



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 14 February 2024

6.00pm

Council Chambers

The Five Strategic Pillars



Development & Infrastructure Services Committee
Terms of Reference

Functions:

This Committee is responsible for:

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

It accomplishes this by:

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

Membership: Open to all elected members.

Meeting Schedule: Monthly Meeting

Location: Council Chambers

Executive Officers:

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

Delegated Authority: None

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 14/02/2024

1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6:00pm

2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders past, present and emerging”.

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

Mayor	G Stocks
Councillors:	
Deputy Mayor Councillor	P Terry
Councillor	A Cruse (Chair)
Councillor	R Sutton
Councillor	T Brough
Councillor	D Baesjou
Councillor	S Grimmer
Councillor	M Traill
Councillor	C McKinley
Councillor	M Lionetti
Staff:	
Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Acting Manager Development Services	T Wenbourne
Co-ordinator Planning Services	J Wardell-Johnson
Senior Planning Officer – Strategic Planning	A Nicoll
Meeting Secretary	N Banyard
Apologies:	
Councillor	L MacLaren (Apology)

One media representative and 3 members of the public were in attendance.

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil		

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Development and Infrastructure Services Committee Meeting held on Wednesday 6 December 2023, the following questions were taken on notice from members of the public.

“Because the development has already commenced Does this mean that the development must comply with all conditions already imposed by WASAT. Is it fair and reasonable that the City of Albany are recommending an expansion of operations when they primarily deemed it unacceptable and not ordered and proper planning?”

Response by Executive Director Infrastructure, Development and Environment:

‘The 45 conditions imposed through the decision of the SAT remain, although some have been satisfied. This request for amendment only changes the stated conditions, it does not remove or invalidate any of the other conditions. The City’s refusal was superseded and replaced by the decision of the SAT. The landowner can legitimately continue with their lawful use - refer paragraphs 11 & 33 of the Report. Also refer paragraphs 35 & 36 of the report for why it is appropriate the City considers changes to associated activities of the operation that allow for extraction from the original approved location to lawfully continue’

Regarding the stockpile and clearing permit. “Does this mean that the DWER decision the planning compliance statutory law stating that the development must comply with and conditions prior to the commencement of the development means that this amendment must be refused?”

Response by Executive Director Infrastructure, Development and Environment:

“No, in accordance with the Planning and Development Regulations the City must consider the application and make an informed decision based on the planning merits and on legitimate planning grounds”

Regarding truck movement “What are our reasons for extending the operating time from 4 months to 12 months when the limit of 50,000 tonnes, and the exact number of truck movements of 14 trucks a day are achievable in the 4 months stated. Is it wise to allow extra time limits but retain the same tonnage for extraction given the poor record of the proponent and who will monitor that it is adhered to.”

Response by Executive Director Infrastructure, Development and Environment:

“The requested changes to operations are intended to satisfy the requirements imposed by the DMIRS for a safe method of transporting the lime down the steep hill. The identified solution involves double handling the material and transporting it down the hill to the stockpile area using smaller, fit for purpose vehicles – haul trucks. It is reasonable to consider the request for a longer period of time to allow for this additional activity at a slower transport rate down the hill – see paragraphs 67-69 of the report.

Multiple small haul truck loads of extracted material are required to reach the capacity load of the road train taking lime out of the site. As per the detail in paragraph 69, more time would be required to transport the 50,000 tonnes down the hill than was previously anticipated when the material was to be loaded directly into the off-site transport trucks.

The City has mechanisms to monitor compliance and the operator must provide documentation as required by condition 43. Cross-checking of this information will ensure the veracity of the information.”

“Where is the expert independent advice coming from and concerning which issues?”

Response by Executive Director Infrastructure, Development and Environment:

“The expert independent advice is coming from professional, qualified consultants and is reviewed by the City’s professional staff in reaching a recommendation”.

The following questions were taken on notice after the Development and Infrastructure Services Committee meeting minutes were made available to the public.

“Can you confirm which reports that include expert independent advice are not paid for by the proponent of the project?”

City response:

“All information has come from the proponent and their professional consultants during the application process.”

“One of the City's fire access tracks goes from Browns Road, around Eugendup Wetlands and onto Lot 9005 via a gate adjacent to the haul road (see map). This gate is directly opposite area B, where the stockpile is to be located and the fire access track goes through area B so that it will be blocked by the stockpiles of lime if they are located as shown. The track is maintained by the City and was slashed by the City in the first week of December from the Browns Road end to the gate onto Lot 9005. The track within Lot 9005 has not been maintained in recent years.

Does the City plan to abandon this fire access track? Or is an alternative planned? Will fire access tracks within Lot 9005 be maintained in future?”

City Response:

“The City continues to maintain the Fire Access Tracks on its reserves and land for which it is responsible. The City maintains these up to the property boundary. Where this adjoins privately owned land, the fire protection measures beyond the boundary are the responsibility of the landowner and the City does not undertake any maintenance. The private landowner is required to comply with the City's Fire Management Notice through measures such as perimeter fire breaks. There is no requirement for internal Fire Access Tracks across a private property.”

6. PUBLIC QUESTION TIME

In accordance with the City of Albany Standing Orders Local Law 2014 (as amended):

Clause 4 (6) The total time allowed for public question time will be no more than 30 minutes.

Any extension to the time period defined by the City of Albany Standing Orders Local Law 2014 (as amended) will be at the discretion of the Presiding Member.

In accordance with the City of Albany Standing Orders Local Law 2014 (as amended):

Clause 5) The Presiding Member may decide that a public question shall not be responded to where—

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

6:02pm Mr Mark Dyson – 2, 136 Greenhill Road, Unley SA

Summary of Key Points

Mr Dyson addressed council regarding DIS382 – Woolstores Precinct Structure Plan.

Mr Dyson is the owner of the Woolstores site. After two years the demolition of the old Woolstores is complete with over 87% of the materials recycled. Mr Dyson has re-developed 6 similar sites around Australia. He hopes to bring 5-star hotel accommodation, high quality residential developments and a mixed commercial zone that benefits the community and assists local business and services.

6:05pm Mr Andrew Cumming – Level 3, 369 Newcastle Street, Northbridge

Summary of Key Points

Mr Cumming addressed council regarding DIS382 – Woolstores Precinct Structure Plan.

Mr Cumming wanted to reiterate 3 key points raised. These points were Building Height, Foreshore Setback and Use and Protection Methodology. They requested that staff remove reference in the Structure Plan Modifications to a specific Protection Methodology preference and that this be confirmed at subdivision stage, consistent with proposed modifications.

6:10pm Mr Peter Arnold – 15 Coogee Street, Milpara

Summary of Key Points

Mr Arnold addressed council regarding the purchase of his property at 15 Coogee Street, Milpara.

