICATIONS**

### **City of Albany Strategic Plan (2011 – 2021)**

23. This item directly relates to the following elements of the adopted City of Albany Strategic Plan (2011 – 2021).

*Key Focus Area:* Sustainability and Development

*Community Priority:* Single Town Planning Scheme

*Proposed Strategies:* Amalgamate Town Planning Scheme 1A and Town Planning Scheme 3 into one definitive plan that includes:

- Greater flexibility in housing options so there is greater property diversity;
- An increase in mixed use developments and dwellings, particularly in the CBD;
- Clearly defined “rules” and then ensure consistent application;
- Streetscape development guidelines for private development projects and a streetscape master plan for the City;
- Definitions of the type and location of future residential housing;
- High density housing of up to three levels in approved areas to reduce urban expansion;
- Restrictions to development in prime locations and in accordance with a coastal policy;
- Protection of natural reserves;
- Flexibility for development in key tourism areas;
- The establishment of green belts around Albany;
- A requirement for developers to turn drainage basins into living streams or parks;
- Strategies to prevent urban sprawl;
- Strategies to retain prime agricultural land.

24. The completion of a new planning scheme for the City, based on the strategic land use direction promoted in Albany Local Planning Strategy (ALPS) and which consolidates the various existing planning schemes will assist the City deliver on its strategic plan for Albany.

### **Albany Local Planning Strategy**

25. The strategic objectives and actions identified under Albany Local Planning Strategy (ALPS) were applied in the assessment of all submissions.
26. ‘Other City Recommendations’ within the Schedule of Submissions provides recommendation on matter that requires further investigation and justification under ALPS. These are proposed to be undertaken within the review of ALPS.



**POLICY IMPLICATIONS**

27. The finalisation of the LPS1 will require the review of Local Planning Policies to ensure consistency with the new Scheme.

**RISK IDENTIFICATION & MITIGATION**

28. The risk identification and categorisation relies on the City’s Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
1. <i>It is intended to allow only minor modifications to the Scheme. Where major modifications are supported by Council, this will result in re-advertising which will have time, financial and resource implications for the City.</i>	<i>Possible</i>	<i>High</i>	<i>High</i>	<i>Mitigation dependant on Council's decision to only allow minor modifications to the Scheme.</i>
2. <i>Where the making of LPS1 entitles a person to obtain compensation in respect of injurious affection (as determined under S.174(2) of the Planning and Development Act 2005).</i>	<i>Unknown</i>	<i>High</i>	<i>Unknown</i>	<i>Mitigation dependant on land owner's injurious affection entitlement. All attempts were made to minimise possible claims for injurious affection.</i>

**FINANCIAL IMPLICATIONS**

29. ‘Other City Recommendations’ within the Schedule of Submissions provides recommendations to amend LPS1 when gazetted. Similarly, recommendations are made for the preparation of Local Planning Policies.
30. Any costs associate with preparation of amendments and/or Local Planning Policies would be undertaken by the Planning & Development Directorate using existing staff resources within budget.

**ALTERNATE OPTIONS**

31. Council has the following options in relation to the final adoption of LPS1.
- To adopt Local Planning Scheme 1 with modifications as recommended by staff;
  - To amend the officer recommendation to adopt Local Planning Scheme 1 with modifications as recommended by staff with changes as proposed by Councillors;
  - To resolve not to adopt Local Planning Scheme 1 and advise the WAPC of the reasons for doing so.

**SUMMARY CONCLUSION**

32. The Local Planning Scheme 1 has been advertised pursuant to the *Town Planning Regulations 1967*. 198 submissions were received. These submissions were assessed by planning officers and recommendations made to accept, accept in part, or reject the submissions. The City's planning officers have recommended a number of changes to draft LPS1 as a result of responding to issues raised in submissions.
33. It is recommended that Council endorse the Schedule of Submissions; adopt LPS1 and forward relevant documentations to the WAPC for approval by the Minister for Planning.

