



AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

06 AUGUST 2014

5.30pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

PLANNING AND DEVELOPMENT COMMITTEE

AGENDA –06/08/2014

** REFER DISCLAIMER **

TERMS OF REFERENCE

(1) Function:

The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:

- (a) To advocate, plan and build connected, liveable communities;
- (b) To create a community that supports people of all ages and backgrounds;
- (c) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

(2) It will achieve this by:

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community ; and
- (g) Making recommendations to Council.

(3) Chairperson: To be elected from the Committee

(4) Membership: Open to all elected members, who wish to be members

(5) Meeting Schedule: 1st Wednesday of each month

(6) Meeting Location: **Council Chambers**

(7) Executive Officer: CEO or nominee

(8) Delegated Authority: None

PLANNING AND DEVELOPMENT COMMITTEE

AGENDA –06/08/2014

** REFER DISCLAIMER **

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PLANNING AND DEVELOPMENT COMMITTEE

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** REFER DISCLAIMER **

1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Councillors:

Member	V Calleja JP (Chair)
Member	A Hortin JP
Member	A Goode JP
Member	R Hammond
Member	R Sutton
Member	G Gregson

Staff:

Executive Director Planning & Development Services	D Putland
Manager Planning	J van der Mescht
Minutes	J Cobbold
Senior Strategic Planner	A Nicol
Senior Planning Officer	A Bott
Planning Officer	T Gunn

Apologies:

- Mayor D Wellington (Deputy Chair)
- Councillor S Bowles
- Councillor N Williams
- Councillor B Hollingworth

PLANNING AND DEVELOPMENT COMMITTEE

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** REFER DISCLAIMER **

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Planning and Development Committee Meeting held on 02 July 2014, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

PD045: ADOPT NEW LOCAL PLANNING SCHEME 1 POLICY MANUAL

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Nil
Appendices	: Nil
Councillor Workstation	: <i>Local Planning Scheme 1 Policy Manual</i>
Responsible Officer:	: Executive Director Planning and Development Services (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A connected built environment.
 - b. **Strategic Objective:**
 - 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.
 - c. **Strategic Objective:**
 - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
 - d. **Strategic Initiative:**
 - By protecting heritage buildings, and ensuring new developments respect the heritage and character of streetscapes.
 - By ensuring that community safety is built into all planning and development initiatives.

In Brief:

- Council's planning policies are consolidated into a single document called 'Town Planning Scheme 1A and 3 Policy Manual'. As a single document, policies are easily referenced and managed.
- In accordance with Section 2.6 of *Local Planning Scheme 1*, policies adopted under the rescinded Schemes shall continue to have effect and be amended or revoked as if adopted under the *Local Planning Scheme 1*.
- However, some planning policies contradict or double up on the provisions contained within *Local Planning Scheme 1*.

- Council resolved in May 2014 to advertise its intention to rescind, revoke or amend a number of policies to overcome the issues outlined above.
- At the close of advertising, two submissions were received requesting additional amendments and the rescinding of an additional policy.
- It is recommended that Council resolves to support these amendments and to rescinding the policies identified in this report.

RECOMMENDATION

PD045: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 1. ENDORSE the amendments to policies identified in this report to provide consistency with the City's *Local Planning Scheme 1*;**
- 2. RESCIND the following Policies:**
 - a) *Grouped Dwellings on Rural Land Policy*;**
 - b) *Alfresco Dining Policy*;**
 - c) *Chalets Policy*;**
 - d) *Airport Buffer Policy*;**
 - e) *Albany Speedway – Atwell Park Policy*;**
 - f) *Timewell Road Waste Water Treatment Plant Policy*;**
 - g) *Albany Port Buffer Policy*.**
 - h) *Marbellup Brook Water Resource Protection Policy*; and**
- 3. ADOPT the City's Planning Policies (including those amended), consolidated into one document, referred to as the *Local Planning Scheme 1 Policy Manual*.**