Mr Arnold requested that his property be re-valued as he is unable to find a suitable alternative property for that price.

There being no further speakers the Chair declared Public Question Time closed at 6:14pm

7. **PETITIONS AND DEPUTATIONS - Nil**

8. **CONFIRMATION OF MINUTES**

RESOLUTION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR BROUGH

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 6 December 2023 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

9. **PRESENTATIONS - Nil**

10. **UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil**

DIS382: WOOLSTORES PRECINCT STRUCTURE PLAN

- Land Description** : No. 12-26 (Lots 1156 & 1157), No. 23 (Lot 141), No. 34 (Lots 895, 1104 & 1209), Lots 111 & 142 Woolstores Place / Unallocated Crown Land PINs 583843, 12299290 & 12299292 / CoA managed reserve R37011 & CoA managed Local Road reserves (various) associated with Woolstores Place
- Proponent / Owner** : Proponent - Rowe Group
Owner: Rural Logistics (WA) Pty Ltd (formerly Mainbeam Pty Ltd)
- Lot 1209 on Plan 173935
 - Lot 1104 on Plan 165964
 - Lot 895 on Plan 161301
 - Lot 141 on Plan 027076
 - Lot 142 on Plan 416233
 - Lots 1156 & 1157 on Plan 171141
- Main Roads WA - Lot 111 on Plan 416232
- Business Entity Name/s** : • Rowe Group
Directors being Callum Alexander Rowe and Keegan John Rowe
- Rural Logistics (WA) Pty Ltd (formerly Mainbeam Pty Ltd)
Director being Mark Terence Dyson
- Attachments** : 1a Albany Woolstores Structure Plan Map (Extract)
1b Albany Woolstores Precinct Structure Plan Report
1. Schedule of Submissions
 2. Consultation – Key Themes
 3. Schedule of Modifications
 4. Engineering Servicing Report
 5. Woolstores Place Needs Analysis
 6. Woolstores Coastal Hazard Risk Management and Adaptation Plan
 7. Bushfire Management Plan
 8. Transport Noise Assessment
 9. Woolstores Detailed Environmental Studies
 10. Preliminary Site Investigation
 11. Local Water Management Strategy
 12. Transport Impact Assessment
 13. Visual Impact Assessment Figures
 14. Visual Landscape Analysis and Visual Impact Assessment
 15. Woolstores Sections
 16. Landscape Master Plan
- Report Prepared By** : Senior Strategic Planner (A Nicoll)
- Authorising Officer:** : Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019 (ALPS)* and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcomes:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - **Pillar:** Prosperity
 - **Outcomes:**
 - A strong, diverse and resilient economy with work opportunities for everyone; and
 - A highly sought-after tourist destination.

In Brief:

- The preparation of the Woolstores Precinct Structure Plan is a key strategic action identified under ALPS. The draft structure plan aims to facilitate the delivery of high quality built form and public realm outcomes for the landmark site, balanced with managing and mitigating associated environmental considerations.
- The draft structure plan was prepared to guide future subdivision and redevelopment coordination across the Woolstores site, that includes proposed hotel, commercial, retail, permanent residential and short term tourist accommodation uses, in conjunction with the delivery of public open space and associated infrastructure.
- The draft structure plan was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations). Agency and public submissions were received during the comment period. Matters raised in the submissions received have been considered, with modifications to the draft structure plan recommended to address these.
- Staff recommend Council resolve to forward the draft structure plan to the Western Australian Planning Commission (WAPC), with a recommendation for final approval subject to modifications.

RECOMMENDATION

DIS382: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR TRAILL

THAT Council:

1. **ENDORSE** the comments made in this report, the Schedule of Submissions and the Schedule of Modifications, both attached to this report, in response to the preparation, advertising and agency referral of the Precinct Structure Plan.
2. **RESOLVE** pursuant to Schedule 2, cl. 20. of *the Planning and Development (Local Planning Schemes) Regulations 2015* to:
 - a. Forward the Woolstores Precinct Structure Plan, this report and attachments (including Schedule of Submissions and Schedule of Modifications) to the Western Australian Planning Commission.
 - b. Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications **(as amended - Delete modifications 5, 12, 18 (in part) and 19 and in relation to building height. Delete modifications 10b, 10c and modify 15 in relation to Coastal protection measures. Change modifications 1 and 14.1 in relation to Coastal setback)**, attached to this report.
3. **NOTE** that City officers will continue to liaise with the Western Australian Planning Commission and other agencies to resolve any matters raised by the Schedules of Submissions and Modifications.
4. **NOTIFY** the proponent, landowners and submitters of its decision and at the time of the Western Australian Planning Commission's final decision on the Precinct Structure Plan.

CARRIED 10-0

DIS382: AMENDMENT 3 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation Point 2 b be AMENDED to read as follows:

Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (as amended – Change modifications 1 and 14.1 in relation to Coastal setback), attached to this report.

CARRIED 6-4

Record of Vote

Against the Vote: Mayor Stocks, Councillor Cruse, Councillor Baesjou and Deputy Mayor Councillor Terry

Councillor Brough then moved a third amendment to the Authorising Officer Recommendation.

DIS382: AMENDMENT 2 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation 2 b be AMENDED to read:

Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (as amended – Delete modifications 10b, 10c and modify 15 in relation to Coastal protection measures), attached to this report.

CARRIED 10-0

Councillor Brough then moved a second amendment to the Authorising Officer Recommendation.

DIS382: AMENDMENT 1 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation point 2 b be AMENDED to read:

Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (as amended – Delete modifications 5, 12, 18 (in part) and 19 and in relation to building height), attached to this report.

CARRIED 10-0

Councillor Brough then moved an amendment to the Authorising Officer Recommendation.

DIS382: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

DIS382: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. ENDORSE the comments made in this report, the Schedule of Submissions and the Schedule of Modifications, both attached to this report, in response to the preparation, advertising and agency referral of the Precinct Structure Plan.
2. RESOLVE pursuant to Schedule 2, cl. 20. of *the Planning and Development (Local Planning Schemes) Regulations 2015* to:
 - a. Forward the Woolstores Precinct Structure Plan, this report and attachments (including Schedule of Submissions and Schedule of Modifications) to the Western Australian Planning Commission.
 - b. Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications, attached to this report.
3. NOTE that City officers will continue to liaise with the Western Australian Planning Commission and other agencies to resolve any matters raised by the Schedules of Submissions and Modifications.
4. NOTIFY the proponent, landowners and submitters of its decision and at the time of the Western Australian Planning Commission's final decision on the Precinct Structure Plan.

BACKGROUND

- The subject site is located at the northern western end of Princess Royal Harbour and approximately 2km west of Albany city centre (refer Figure 1).