<b>Consulted References</b>	<i>Planning and Development Act 2005</i> <i>Town Planning Regulations 1967</i>
<b>File Number (Name of Ward)</b>	LP.PLA.8 (All Wards)
<b>Previous Reference</b>	OCM 11/4/00 Item 12.1.14 OCM 5/9/00 Item 11.3.1 OCM 16/1/07 Item 11.3.3 OCM 20/3/07 Item 11.3.3 OCM 17/02/09 Item 11.6.1 OCM 20/09/11 Item 2.1 OCM 21/02/12 Item 2.1

**8.0 CLOSURE OF MEETING**

**ITEM 8.1: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLDEN**

**SECONDED: COUNCILLOR DUFTY**

**THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.**

**CARRIED 10-0**

[6:42:26 PM](#) There being no further business the Presiding Member declared the meeting closed.

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Dennis W Wellington  
**MAYOR**

TABLED ADDRESS BY MR RICHARD VOGWILL

V28

City of Albany, Special LPS1 Council Meeting, April 30, 2013

Re: Care is Required in Locating Future Developments on Lot 660 Goode Beach

Mr Mayor and Councillors,

There has been a long history of development proposals for Lot 660 (previously Lot 401) at Goode Beach beginning in 1977. These include an 18 hole golf course resort in 1986, a development of 32 chalets and a restaurant in 2004/2005 and most recently a Scheme Amendment Request to allow the building of a two-storey chalets in the north eastern corner of the Lot 660.

To date all of these proposals have been unsuccessful, largely due to the potential environmental impacts of development (high sand dunes and the Lake Vancouver wetlands) and the poor land capability and suitability for housing.

Throughout this process, numerous scientific studies and land capability analysis have confirmed that this coastal land is indeed very fragile and not capable of supporting extensive development because of potential environmental impacts – including mobilisation of large sand dunes and destruction of the Lake Vancouver wetlands.

In 1998 and against advice received from various State Government Departments, the then-Minister for Planning approved 6 residential lots on Lot 401 around La Perouse Court and 9 lots were eventually established. The Minister allowed the remaining land (Lot 660) to stay as Rural zoning, but stated that subsequent rezoning was possible to establish a ***“well designed low key tourist development ... (only on) the northern portion”*** of the lot.

The reference to the northern portion of the lot is important because this is the only area of lower relief along the coast. To the south, very high, unstable, sand dunes occur along the coast and could easily be mobilised into Lake Vancouver by development accessed from La Perouse Court.

The revised version of LPS1 for Lot 660 includes: (i) rezoning of the lot to Special Use; (ii) access only allowed from a road west of Lake Vancouver; (iii)

TABLED ADDRESS BY MR RICHARD VOGWILL

and limiting future development to low key holiday accommodation for a maximum of 10 chalet/cottage units.

While I wanted the lot zoning to remain as Rural, it appears that the City Planning Department is not in agreement with this and have therefore proposed to change the zoning to Special Use. Geographically, access is available from the west (from La Perouse Road, across wetlands) or the south (from La Perouse Court, across high sand dunes). I was not in agreement with either of the routes; however, access from the west has far less potential environmental impact and should be the only access route allowed in the future.

Lastly, an important question that the City will have to consider some time in the future is where should a **'low key tourist development'** be located on this lot? My opinion is that it has to be located in the northern portion of Lot 660 because of the low relief in this area. If we allow development to extend to the south of the lot into the high sand dunes along the coast, we are asking for big environmental problems.

I believe the City would regret any decision to extend development to the south because of irreparable environmental damage and the high costs associated with rehabilitation and ongoing maintenance.

Therefore, I will be proposing to my two Councillors that they put a motion to add the following development condition to Lot 660: ***"Development to be limited to the low-relief, north-eastern portion of the lot to avoid disturbance of the large sand dunes further south along the coast and thereby minimise environmental impacts on the Lake Vancouver wetlands"***.

Thank you.

Richard Vogwill

La Perouse Road, Goode Beach