BACKGROUND

2. In 2011, Council resolved to consolidate planning policies into a single document called 'Town Planning Scheme 1A and 3 Policy Manual'. As a single document, policies are easily referenced and managed.
3. In May 2014, *Local Planning Scheme 1* was gazetted to replace the five (5) Schemes current at the time. In accordance with Section 2.6 of *Local Planning Scheme 1*, policies adopted under the rescinded Schemes shall continue to have effect and be amended or revoked as if adopted under the *Local Planning Scheme 1*.
4. In spite of the above Scheme provision (Section 2.6), for clarity, Council resolved in May 2014 to provide the public with the opportunity to comment on policies that were proposed to be amended or revoked.

DISCUSSION

5. The following changes to the City's policy manual were advertised:
 - a) Policies to make reference to *Local Planning Scheme 1* and not the revoked Town Planning Schemes 1A and 3;
 - b) The following policies be revoked as the *Local Planning Scheme 1* includes provisions to govern pertinent use and development:
 1. *Chalets Policy*;

2. *Airport Buffer Policy*;
 3. *Albany Speedway – Atwell Park Policy*;
 4. *Timewell Road Waste Water Treatment Plant Policy*; and
 5. *Albany Port Buffer Policy*.
- c) The '*Grouped Dwellings on Rural Land Policy*' be revoked as it conflicts with provisions of the *Local Planning Scheme 1*. The '*Grouped Dwellings on Rural Land Policy*' supports up to two (2) dwellings on a 'Rural' zone property that is greater than 20ha in size. *Local Planning Scheme 1* does not support group dwellings within the 'General Agriculture' or 'Priority Agriculture' zones;
- d) The '*Alfresco Dining Policy*' be rescinded as development is controlled by the '*Activities on Thoroughfares and Public Places and Trading Local Law 2011*' and '*Trading in Public Places Council Policy*'.
6. There were no objections received to the proposed changes to the City's Planning policy manual. However, two additional changes to the City's planning policies were requested:
- a) That the '*Marbellup Brook Water Resource Protection Policy*' be revoked. This is on the basis that *Local Planning Scheme 1* (Part 6.3) includes measures to protect the Marbellup Brook protection area from uses and/or developments which may adversely impact on the quality and quantity of public drinking water sources.
 - b) That the '*Non-Habitable Structures Policy*' be amended to administer all lot sizes. The policy currently refers to lots of a size greater than > and of a size less than <. In doing so, the policy fails to administer for lots between. For example:
 1. *Special Residential Lots < 4000m² may develop a floor area of 150m²; and*
 2. *Special Residential Lots > 4000m² may develop a floor area of 170m².*
 - c) As indicated above, standards need to be introduced to address Lots that are of a size between (eg.4000m²).
7. The City's planning staff support these changes and recommend that Council resolves to amend the City's planning policy manual accordingly adopts the City's Planning Policies (including those amended), consolidated into one document, which will be referred to as the *Local Planning Scheme 1 Policy Manual*.

GOVERNMENT & PUBLIC CONSULTATION

8. Government agencies and the public were invited to provide comment on changes to the policies. The public requested the change to the '*Non-Habitable Structures Policy*'. City staff requested that the '*Marbellup Brook Water Resource Protection Policy*' be revoked.

STATUTORY IMPLICATIONS

9. In accordance with Section 2.6 of the *Local Planning Scheme 1*, where pursuant to the requirements of the former City of Albany Town Planning Schemes 1A and 3, a Town Planning Scheme Policy had been adopted and was operative at the date of the Gazettal of this Scheme, the Policy shall continue to have effect and be amended or revoked as if it were a Local Planning Policy adopted under Part 2 of this Scheme.