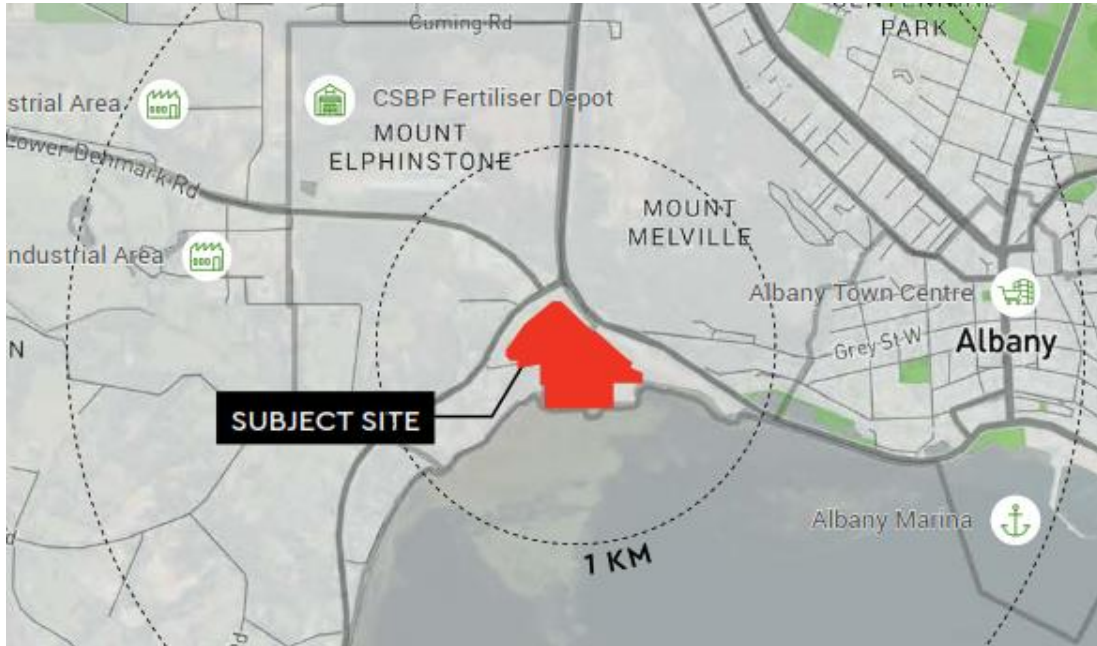


Figure 1: Site context

- Site details:

Total Area:	163.8ha
Current Land Use Zone	<p>Lots 1156, 1157, 895, 1104, 1209, Woolstores Place – General Industry & Restricted Use (LPS1), Light Industry & Restricted Use (LPS2)</p> <p>Lots 111, 141 & 142 Woolstores Place / Unallocated Crown Land PINs 583843 & 11786504 - Rural Small Holdings (LPS1 & LPS2)</p> <p>Unallocated Crown Land PINs 12299290, 11786504 & 12299292, Environmental Conservation (LPS2)</p> <p>R 37011 – Parks and Recreation (LPS1), Drainage / Waterway Reserve (LPS2)</p>

- The Woolstores Precinct Structure Plan pertaining to land associated with Woolstores Place, Mount Elphinstone (referred to in this report as the subject site) was formally lodged and accepted by the WAPC on 21 August 2023.
- The Woolstores site is known for the former large warehouse bulk storage operation at the site, associated with the wool industry. Commencing in the mid-1950s, the operation was of a significant scale, reaching a storage capacity approximately 350,000 tonnes including expansion of the facilities south to its current position, from its original location directly south of Woolstores Place, including onto reclaimed land within the harbour.
- The site operated as a bulk wool storage facility until the 1990s and following cessation of wool industry related activities at the site, some sections of the facility were later utilised for storage of other bulk materials until 2022, when the buildings were vacated and demolition and removal of the structures commenced.



Figure 2: Subject site

9. The area of the subject site north of Woolstores Place has primarily remained vacant and incorporates land under various tenures including unallocated Crown Land, with some recent changes to the northernmost boundaries associated with the implementation of the Albany Ring Road project.
10. The draft structure plan and associated supporting documentation and management plans (attached to this report) were prepared in accordance with State Planning Policy 7.2 and associated guidelines.
11. Future redevelopment of the site for infill development is a key strategic direction identified under ALPS. The strategic action for the subject site under ALPS (referenced as Investigation Area 2 – Wool Stores) recommends the facilitation of a structure plan that demonstrates how the site can be redeveloped, addressing various site-specific considerations and achieve desired infill development outcomes.
12. To inform the outcomes and recommendations of the draft structure plan, the proponent undertook preliminary engagement with agencies such as the Water Corporation, prior to formal submission of the draft structure plan for consideration.
13. The public consultation period commenced in late August for a period of 21 days, concluding 6 October 2023. Public consultation involved letter mail out to adjoining landowners and occupiers, advertisement in the newspaper and the draft structure plan and supporting documentation made available to view on the City's website. The draft structure plan was also referred to relevant state agencies and internal City of Albany departments for comment.
14. Public and agency submissions were received during the advertising period, primarily submitted through the online submission form that was made available on the City's consultation page. Further detailed discussion on the matters raised during public consultation is outlined below.

DISCUSSION

Proposal

15. The draft Structure Plan Map (refer Figure 3 below and Attachment 1a to this report) outlines the land use zones and key elements proposed for the subject site, including a dedicated commercial precinct (neighbourhood centre), a mixed-use precinct entailing permanent residential and tourist accommodation, including a hotel development located in the prominent southwestern corner of the site. The draft Map also outlines street block and road layout and accessibility across the site as well as areas to be set aside for provision of public open space.
16. Key elements of the proposal include:

<p><u>Commercial Precinct</u></p>	<p>Proposed Land Use Zones: Neighbourhood Centre Land use permissibility as per LPS2 Built form: Sites 1 & 2 – max 11m height As per draft structure plan height and setbacks plan - active frontages to Woolstores Place Public open space provided west of Site 1</p>
<p><u>Woolstores Precinct</u></p>	<p>Proposed Land Use Zones: Mixed Use Land use permissibility as per LPS2 Density and built form (as per R-Codes and draft structure plan height and setbacks plan): Site 3 - R50 max 3 storeys Site 4 - R80 max 4 storeys Sites 5 & 6 - R100 max 4 storeys Site 7 - R160 (minimum) max 6 storeys Sites 8 & 9 – R160 (minimum) max 8 storeys (subject to additional criteria) Public open space provision - west, south (foreshore) and eastern ends of structure plan area</p>



Figure 3: Structure Plan Map

17. Key themes identified during public consultation relate to:
- Servicing provision
 - Environmental matters
 - Coastal processes
 - Noise and vibration
 - Public open space
 - Commercial viability
 - Built form
 - Accessibility
18. As required under the Planning Regulations, the City has prepared a Schedule of Submissions (refer Attachment 2) and a Schedule of Modifications (refer Attachment 4). The Schedule of Submissions summarises the submissions received during public consultation, with the Schedule of Modifications identifying recommended modifications by the local government based on its assessment of the proposal against local and state planning frameworks, and submissions and agency comments received during consultation, to inform the WAPC's consideration and determination of the draft structure plan.
19. The matters raised during advertising and recommended modifications to the draft structure plan to address these matters are discussed in below.