10. The following clause in the *Local Planning Scheme 1* deals with the Marbellup Brook Catchment Area:

6.3.3 In considering an application for planning approval within the Public Drinking Water Sources Special Control Area, the Local Government shall have particular regard to:

- a) The position of the premises shown in the Special Control Area mapping;*
- b) Recommendations contained within any adopted Water Source Protection Plan prepared by the relevant government authority affecting the area; and*
- c) Any advice on the proposal received from the relevant State Government authority.*

Voting requirements on this item is an **ABSOLUTE MAJORITY**

POLICY IMPLICATIONS

11. The *Local Planning Scheme 1*, the *Activities on Thoroughfares and Public Places* and the *Trading Local Law 2011* appropriately administer either Grouped Dwellings, Alfresco Dining, Chalets and areas adjacent to the Airport, Speedway, Waste Water Treatment Plant, Port and Marbellup Brook.

12. There are no significant policy implications in revoking the following policies as they are appropriately administered under other Laws or Acts:

- a) Group Dwelling on Rural Land Policy;*
- b) Chalets Policy;*
- c) Alfresco Dining Policy;*
- d) Airport Buffer Policy;*
- e) Albany Speedway – Atwell Park Policy;*
- f) Timewell Road Waste Water Treatment Plant Policy; and*
- g) Albany Port Buffer Policy; and*
- h) Marbellup Brook Water Resource Protection Policy.*

RISK IDENTIFICATION & MITIGATION

13. The following risk matrix is presented for consideration:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Local Planning Policy Manual not updated by Council affects staff abilities to make decisions and leads to inefficiencies and time delays. It is important to establish an up to date policy manual to clearly articulate Council's position on various development issues.</i>	<i>Likely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Update Local Planning Policy Manual</i>

FINANCIAL IMPLICATIONS

14. There are no financial implications relating to this item.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

16. There are no direct environmental considerations relating to this item.

ALTERNATE OPTIONS

17. The following options are available:

- a) Support the changes with modifications; or
- b) Refuse to support some or all of the proposed changes to the City’s planning policy manual

SUMMARY CONCLUSION

- 18. Policies adopted to support the *Local Planning Scheme 1* have been amended or revoked to make consistent with the *Local Planning Scheme 1*.
- 19. The amendments were advertised, after which one submission requested amendments to the *Non-Habitable Structures Policy* and the other requested the ‘*Marbellup Brook Water Resource Protection Policy*’ be revoked.
- 20. This report item recommends that the Council supports all the proposed amendments, which includes revoking selected policies and adopts the one document, referred to as the *Local Planning Scheme 1 Policy Manual*.

Consulted References	:	1. <i>Schemes 1A and 3</i> 2. <i>Local Planning Scheme 1</i> 3. <i>Town Planning Schemes 1A and 3 Policy Manual</i>
File Number (Name of Ward)	:	N/A
Previous Reference	:	OCM 19/04/11 - Item 1.1 Final Adoption of Policy Manual OCM 27/5/2014 – Item PD031 Advertise new draft <i>Local Planning Scheme 1 Policy Manual</i>

**PD046: PLACE OF WORSHIP & EDUCATION ESTABLISHMENT – LOT
26 BREWSTER ROAD, COLLINGWOOD HEIGHTS**

Land Description	: Lot 26 Brewster Road, Collingwood Heights
Proponent	: Rob Forgione – Concept Building Design
Owner	: Daniele Nominees Pty Ltd F Daniele C Daniele
Business Entity Name	: Christian Family Church
Attachments	: Site Plan, Floor Plan and Elevation Covering Letter/s Business Plan
Appendices	: Nil
Councillor Workstation	: Nil
Responsible Officer(s):	: Executive Director Planning and Development Services (D Pultand)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates directly to the following element of the *Community Strategic Plan "Albany 2023"*:
 - a. **Key Theme:** 1. Smart, Prosperous & Growing
Strategic Objective: 1.1 To foster education, training and employment opportunities that support economic development.
Strategic Objective: 1.3 To develop and promote Albany as a unique and sought-after visitor destination.
 - b. **Key Theme:** 3. A Connected Built Environment
2. Council's decision on the proposal should be consistent with the objectives of the *Albany Local Planning Strategy (ALPS)* as the principal land use planning strategy for the City.

Section 6.3.1 – **Community Services** sets the following Planning Objective:

"To provide for a range of easily accessible community services and facilities."

Section 6.4.6 – **Education** sets the following Planning Objective:

"To provide for adequate and appropriate government and non-government school sites to service existing and future urban areas."

The ALPS expands on this and states *"The City has an adequate number of private and public schools catering for primary and secondary education. However the provision of education facilities is a key requirement for the growth of urban areas and because most of Albany's schools are located in the town site, it is essential that planning encourages the establishment of new public and private schooled within the suburbs they will service."*

In Brief:

- Council is asked to consider an application for Planning Scheme Consent, for a Place of Worship and Education Establishment at Lot 26 Brewster Road, Collingwood Heights.
- The application has been advertised for public comment, and referred to surrounding residents.
- One letter of objection was received, the concerns primarily relate to increased vehicle movements on Brewster Road.
- Under Council Guideline 'Planning Applications', the use Place of Worship is classified as "3C", whereby the application is required to be determined by Council.
- Staff recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

PD-046: RESPONSIBLE OFFICER

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Place of Worship and Education Establishment at Lot 26 Brewster Road, Collingwood Heights. Subject to the following conditions:

- a) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.**
- b) Prior to the commencement of works:**
 - i) A preliminary site investigation shall be undertaken using a WAPC Acid Sulphate Soil self assessment form, to determine whether acid sulphate soils are present on the land and, if present, their extent and severity; and**
 - ii) If the site is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted and approved by the Department of Environment Regulation.**
- c) All site works shall be carried out in accordance with the provisions of any approved management plan/s, to the satisfaction of the City of Albany.**
- d) The Developer shall provide a geotechnical report certifying that the land is physically capable of development to the satisfaction of the City of Albany. Design and construction works shall be carried out in accordance with the recommendations of the geotechnical report.**
- e) Satisfactory arrangements being made with the City of Albany, for a contribution towards the upgrading of the cycle lane/s on Brewster Road, unless otherwise agreed in writing by the City of Albany.**
- f) Stormwater disposal plans, details and calculations shall be submitted for approval and constructed to the satisfaction of the City of Albany.**
- g) Prior to construction of the development a schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval by the City of Albany.**
- h) The development hereby approved shall be suitably screened from view from the surrounding lots and adjacent road by the use of suitable trees and shrubs. In this regards a landscaping plan detailing the size, species and location of**

trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.

- i) A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.**
- j) The parking areas shall be illuminated when they are in use, or may be sought to be used by patrons during hours of darkness, to the satisfaction of the City of Albany.**
- k) Ten (10) bicycle parking spaces shall be provided for the development hereby approved, to the satisfaction of the City of Albany.**
- l) The Brewster Road crossover and access way shall be relocated further north to reduce headlight glare into neighbouring residential properties, to the satisfaction of the City of Albany.**
- m) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.**
- n) The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.**
- o) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.**
- p) The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.**
- q) No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.**
- r) Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.**
- s) All landscaped areas shall be maintained in good condition to the satisfaction of the City of Albany.**
- t) An appropriate effluent disposal system that is designed for long term usage shall be installed for the development hereby approved, to the satisfaction of the City of Albany.**
- u) An adequate potable water supply shall be supplied and connected to the development hereby approved, to the satisfaction of the City of Albany.**
- v) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.**
- w) Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.**

BACKGROUND

- 3. This application is on behalf of the Christian Family Church and involves a Place of Worship and minor additional Education Establishment at Lot 26 Brewster Road, Collingwood Heights.
- 4. The Christian Family Church has been operating within the municipality of Albany for twenty six (26) years, and is currently operating from a leased facility on Troode Street, Collingwood Park.

5. The site is 7.7269 hectares in area, and is zoned 'General Agriculture' under City of Albany *Local Planning Scheme No. 1* 'the Scheme'.
6. The site is relatively flat land, and is bounded by General Agriculture lots to the east, west and south and residential lots to the north of the site.
7. The application was advertised to the public, Department of Aboriginal Affairs and Department of Water for comment. Nearby landowners to the site were notified and an advertisement was placed in a local newspaper. The advertising period was between 12 June, 2014 and 3 July, 2014. One (1) public submission was received, raising concerns in relation to increased vehicle movements and impacts on current road infrastructure. The matters raised in the submission will be discussed in further detail below.
8. Council is now requested to determine whether Planning Scheme Consent should be granted.