Servicing provision

20. Concerns were raised about servicing standards for the subject site.
21. The Servicing Report included with the supporting documentation outlined preliminary investigations undertaken in relation to current availability of required service connections to the site, including communication, power, sewerage and potable water.
22. Confirmation was provided in the report that service connections for communication, power and potable water available to the site, however connection to the Water Corporation sewer network was not currently available.
23. To address the requirement for the site to be connected to the reticulated sewer network, the structure plan identifies the requirement for the implementation of a Wastewater Pumping Station and Pressure Main to suitably service the site, based on preliminary comment from the Water Corporation to the proponent. The works would be undertaken at the subdivision stage of the development process.
24. Following this, the structure plan appropriately addresses requirements for servicing, with servicing is to be provided to the subject site, including reticulated water and sewer, subject to applicable standards and to the satisfaction of relevant agencies.

Environmental considerations

25. The following matters were raised during public consultation and identified by State agency and internal departments, in relation to environmental aspects of the draft structure plan:
- Acid sulfate soils
 - Site contamination
 - Impact to flora and fauna
 - Surface water management (living streams)
 - Impact to natural elements (foreshore) associated with the Princess Royal Harbour
26. In relation to the potential impacts identified above in relation to the harbour foreshore, this aspect is discussed further under the Coastal Processes section below.

27. In regards to the other matters raised during Detailed Environmental Studies (refer Attachment 10) were undertaken to consider various matters including:
- Desktop and preliminary site walk overs to identify the potential presence of threatened flora and fauna species on site
 - Desktop and preliminary site investigations to determine potential contamination and other environmental factors required to be addressed or mitigated as part of future planning stages.
28. Findings from the desktop and preliminary onsite investigations include confirmation of the presence of asbestos soil contamination, acid sulfate soils and groundwater contamination from up-gradient properties.
29. Based on the preliminary findings, the draft structure plan recommends further additional investigations and studies are undertaken as part of future planning stages (refer Section 5.2 of Attachment 1b draft structure plan report). Additional studies and investigations relate to:
- An ecological survey to confirm the presence of any threatened species
 - Further detailed investigation and analysis of the identified areas of environmental concern, especially in relation to the potential of uncontrolled fill, asbestos contamination and potential contaminated groundwater from up-gradient properties. Investigations and analysis would include preparation of a Sample and Analysis Quality Plan, to guide a future Intrusive Detailed Site Investigation of the subject site.
 - An acid sulfate soils investigation undertaken, in accordance with Department of Water and Environmental Regulation requirements, and preparation of supporting management plan.
30. The Local Water Management Strategy (LWMS) (refer Attachment 12) prepared for the draft structure plan confirmed that the site generally has a low clearance to groundwater and is also subject to upstream catchments, including the Albany Ring Road drainage managed by Main Roads.
31. Due to identified onsite and offsite water management constraints, the draft structure plan and supporting documentation recommend the following ahead of future planning processes:
- Development of the site should provide suitable clearance to groundwater and free flowing outfall to the coast during major rainfall events. Both these aspects are subject to projected sea level rise.
 - A geotechnical assessment should be undertaken to inform site preparation for development.
 - The quality of stormwater outflowing to the coastal ecosystems, should be managed appropriately. Given the magnitude of upstream flows, it was proposed that stormwater is managed via a piped system, configured to redirect flows directly to the coast, with a gross pollutant trap fitted at the piped discharge point. It's also proposed that post development monitoring be conducted for a period of up to 3 years (to check quality).
 - From a flood management perspective, given the size of receiving water, it is proposed that no attenuation of flows occur (apart from 15mm treatment storage). Road reserves are to provide the nearest available flood routes to the coast.
 - The refinement of this information to occur via preparation of an Urban Water Management Plan for the site.

32. The Department of Biodiversity, Conservation and Attractions (DBCAs) South Coast Region branch provided comment on the draft structure plan and recommendations identified in the supporting documentation (refer detailed comments Attachment 2 - Schedule of Submissions). In relation to environmental considerations, the following matters were identified:
- Whilst predominantly cleared of native vegetation, the Woolstores site is adjacent to sensitive ecological values that require consideration in the design, future subdivision and development of the structure plan area.
 - The proposal may lead to degradation of locally significant waterbird habitat identified adjacent to the structure plan area.
 - The proposal to convert open drainage to piped drains resulting in the subsequent drying out of the wetland adjacent to the southwest corner of the project area, and therefore likely to have a negative impact on habitat of identified Priority 4 fauna species.
 - Further investigation should be undertaken to verify the presence and extent of the Subtropical and Temperate Coastal Saltmarsh Threatened Ecological Community (TEC) identified adjacent to the site and potential impacts of future development fully assessed prior to implementation of future planning processes.
33. Further to the additional requirements identified under the draft structure plan, and informed by submissions received during public consultation, as well as state agency and internal department comments, the City recommends modifications to the draft structure plan to specifically address:
- Adoption of living streams approach to assist water management across the site
 - Improvements and expansion of provision of public open space for passive recreation across the site
 - Implementation of a larger foreshore area to what is currently proposed.
34. The associated modifications include:
- Increase the width of the foreshore area to improve amenity and to allow for coastal management and public recreation.
 - Re-allocate POS, considerate of natural features and to allow for Better Urban Water Management (Living Streams).
 - Extend the Structure Plan boundary to include adjacent foreshore areas.
 - Make a requirement for contamination reporting at a later stage in the planning process.
 - Make a requirement for pre development and post development assessment of groundwater.
 - Refining the design of the proposed coastal management measures (refer further discussion under Coastal Processes section below).

Coastal Processes

35. Key matters raised during public and agency consultation on the draft structure plan in relation to coastal processes primarily related to:
- The appropriateness of the proposed management and mitigation measures to address coastal processes;
 - The potential impacts on adjoining foreshore areas should the recommended protection measures be implemented; and
 - Lack of detail identification of funding sources and governance to facilitate implementation and maintenance of the recommended measures.

36. The Coastal Hazard Risk Management Adaptation Plan (CHRMAP) prepared in support of the draft structure plan (refer Attachment 7) acknowledged that the continued use of the site and the operation of the adjacent rail and road network would require ongoing protection from coastal erosion.
37. Outcomes recommended by the CHRMAP to address coastal processes for the structure plan area include:
- The adaptation pathway recommended for the structure plan area was protect, in the form of a rock-seawall, that would need to extend the length of the Woolstores site fronting the harbour, and along the foreshore to the east, outside of the structure plan area.
 - The construction and ongoing maintenance of the seawall to be undertaken by the developer of the site, with cost contributions towards the implementation and ongoing maintenance of the coastal protection method required to be provided from other landowners and/or managing agencies who have a direct benefit from the implementation of seawall - even if the benefiting land (infrastructure) was located outside of the structure plan area - e.g. Public Transport Authority, ARC Infrastructure and Main Roads Western Australia.
 - Additional fill to be undertaken on the site, to an elevation of at least 2.5m AHD to increase finished floor levels of proposed development.
 - Details for implementation of the protection and fill methods to be determined at future planning stages.
38. In addition to the submissions received during public consultation and agency referral, the City's consideration of the recommended outcomes of the CHRMAP for the draft structure plan is also informed by the following:
- The draft Princess Royal Harbour CHRMAP is currently being developed by the City, in conjunction with the State Government and Southern Ports. The Princess Royal Harbour CHRMAP includes the foreshore associated with the draft structure plan – located within Management Unit 2.
 - To date, key milestones reached by the draft Princess Royal Harbour CHRMAP include:
 - Establishing key community values of the Princess Royal Harbour area to inform preparation and recommended outcomes of the CHRMAP
 - Identification of key assets and risk from coastal processes (erosion and/or inundation) associated with the project area
 - Vulnerability analysis and evaluation of risk of identified key assets, to inform potential adaptation measures to be implemented to mitigate and/or manage identified risk from coastal processes across each management unit of the CHRMAP project area.
 - The proponent has accepted and incorporated the potential coastal hazards impacts identified through the preparation of the broader Princess Royal Harbour CHRMAP and incorporated this baseline information into the CHRMAP prepared for the draft structure plan area.
 - In regards to Management Unit 2, nature based soft protection (sand nourishment and levee bank) is currently identified under the draft Princess Royal Harbour CHRMAP as the recommended means to deal with coastal processes and the potential impact to assets and environmental attributes.
 - Cost and benefit distribution analysis is identified as next steps to inform potential avenues for funding to enable the implementation and maintenance of the adaptation pathways and/or mitigation measures identified.

- Community consultation on the draft Princess Royal Harbour CHRMAP that includes an implementation plan, monitoring plan and associated cost and benefit distribution analysis to support implementation and monitoring is expected to be undertaken in the second half of 2024.
39. As outlined above, the recommended adaptation pathway currently identified under the draft structure plan (hard protection method using a rock-seawall structure) conflicts with the recommended pathway currently identified under the draft Princess Royal Harbour CHRMAP for Management Unit 2 (nature based soft protection using sand nourishment and levee bank).
40. The Department of Planning, Lands and Heritage (DPLH) Coastal branch provided officer comment on the draft structure plan and supporting CHRMAP (refer detailed comments Attachment 2 - Schedule of Submissions). Whilst DPLH Coastal branch acknowledged that it was appropriate for a CHRMAP to be prepared for the site in accordance with applicable state planning policy, various matters remained outstanding that were required to be addressed in order for the CHRMAP and draft structure plan to be supported.
41. Key outstanding matters identified by DPLH Coastal branch relate to:
- Addressing the conflicting recommended coastal adaptation pathways currently identified under each CHRMAP.
 - Requirement to demonstrate that the coastal protection works as proposed will have no significant impact on the adjacent environment and that the works are in the public interest ensuring it maintains a coastal foreshore reserve for public access, amenity and safety, as well as protecting property and infrastructure.
 - Confirmation that identified funding arrangements for construction and recurrent costs to be put in place are appropriate, detailing specific governance mechanisms to be implemented and how they are enforceable in the planning framework, for the local government to implement to ensure this is achievable.
42. The Department of Biodiversity, Conservation and Attractions (DBCA) South Coast Region branch provided comment on the draft structure plan and recommendations identified in the supporting documentation (refer detailed comments Attachment 2 - Schedule of Submissions). In relation to the proposed measures to manage coastal processes, the following was identified:
- The creation of a seawall outside of the project area to the east and west may result in the degradation of the adjacent saltmarsh TEC, as this is influenced by tides and highly water dependent. Changes to tidal influences may result in negative impacts to the species that define the TEC.
43. In addition to the modification for widening of the foreshore, reconsideration of the coastal protection measure would also align with the recommendations for Management Unit 2 under the draft Princess Royal Harbour CHRMAP and further address outstanding matters outlined above, specifically mitigating impacts on environmental habitat and improve amenity and public access to the foreshore.
44. In response to the concerns raised, the proponent submitted additional supporting information to provide further clarification and rationale for the coastal protection measures as recommended in the CHRMAP and draft structure plan. Additional information also outlined potential hybrid approach (soft protection using levee bank and/or sand nourishment along with rocks placed underneath the soft protection measures) for consideration, versus implementation of a rock seawall.
45. The additional information is noted, however further detailed consideration and discussion is required, in consultation with state agencies, noting that the rock seawall hard protection measure in its current form is not supported as outlined under the CHRMAP and draft structure plan.

46. Based on the above, modifications to the CHRMAP and draft structure plan (refer Attachment 4 Schedule of Modifications) recommend refinement of the proposed coastal management measures, specifically to change the measure from hard protection rock seawall to implementation of either nature based soft protection – such as a levee and/or sand nourishment only in alignment with the current draft PRH CHRMAP, or adoption of a hybrid approach, addressing the various matters raised in relation to foreshore and public open space provision, environmental considerations and water management.

Built Form

47. A Visual Landscape Analysis and Visual Impact Assessment were prepared in support of the draft structure plan (refer Attachment 15).
48. The Visual Landscape Analysis acknowledges that a proposed 6-8 storey building height adjacent to the foreshore area would be of a larger scale, compared to the existing built form. The analysis acknowledged that the visual impact would need to be managed carefully for this scale in this location.
49. The draft structure plan recommends the following:
- Design should consider view-sheds from Mt Melville lookout, Rushy Point and Princess Royal Harbour.
 - Any development above 6 storeys should be limited to a floor plate maximum representing 35% of site area.
 - Colour and material palette should tie into the surrounding landscape of Mt Melville towards the north (neutral tones, greys and greens).
 - Use of a variety of textures such as cladding, perforated materials and etched finishes to soften hard built structures. Limit the use of bright or reflective materials to prevent glare from vantage points outside the subject site.
 - Incorporate substantial landscaping in public open space areas to soften built form, and to provide natural shade and shelter.
50. Submissions received during public consultation raised concern regarding the potential visual impact due to the proposed 8 storey development and potential amenity impact of dense and high buildings fronting a predominantly natural landscape.
51. The City's position is that 8 storeys is inappropriate as it is too high in this instance, and therefore inappropriate in the context of the subject site and surrounding landscape. In this instance, eight storey development would be incongruous and visually intrusive to its context, located on a promontory fronting a scenic harbour, surrounded by visually sensitive areas in most directions.
52. Based on this, the City recommends the draft structure plan be modified to limit the height of development to a maximum of 6 storeys, similar to that the current Waterfront Structure Plan.