DISCUSSION

9. The proponent seeks to construct a multi-functional building that will be cater for several different uses, which include a church, small scale education establishment and various ministry programs.
10. The church activities include worship, prayer, preaching and social justice programs. The church partners with Alta 1 to provide schooling for approximately twenty (20) students that don't fit into the mainstream education system. Classes are proposed to be run during normal schooling hours (8.30am - 3.30pm, Monday to Friday). The ministry programs include creative arts, youth, children's, young adults, men's and women's and programs for the mature aged population.
11. The proponent has provided a business plan, outlining the hours of operation, estimated patron numbers and estimated vehicle movements for the site (which is an addendum to this report).
12. Although there are various activities proposed from the site throughout the week, the highest vehicle numbers will be from the church service, on Sundays between 8.30am and 12.00pm. It is estimated that two hundred and twenty (220) patrons will attend the service/s which will bring approximately one hundred and thirty (130) vehicles to the premises during these times.
13. The proposal includes a main auditorium, assembly area, administration area, office area, dining area, children's area and both soft and hard landscaping.
14. The development will be located on the southern portion of the lot, and is setback 42.6m from the southern boundary and 54.4m from the western boundary.
15. The development will be constructed out of a range of different materials and colours and will have a maximum ridge height of 8.5m above natural ground level.
16. The subject site has two road frontages, Lower King Road and Brewster Road. Access arrangements will be discussed in further detail below, under the Government and Public Consultation section of this report.
17. The proponent has provided two hundred (200) car parking bays for the development which complies with *Table 5 – Car and Bicycle Parking Requirements of the Scheme*. Officers have recommended that ten (10) bicycle parking spaces also be provided, in accordance with the requirements of *the Scheme*.

18. The Yakamia creek flows through the northern portion of the lot; however the development is sufficiently setback from the creek. The site falls within the City of Albany's *Development in Flood Prone Areas Policy*. The Policy requires habitable buildings to have a minimum finished floor level height 0.5m above the designated flood level, which has been achieved.
19. The proposal is consistent with the provisions and requirements (setbacks, landscaping and plot ratio etc) set out under section 5.5.6, and Table 7: Site Requirements, of *the Scheme* applicable to the 'General Agriculture' zone.

GOVERNMENT & PUBLIC CONSULTATION

20. The application was formally referred to the Department of Water and Department of Indigenous Affairs for comment. Although both departments have no objections to the application, the Department of Indigenous Affairs recommended that the developers contact them for further advice once detailed architectural plans are finalised.
21. The proposal was advertised in accordance with Clause 9.4.3 of *Local Planning Scheme No. 1* from 12 June, 2014 to 3 July, 2014. An advert was placed in the public notice section of a local newspaper. The City also wrote directly to surrounding landowners seeking comment, a notice was also placed on site.
22. One objection was received following the advertising period The submission is summarised below:
 - When viewing the documents it is difficult to believe that the proposal is simply a Place of Worship.
 - The combination of future aims, objectives and history appear to demonstrate an activity beyond that of an average church. This is evidenced on their website which describes an "at times loud" following and lists activities, services, fellowship meetings and conferences over much of any given week.
 - High volumes of traffic and noise particularly at times when it is considered as recreational/after hours.
 - Brewster Road has current issues, which will be intensified in usage.
 - There are also cars parking along the left hand side of the road adjacent to the school which requires local consideration and manoeuvring during school times.
 - Brewster Road has currently been "out of sight" and therefore has been "out of mind".
 - It will now require considerable upgrading if it is to sustain the increased vehicular traffic, whilst ensuring the safety of walkers and cyclists.
 - Any increase in width to facilitate for a raised and improved cycleway may require covered drains and resurfacing, who will bear the costs?
23. The concerns relating to the potential impact on neighbouring properties from increased vehicle movements are noted, and are valid planning issues. However officers consider the existing condition of Brewster Road (which was recently upgraded in 2013) to be adequate to cater for the proposal, and at this stage, will not warrant the upgrading of the road.
24. Officers have recommended a condition be applied, requiring an appropriate vehicular parking and access plan being designed and certified by a practising Civil Engineer in accordance with the appropriate Australian Standards and guidelines. Implementation of this plan will serve to mitigate concerns relating to damage on Brewster Rd from vehicles entering/leaving the site.
25. In relation to vehicular access, due to potential sight distance issues in an 80km/h zone, a "left in only" with a turning pocket on Lower King Road is the preferred solution, with the main access via Brewster Road.