Noise and Vibration

53. A Transport Noise Assessment (TNA) undertaken for the site has confirmed that noise mitigation must be considered onsite, due the exceedance of road and rail noise targets.
54. The TNA concluded that using barriers is not practical for noise mitigation, due to the adjacent road and rail being higher than the Woolstores site.
55. The structure plan has recommended that noise mitigation would generally be controlled through the building design process.
56. Furthermore, it was identified for potential vibration impact to buildings as a result of the adjacent rail network.

57. Comments received during public consultation and from state agencies and authorities raised concerns that road and rail freight noise levels would exceed the noise targets for most of the area within the proposed development site.
58. Noise complaints were therefore expected to be attributed from permanent residential implemented within the structure plan area, based on unachievable outdoor noise target levels in such developments.
59. The City has recommended that the following modifications to the structure plan to address and/or mitigate noise and vibration concerns:
 - Implementation of a 15m buffer between the rail and future development.
 - Include within the structure plan, a requirement for notification on title of the potential impacts of noise and vibration. This is to ensure that future landowners / residents are aware of noise and vibration impacts.
 - Inclusion of the requirement for a detailed vibration assessment relating to the adjacent rail network, to be undertaken at subdivision stage.

Public Open Space

60. It was commented that the amount of public open space (POS) proposed within the Structure Plan area was under provided for an area that will significantly increase recreation pressure on the harbour.
61. The City identified that re-evaluation of the POS was required, to address matters raised in submissions and internal responses from City of Albany departments and state agencies, specifically in regards to management of surface water flows, improvements to amenity and areas for passive recreation, enhance adjacent natural attributes and mitigate conflict and impacts on ecological communities.
62. Modifications proposed to the draft structure plan in relation to the allocation and function of POS therefore aim to address various matters including noise issues, water management, foreshore provision and management, coastal process management and improve amenity and public recreational opportunities.

Albany's Commercial Viability

63. Concerns were raised in submissions received during public consultation regarding the potential impact on the commercial viability of Albany's central business district.
64. A Demand/Supply Analysis prepared for the draft structure plan indicated the following:
 - Positive site characteristics include - large vacant lots, harbour frontage, accessible via the Albany Ring Road and a population catchment limited by its location at the southwestern edge of Albany (Little Grove and Robinson).
 - The site was one of the limited opportunities in Albany for mixed use waterfront development at a reasonable scale.
 - There was also an opportunity to provide multi-storey accommodation and additional commercial/retail floorspace by 2027, with Albany in need of shopping to service Albany's southwestern suburbs, along with 2 bedroom multi-storey units, to reflect a high number of 1-2 persons living in 3-4 bedroom houses.
65. The structure plan echoes the demand/supply scenario by recommending the development of commercial and multistorey housing development.
66. The outcomes of the demand/supply analysis and the draft structure plan are supported in regard to the proposed provision of commercial, higher density permanent residential and tourist accommodation for the site. No modifications are proposed in relation to this aspect of the draft structure plan.

Accessibility

67. In regards to accessibility, concerns were raised in relation to:
- The proposed grid/corridor road layout pedestrian access to the city centre;
 - The need for cycle lanes; and
 - Ensuring users of the Bibbulmun and Munda Biddi trails are provided with safe, suitable and constant access to the route via dedicated pathways during and after the completion of any construction works.
68. The structure plan states:
- Further, due to the Bibbulmun and Munda Biddi trails intersecting the Structure Plan Area, trail walkers / recreational users, will travel through the Structure Plan Area and interact with and activate the land now and into the future when development occurs. While the location of each trail is set to be redirected to the Albany Ring Road, the western extent of the Structure Plan Area will still be accessed by these users.*
- MRWA commented in their submission that:
- Main Roads is currently constructing the ARR (Frenchmans Bay Rd) bridge which provides for the pedestrian and cycle needs (Bibbulmun track and Munda Biddi trail) over the Rail Line and Princess Royal Drive, providing safer routes between the Little Grove/Frenchman's Bay precincts via Grey Street West and the CBD.*
69. As stated in a Transport Impact Assessment, all of the proposed neighbourhood connectors and integrator B roads shown on the below figure would have paths on both sides in accordance with *Liveable Neighbourhoods* guidelines, including a shared path on one side.
70. The outcomes proposed in relation to accessibility, road layout and function are supported with no modifications proposed in relation to this aspect of the draft structure plan.

GOVERNMENT & PUBLIC CONSULTATION

71. The Woolstores Precinct Structure Plan was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
72. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors in an attached Schedule of Submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation.	Mail out to agencies and adjoining landowners / occupiers and advertised in newspaper and on website.	24 August 2023 – 6 October 2023	31 Submissions	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Part 4, cl.18.</i>

STATUTORY IMPLICATIONS

73. Voting requirement for this item is **Simple Majority**.
74. The strategic direction outlined under City's Local Planning Strategy in relation to Urban Consolidation and Infill Development identifies the subject site as Investigation Area 2 – Wool Stores. The strategic action for the subject site recommends the facilitation of a structure plan that shows how the site can be redeveloped, addressing various site specific matters and desired infill development outcomes.

75. The *Albany Local Planning Strategy 2019* recommends that a structure plan is developed for the site to show:
- a) The capacity for mixed-use development, with a focus on tourism;
 - b) Capability for sewer management;
 - c) Coastal planning considerations;
 - d) Land contamination considerations;
 - e) Visual/landscape protection;
 - f) The interface with the future Albany Ring Road;
 - g) Potential impacts of noise and vibration from the railway line and associated environmental buffer requirements; and
 - h) Any other requirements that may be determined by the City of Albany or State government agencies.
76. A Bushfire Management Plan (BMP) was prepared in accordance with SPP3.5 that:
- a) Identified, on completion of development that all habitable development will be located on land with a moderate or low bushfire hazard level, subject to associated implementation works.
 - b) The potential for a secondary escape route via the rail reserve.
77. The findings and recommendations contained under the BMP are noted. Refer detailed discussion in the report.
78. Preparation of Local Structure Plans are undertaken in accordance with the requirements set out under Schedule 2, Part 4 of the Planning Regulations, including obtaining initial approval from the WAPC, local government advertising and referral requirements, consideration of submissions received, and referral to WAPC by local government for final approval with or without modification.
79. A Precinct Structure Plan is defined in the Planning Regulations as “a plan for the coordination of future subdivision, zoning and development of an area of land”.
80. The Western Australian Planning Commission are the responsible authority to approve Local Structure Plans in accordance with the Planning Regulations. In accordance with the state and local planning framework, approved Local Structure Plans are given same statutory weight as the local planning scheme, with normalisation of the zoning and development requirements of an approved Plan normalised in to the local planning scheme via a future amendment.

POLICY IMPLICATIONS

81. In developed areas, a precinct structure plan is considered to have achieved its purpose when measures have been implemented and the area has been developed in accordance with the applicable development controls.
82. The following applicable policies have been considered for the assessment of the structure plan:
- a) State Planning Policy 2.6 – Coastal Planning
 - b) State Planning Policy 3.0 – Urban Growth and Settlement
 - c) State Planning Policy 3.6 – Infrastructure Contributions
 - d) State Planning Policy 7.0 – Design of the Built Environment
 - e) State Planning Policy 5.4 Road and Rail Noise
 - f) State Planning Policy 3.7 Planning in Bushfire Prone Areas

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>The proposal may not be accepted by the Western Australian Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
Opportunity: <i>Increase opportunity for servicing, development and employment.</i>				

FINANCIAL IMPLICATIONS

84. If the local government does not provide a recommendation and report on the structure plan, to the Commission, the Commission may take reasonable steps to obtain the services or information on its own behalf. All costs incurred by the Commission may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

LEGAL IMPLICATIONS

85. There are no legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

86. A walk-over on the site by the environmental consultant, confirmed that no Threatened flora or fauna species were identified.
87. Due to the potential of flora and fauna species occurring in the general locality, the environmental assessment recommended a further ecological survey ahead of future planning processes in line with Government recommended methodologies (DBCA 2021; DSEWPac 2013; EPA 2016; EPA2020), to confirm presence or absence of any ecological features.
88. The environmental assessment has identified the following additional environmental factors that will require further investigation as part of future planning phases:
- a) Potential uncontrolled fill and asbestos contamination
 - b) Potentially contaminated groundwater from up-gradient properties
 - c) Acid Sulfate Soils investigation
 - d) Baseline water quality monitoring within the drainage lines/creeks
89. As required by an environmental assessment undertaken to support the structure plan and as stipulated by the structure plan at the clause 5.2, the following additional requirements are to be met at later stages:
- a) Urban water management plan
 - b) Ecological survey
 - c) Acid sulfate soils assessment 3
 - d) Geotechnical report to confirm building suitability.
90. Rezoning of the subject site to reflect recommendations of the structure plan, requires assessment by the Environmental Protection Authority.

ALTERNATE OPTIONS

91. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification; or
 - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications.

CONCLUSION

92. Based on the above, it is recommended that Council resolve to forward the Woolstores Precinct Structure Plan to the WAPC with a recommendation for approval, subject to modifications, as discussed above and identified within the Schedule of Submissions and the Schedule of Modifications.
- 93.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No.1</i> 2. <i>State Planning Policy 2.6 – Coastal Planning</i> 3. <i>State Planning Policy 3.0 – Urban Growth and Settlement</i> 4. <i>State Planning Policy 3.6 – Infrastructure Contributions</i> 5. <i>State Planning Policy 7.0 – Design of the Built Environment</i> 6. <i>State Planning Policy 5.4 Road and Rail Noise</i> 7. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> 8. <i>Local Planning Policy – Significant Tourist Accommodation Sites</i> 9. <i>Local Planning Policy – Woolstores Redevelopment Site</i>
File Number	:	LSP23
Previous Reference	:	Nil

[7:49pm](#) Andrew Sharpe left the Chamber

[7:51pm](#) Andrew Sharpe returned to the Chamber

**DIS383: DRAFT LOCAL PLANNING POLICY 1.2: SHIPPING
CONTAINERS – DRAFT LOCAL PLANNING SCHEME NO. 2**

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Draft Local Planning Policy 1.2: Shipping Containers
Supplementary Information & Councillor Workstation	: Non-Habitable Structures Local Planning Policy
Report Prepared By	: Senior Planning Officer (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcomes:**
 - Interesting, vibrant and welcoming places.
 - Responsible growth, development and urban renewal.
 - Local history, heritage and character is valued and preserved.

In Brief:

- To assist the implementation of LPS2, staff have identified specific provisions under draft LPS2 that may require further guidance through the preparation of a new local planning policy.
- Draft LPS2 outlines the requirement to obtain development approval from the local government for the temporary or permanent placement and/or development of a shipping container.
- Draft Local Planning Policy 1.2 Shipping Containers (LPP 1.2) has been prepared to guide the assessment of applications for the permanent or temporary placement of shipping containers in accordance with LPS2.
- Council is requested to endorse the draft LPP1.10 for advertising.

RECOMMENDATION

DIS383: COMMITTEE RECOMMENDATION

**MOVED: MAYOR STOCKS
SECONDED: COUNCILLOR TRAILL**

THAT this report item be DEFERRED and be re-presented to the June DIS Committee and OCM to facilitate discussion at an Elected Member workshop in the interim.

CARRIED 7-3

Record of Vote:

Against the Motion: Mayor Stocks, Deputy Mayor Councillor Terry and Councillor Cruse

DIS383: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse the Shipping Containers Local Planning Policy for the purpose of advertising.

BACKGROUND

4. The Western Australian Planning Commission has advised that draft Local Planning Scheme No. 2 (LPS2) is expected to be finalised for gazettal in early 2024. Draft LPS2 is therefore considered to be a seriously entertained document under the local planning framework, enabling the City to develop local planning policies prepared in alignment with the new draft scheme.
5. Draft LPS2 requires development approval from the local government for the temporary or permanent placement and/or development of a shipping container, irrespective of the permissibility of the land use and/or any existing approved use on site.
6. Prior to the preparation of LPS2, shipping containers were assessed against provisions applicable to the overarching land use (e.g storage) with no additional criteria specific to the assessment of the structure (shipping container).
7. One exception to this statement relates to shipping containers proposed for use as outbuildings under the City's Non-habitable Structures Local Planning Policy which required applications involving shipping containers to be advertised to adjoining landowners and redevelopment measures to be undertaken.
8. The content of the *Non-Habitable Structures Local Planning Policy*, minus the specific provisions relating to shipping containers, has been incorporated into draft LPS2 with the *Non-Habitable Structures Policy* set to be revoked following gazettal of LPS2.
9. It was considered the provisions relating to shipping containers should be broadened to include all land uses (not just outbuildings) and addressed through a Local Planning Policy.
10. In addition to development approval, a building permit is required for the permanent (and sometimes temporary) placement of shipping containers to ensure the structure is placed on appropriate foundations and tied down for safety.
11. There is, however, a common misconception within the community that no approvals are required for the placement of shipping containers. This misconception has resulted in a significant compliance burden for City of Albany Compliance Officers and also has safety implications with a number of unapproved shipping containers being placed on uneven ground / foundations and/or constructed without tie downs.