26. To reduce the impact on neighbouring residential lots to the east, officers recommend a condition be applied requiring the relocation of the Brewster Road crossover further north. Relocation of the crossover will provide protection from headlight glare when vehicles are exiting the site.
27. The submission also raised concerns regarding the existing cycle way, officers have recommended a condition requiring a contribution towards any necessary upgrades.
28. Officers recommend conditions in relation to noise management be applied. Officers consider that the implementation of noise attenuation measures will mitigate concerns raised in regards to excessive noise, and will advise the proponent to engage a suitably qualified acoustic consultant to assist in the final design of the building.
29. Officers also recommend a condition requiring a landscaping plan, and additional vegetation being planted to further screen the development from public vantage points and neighbouring properties.

STATUTORY IMPLICATIONS

30. *Local Planning Scheme No.1* defines 'Place of Worship' and 'Education Establishment' as;

"Place of Worship – means premises used for religious activities such as a church, chapel, mosque, synagogue or temple".

Educational Establishment – means premises used for the purposes of education and includes a school, tertiary institution, Business College, academy or other educational centre"

31. The land uses 'Place of Worship' and 'Education Establishment', are both an 'A' use (discretionary use subject to public advertising), within the 'General Agriculture' zone.
32. Clause 10.2 of *Local Planning Scheme No. 1* specifies the Matters to be Considered by the Local Government and states that:

"The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application:

- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated Heritage Area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;*
- (i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;*
- (l) the likely effect of the proposal (l) on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*

- (p) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (q) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (y) *any relevant submission received on the application;*
- (z) *the comments or submissions received from any authority consulted under clause 10.1.1; and*
- (aa) *any other planning consideration the Local Government considers relevant."*

Voting requirements on this item is **SIMPLE MAJORITY**

33. These relevant matters have been considered and addressed by Staff in arriving at the recommendation.

POLICY IMPLICATIONS

34. The application complies with the City of Albany's *Development in Flood Prone Areas* policy. Compliance with the Policy has been discussed and addressed in the preceding discussing section of the report.

RISK IDENTIFICATION & MITIGATION

35. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.</i>	Likely	Moderate	Medium	<i>The decision is based on sound planning grounds. If a decision is made to refuse the application, Council to provide sound reasoning to support solid defence at a State Administrative Tribunal.</i>
<i>Approving the proposed use could give rise to unacceptable impacts on the amenity of the area.</i>	Possible	Moderate	Medium	<i>Mitigation of impacts to be achieved through adoption and enforcement of conditions.</i>

FINANCIAL IMPLICATIONS

36. All costs associated with the development will be borne by the proponent.
37. However, should the proponents be aggrieved by Council's decision or any attached conditions and seek a review of that decision or conditions through the State Administrative

Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

38. Council is at liberty to use its discretion to approve or refuse the proposal. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.
39. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

40. There are no environmental considerations pertaining to the application.

ALTERNATE OPTIONS

41. Council may determine that the proposed use is unacceptable and may resolve to refuse the application, or Council may alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

42. The application seeks Planning Scheme Consent for a Place of Worship and Education Establishment at Lot 26 Brewster Road, Collingwood Heights.
43. The application was advertised for public comment, with one submission against the proposal being received.
44. Officers consider that the site is well located, next to a major road and can be managed in such a way that impacts on neighbouring properties are kept to a minimum.
45. The proposal is considered to be consistent with the character, amenity and use of the area, and officers consider that the proposal is acceptable and recommend approval, subject to conditions.