DISCUSSION

12. It is considered that preparing a specific Local Planning Policy for shipping containers will provide clarity over the approval requirements and therefore work to reduce the compliance burden and safety concerns.
13. Given the number of shipping containers currently being erected on properties without the necessary approvals, it is common for the City to find them placed in inappropriate locations such across services/easements therefore hindering access to and/or the function of these services / easements.
14. It is also common for shipping containers to be placed across designated carparking bays or vehicle manoeuvring areas required under the development approval for the site. This therefore reduces the provision of car parking, adversely impacts vehicle manoeuvrability and sight lines (obstruction by shipping container) and can result in conflict with the conditions of development approval.
15. Shipping containers can also impact local amenity through placement in front setback areas, across required landscaping areas, in designated bin storage areas (forcing bins to relocate to inappropriate areas) and on sites where no approved building or dwelling exists.

16. Given the requirement for development approval to be obtained and the common issues with the siting of shipping containers identified above, it is considered appropriate that the draft LPP1.2 provides assessment criteria for the location of shipping containers on-site.
17. Additional safety concerns also arise from the use of shipping containers given they are unable to be opened from the inside. This has led to people being trapped inside shipping containers for long periods of time. Consistent with the requirements of many other local governments, it is considered appropriate to require shipping containers to be modified to ensure they are also able to be opened from the inside. It is envisaged that this requirement will be applied as a condition of development approval.
18. Consistent with the requirements (previously) contained within the Non-Habitable Structures Local Planning Policy, draft LPP 1.2 contains provisions requiring redevelopment measures to be proposed in order to improve the appearance and minimise amenity impacts of the shipping container, given their industrial nature. These redevelopment measures will only be required when the shipping container will be visible from adjoining properties and/or public areas and will need to be detailed with any application for development approval.
19. However, given the industrial nature of shipping containers, they are considered to be consistent with the expected amenity of industrial areas. Therefore, the redevelopment measures referenced above may be waived by the City of Albany for the placement of shipping containers in industrial zones, unless the shipping container will be visible from adjoining properties or public spaces within non-industrial zones.
20. Also consistent with the (revoked) *Non-Habitable Structures Policy* (for outbuildings), LPP 1.2 states proposals involving the permanent placements of shipping containers in 'Residential' zones will be advertised, given concerns with amenity impacts and the compatibility of shipping containers with residential amenity. Outside of Residential zones, proposals may be advertised at the discretion of the City of Albany, if it is expected the proposal may have an adverse impact on adjoining landowners.
21. There are some circumstances in which the LPP1.2 seeks to exempt shipping containers from the requirements to obtain development approval under *Planning and Development (Local Planning Schemes) Regulations 2015*. This includes situations where a shipping container is proposed to be temporarily placed on-site during construction or if being used temporarily for the loading / unloading of goods.
22. Rather than requiring the submission of a development application, in these circumstances the City would accept a formal request for the temporary approval of a shipping container on site subject to confirmation regarding the temporary nature of the use and the legitimate need for the structure.
23. The City will also require the provision of a site plan demonstrating that the shipping container will meet required setbacks, will not impact on pedestrian or vehicle movement and will not impede sight line of vehicles.
24. The provision of the site plan will also ensure the shipping containers are located within property boundaries as it is common for temporary shipping containers to be placed on verges outside of lot boundaries (without approval) which impacts verge maintenance and mowing, obstructs footpaths and acts as a hazard to other users.
25. The draft LPP1.2 allows the City to consider waiving the requirement for the redevelopment measures for the temporary placement of shipping containers at the officer's discretion. It is anticipated redevelopment measures would only be required in his instance if the shipping container is located in a prominent location and will be (temporarily) required for a longer period of time.
26. It is recommended that Council resolves to endorse the draft Local Planning Policy 1.2 Shipping Containers for the purpose of advertising.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

33. Voting requirement for this item is **Simple Majority**.
34. Consideration of draft new LPPs requires resolution of Council for endorsement to advertise and final adoption following advertising, with or without modifications, in accordance with the Planning Regulations.
35. As outlined above, draft LPS2 is considered to be a seriously entertained document under the local planning framework, therefore enabling the ability to prepare and undertake preliminary advertising of draft LPPs that are prepared in alignment with the new draft scheme.
36. Draft LPP2.1 was therefore prepared for Council’s consideration and endorsement to undertake preliminary advertising and stakeholder consultation, prior to formal gazettal of LPS2.
37. Should Council resolve to adopt draft LPP2.1, with or without modification, a notice must be published as per 87 of the Planning Regulations. The notice will be published following formal gazettal of LPS2, with the policy coming into effect at that time.

POLICY IMPLICATIONS

38. There are no policy implications relating to endorsing the proposed LPP1.2 for advertising.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational Not approving draft LPP1.2 for advertising could result in inconsistent advice, consideration and determination of applicable development proposals, leading to undesired outcomes.	Possible	Minor	Low	Policy provisions are consistent with the scheme standards and requirements, to provide guidance and supporting information for the consideration of applicable proposals.
Opportunity: To ensure shipping containers do not detract from the amenity of the area in which they are situated, or effect the existing operation of the site.				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

41. There are no legal implications relating to endorsing the proposed draft LPP1.2 for advertising.

ENVIRONMENTAL CONSIDERATIONS

42. There are no environmental implications relating to endorsing the proposed draft LPP1.2 for advertising.

ALTERNATE OPTIONS

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

CONCLUSION

44. Staff recommend Council resolve to advertise the draft LPP 1.2 Shipping Containers in preparation for the forthcoming gazettal of LPS2.
45. Upon agreement, a notice of the proposed policy will be placed in a newspaper and on the City’s website for 21 days.
46. After expiry of the period within which submissions may be made, the Local Government is to:
- a) Review the draft local planning policy considering any submissions made; and
 - b) Resolve to adopt policy positions with or without modification, or not to proceed.

Consulted References	:	1. Draft <i>Local Planning Scheme No. 2</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. <i>City of Albany Non-Habitable Structures Local Planning Policy.</i>
File Number (Name of Ward)	:	All
Previous Reference	:	N/A

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil**
12. **MEETING CLOSED TO THE PUBLIC – 8:02pm**
13. **CLOSURE – 8:02pm**

There being no further business the Chair declared the meeting closed at **8:02pm**

(Unconfirmed Minutes)

Councillor Cruse
CHAIR