Consulted References	:	<i>City of Albany Local Planning Scheme No. 1; City of Albany Development in Flood Prone Areas Policy.</i>
File Number (Name of Ward)	:	A21204 (Yakamia Ward)
Previous Reference	:	Not applicable

PD047: RESCIND PLANNING APPLICATION GUIDELINES

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: <i>Planning Application Guidelines</i>
Appendices	: Nil
Councillor Workstation	: Nil
Responsible Officer(s):	: Executive Director Planning and Development Services (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A connected built environment.
 - b. **Strategic Objective:**
 - 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.
 - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
 - c. **Strategic Initiative:**
 - By protecting heritage buildings, and ensuring new developments respect the heritage and character of streetscapes.
 - By ensuring that community safety is built into all planning and development initiatives.

In Brief:

- All applications for Planning Scheme Consent are currently classified in accordance with the City of Albany *Planning Application Guidelines*.
- The broad purpose of the *Planning Application Guidelines* is to provide guidance in respect to the advertising and decision making procedure when assessing applications for Planning Scheme Consent.
- Recent delegation changes and the gazettal of *Local Planning Scheme 1* have appropriately replaced the function of the *Planning Application Guidelines*.
- It is recommended that Council resolve to rescind the *Planning Application Guidelines* as a formal policy.

RECOMMENDATION

PD047: RESPONSIBLE OFFICER

THAT Council resolves to:

- Rescind the *Planning Application Guidelines*.

BACKGROUND

2. On 21 July, 2009, Council resolved to adopt the Planning Application Guidelines 'the guidelines'.
3. In May 2014, Local Planning Scheme 'the Scheme' was gazetted. The updated Scheme provides a contemporary and consistent approach to land use control across the City of Albany
4. In June 2014, Council adopted revised officer delegations. Among other changes, the delegations pertaining to the determination of planning applications have been refined and clarified significantly.
5. Recently issues have arisen with the *Planning Application Guidelines* conflicting with the assessment requirements of the Scheme and the decision making responsibilities contained within the revised delegations.
6. Given that the Scheme and delegations are now adopted, the appropriate procedures and decision making mechanisms are in place to suitably cover those previously contained within the *Planning Application Guidelines*.

DISCUSSION

7. On 21 July 2009, Council resolved to adopt the Planning Application Guidelines 'the guidelines'.
8. The guidelines were established to ensure the transparent and equitable assessment of applications for Planning Scheme Consent. The key components of the guidelines are as follows;
 - Sufficient information requirements for applications;
 - Consultation methodology;
 - Processing times; and
 - Decision making delegations.
9. The key components of the *Planning Application Guidelines* are now appropriately addressed in the Scheme and delegations as follows;

Sufficient information requirements for applications

10. Currently the Planning Application Guidelines classify the information requirements of an application as level 1, 2 or 3. In a number of instances, the guidelines have required applicants with relatively simple applications to provide information in excess of what is required to determine the application.
11. Clause 9.2 of the Scheme outlines the information which is required to accompany an application for Planning Scheme Consent. Importantly, Clause 9.2 provides officers with the ability to request any plan or information which may reasonably be required in the determination of the application. The Scheme therefore allows officers to appropriately judge the level of information required on an individual basis. This discretion can greatly improve processing times while also improving the quality of the decision making process.

Consultation Methodology

12. The *Planning Application Guidelines* provides 3 levels of advertising requirements for different application types. The level of advertising required is based upon the risk of an application detrimentally affecting the community.
13. It has become apparent in a number of instances that the required advertising and consultation procedure of the guidelines are overly prescriptive and in excess of the requirements of the Scheme. Conversely, there have been instances where guidelines have not required potentially controversial applications to be advertised.
14. The zoning table of the Scheme determines the permissibility of land uses within any given zone. A land use which is classed as an 'A' use is required to be advertised in accordance with Clause 9.4 – *Advertising of Applications*.
15. Clause 9.4 provides officers with the discretion to advertise to any owner or occupier who is likely to be affected by a decision. The discretion provided by Clause 9.4 allows officers to make a qualitative judgement in respect to the risk of an application and the level of advertising required.
16. In addition to the above, Clause 10.1.1 of the Scheme provides staff with the ability to consult with any interested party considered necessary. Clause 10.1.1 appropriately addresses situations whereby a use may be not require advertising under the zoning table, yet in the view of officers, still may has the potential to adversely impact adjoining residents.

Processing Times

17. Processing times are now appropriately addressed through the Scheme. The Scheme provides maximum processing times which are consistent with those applied State wide. Processing times are also reported to Council on a monthly basis.
18. There is an intention to develop organisational key performance indicators for planning application processing times.
19. The guidelines remain useful as an internal reference document for timeframes when assessing applications and will continue to be used for this purpose.

Decision Making Delegation

20. The planning guidelines currently provide a prescriptive approach to the responsibility for the determination of planning applications by staff or Council.
21. Under the current guidelines, all complex applications are required to be determined by Council. In a number of instances, an application may be classified as complex, yet be straightforward and in accordance with the Scheme and policy. In these situations, it is more appropriate for such matters to be determined by officers under delegation.
22. *Local Planning Scheme 1* provides the appropriate statutory framework for the assessment and determination of planning applications. In addition to this, there is a general requirement that if an application applies to vary a provision of the Scheme, that the matter is to be determined by Council.
23. In June 2014, Council adopted revised officer delegations. The revised delegations have been significantly refined and simplified. The revised delegations provide all officers with a clear guide in respect to the determination of an application.

GOVERNMENT & PUBLIC CONSULTATION

24. There is no requirement for Government or Public consultation as the *Planning Application Guidelines* were not adopted as a policy of the Scheme. As the guidelines were adopted as a policy of Council, the Scheme provisions which require a rescinded policy to be advertised are not applicable.

STATUTORY IMPLICATIONS

25. There are no statutory implications as the *Planning Application Guidelines* were not adopted as a policy of the Scheme. Rescinding the *Planning Application Guidelines* does not alter the statutory framework of *Local Planning Scheme 1*.

Voting requirements on this item is **ABSOLUTE MAJORITY**

POLICY IMPLICATIONS

26. There are no policy implications as the *Planning Application Guidelines* were not adopted as a policy of the Scheme.

RISK IDENTIFICATION & MITIGATION

27. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Possibility of duplicating of policies or conflict with delegations</i>	Likely	Insignificant	Low	Refine or rescind conflicting or duplicating of policies.

FINANCIAL IMPLICATIONS

28. There are no financial implications relating to this item.

LEGAL IMPLICATIONS

29. There are no legal implications relating to this item.

ENVIRONMENTAL CONSIDERATIONS

30. There are no direct environmental considerations relating to this item.

ALTERNATE OPTIONS

31. The following options are available:

a) Refuse to support rescinding the *Planning Application Guidelines*.

SUMMARY CONCLUSION

32. Given that the Scheme and delegations are now adopted, the appropriate procedures and decision making mechanisms are in place to suitably cover those previously contained within the *Planning Application Guidelines*.

33. Staff recommend that Council rescind the *Planning Application Guidelines*.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning Application Guidelines</i>
File Number (Name of Ward)	:	N/A
Previous Reference	:	1. OCM 21/7/2009 item 16.2.1 (<i>Planning Application Guidelines</i> adopted)

PLANNING & DEVELOPMENT COMMITTEE MEETING
AGENDA – 06/08/2014
REFER DISCLAIMER

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
16. **REPORTS OF CITY OFFICERS**
17. **MEETING CLOSED TO PUBLIC**
18. **CLOSURE**