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# AGENDA

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## **DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING**

**12 April 2017**

6.00pm

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.

## TERMS OF REFERENCE

(1) **Functions:** The Committee is responsible for:

Development Services:

The delivery of the “*Liveable Environmental Objectives*” contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the “*Clean and Green Objectives*” contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- To promote our region as clean and green.

(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) **Membership:** Open to all elected members.

(4) **Meeting Schedule:** Monthly

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

(6) **Executive Officers:** Executive Director Works & Services, Executive Director Development Services

(7) **Delegated Authority:** None

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**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**

Mayor D Wellington

**Councillors:**

Member	R Hammond
Member	P Terry
Member	C Dowling
Member	G Stocks
Member	B Hollingworth
Member	N Mulcahy
Member	J Shanahun ( <b>Chair</b> )
Member	S Smith
Member	A Goode JP
Member	A Moir

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Works and Services	M Thomson
Executive Director Development Services	P Camins
Manager Planning Services	J van der Mescht
Senior Planning Officer/Strategic Planning	A Nichol
Meeting Secretary	J Cobbold

**Apologies:**

Member	R Sutton (Leave of Absence)
Member	J Price (Leave of Absence)

**4. DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Committee/Report Item Number</b>	<b>Nature of Interest</b>

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**6. PUBLIC QUESTION TIME**

**7. PETITIONS AND DEPUTATIONS**

**8. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 15 March 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

**DIS017: REVIEW OF ASSET MANAGEMENT POLICY**

**Land Description** : City of Albany  
**Proponent / Owner** : City of Albany  
**Attachments** : Revised Asset Management Policy  
**Supplementary Information & Councillor Workstation** : Revised Asset Management Policy  
**Report Prepared By** : Team Leader - Asset Management (B Aris)  
Manager Governance & Risk (S Jamieson)  
**Responsible Officer:** : Executive Director Works & Services (M Thomson)

**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 2014 - 2018:
  - a. **Key Themes:** 2. Clean, Green & Sustainable.
  - b. **Strategic Objectives:** 2.2 To maintain and renew city assets in a sustainable manner.
  - c. **Strategy:** 2.2.1 Deliver effective asset planning and delivery, programs.

**In Brief:**

- Adoption of the revised Asset Management Policy will facilitate compliance with the State Government's Integrated Planning & Reporting Framework, the principles in the International Infrastructure Management Manual, the recently developed International Standards (ISO 55000 series) for Asset Management and the asset management structure already in place within the organisation.

**RECOMMENDATION**

**DIS017: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the revised City of Albany Asset Management Policy be ADOPTED.**

**BACKGROUND**

2. The current policy was adopted prior to the new ISO 55000 being implemented.
3. The ISO 55000 series of standards provide the fundamental elements for asset management systems used at the City.

**DISCUSSION**

4. The City provides services to the community through an extensive network of assets.
5. The City has finite resources and limited income streams that can be used to sustain service delivery. The City must ensure that service delivery is well-targeted and aligns with the Community's aspirations identified in the Community Strategic Plan and funded in the Long Term Financial Plan.
6. To ensure that resources are optimally allocated, it is important that informed decisions are made when considering the acquisition, ongoing ownership, management and disposal of assets.

7. The Assets team is a centralised team within the City Engineering Department, within the Works and Services Directorate.
8. The asset team is responsible for asset management through the provision of:
  - a. A central pool of technical skills, knowledge and support;
  - b. Delivery of good practice asset management training; and
  - c. Asset management data that informs Council and Executive decision-making.
9. The fully revised policy position enables this by defining responsibility for asset management activities.

#### GOVERNMENT & PUBLIC CONSULTATION

10. Not applicable.

#### STATUTORY IMPLICATIONS

11. The *Local Government (Administration) Regulations 1996* prescribes that local government should adopt financial management systems to ensure long term financial sustainability.

#### POLICY IMPLICATIONS

12. Council reviewed and re-adopted an Asset Management Policy in June 2013. In accordance with Department of Local Government Guidelines, Council is required to review its Asset Management Policy, Strategy and Plans.

#### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Reputation &amp; Financial.</b></p> <p><i>Risk: There is a risk that by not establishing a disciplined methodology to asset management, financial loss will be incurred.</i></p>	Likely	Severe	Extreme	<p><i>Note: Extreme rating based on financial loss risk in excess of \$150,000.</i></p> <p><i>If the proposed policy is not endorsed, staff will review and address areas of concern.</i></p>
<p><b>Opportunity:</b> <i>To adopt contemporary industry practice will result in evidence-based decision making.</i></p>				

#### FINANCIAL IMPLICATIONS

14. No direct financial implications in relation to this item can be quantified at the time of writing this report. However, asset management plays a key role in ensuring that Council and the Executive contribute to activities that promote long term financial sustainability while maintaining appropriate service levels.

#### LEGAL IMPLICATIONS

15. Not applicable to this report.

#### ENVIRONMENTAL CONSIDERATIONS

16. The reviewed policy position contributes to Council's and the Community's aspiration to maintain and renew City assets in a sustainable manner.

#### ALTERNATE OPTIONS

17. The City has a statutory obligation to review its Asset Management Framework in accordance with the provisions of section 19DA of the *Local Government (Administration) Regulations 1996*.



18. No alternative options are proposed.

**CONCLUSION**

19. That the reviewed Council policy position is endorsed and adopted.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	CM.STD.7 (All Wards)
<b>Previous Reference</b>	:	OCM 19/03/2013 Resolution 5.1

**DIS019: PLANT REPLACEMENT PROGRAMME - REALLOCATION OF FUNDS P204**

**Land Description** : N/A  
**Proponent / Owner** : City of Albany  
**Business Entity Name** : N/A  
**Attachments** : N/A  
**Supplementary Information & Councillor Workstation** : N/A  
**Report Prepared By** : Manager City Operations (M Richardson)  
**Responsible Officers:** : Executive Director Works and Services (M Thomson)

**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 2014 - 2018:
  - a. **Key Theme:** 2. Clean, Green & Sustainable.
  - b. **Strategic Objectives:** 2.2 To maintain and renew city assets in a sustainable manner.
  - c. **Strategy:** 2.2.1 Deliver effective asset planning and delivery programs.

**In Brief**

- Funds were allocated in the 2016-17 budget for the purchase of a backhoe to be used for rural drainage maintenance.
- The backhoe is no longer required and will not be purchased.
- A single axle truck has been budgeted for changeover this financial year.
- Staff have identified that the truck requires extra specification to increase its towing capacity due to load compliance issues with the current trailers.
- Council approval is sought to allow some of the surplus funds dedicated to the purchase of the backhoe be reallocated to the extra cost of the truck.

**RECOMMENDATION**

**DIS019: RESPONSIBLE OFFICER RECOMMENDATION**

**That Council APPROVE \$60,000 from funds budgeted for the purchase of a new backhoe to be reallocated to increase the budget to \$185,000 for the replacement of single axle truck P204.**

**BACKGROUND**

2. In response to community concerns regarding the maintenance of the City's unsealed roads, Council allocated additional funds to the City Operations road maintenance budget to appoint a dedicated rural road drainage crew with the aim of improving the formation and drainage of its gravel road network.
3. Funds were also allocated in the 2016-17 plant replacement budget for the purchase of a new backhoe to be predominantly used by the rural drainage team.
4. Since commencing the Rural Drainage Maintenance Program, City Operations staff have successfully coordinated the use of existing plant to undertake the work without requiring the purchase of a new backhoe.

- City Operations single axle truck P204 is also budgeted for changeover this financial year and is used by the Minor Works team for towing trailers and carrying material.

### DISCUSSION

- Staff have recently identified that the current trailers towed by P204 and used for transporting the skid steer loader, mini excavator and the 3 tonne roller are on their licensing limit with no ability to carry additional implements or equipment.
- The trailers are due for replacement this financial year and their current budget is sufficient for the trailers to be replaced at a specification that complies with the legal towing weight of the machinery.
- However, the extra weight of the new trailers combined with the machinery being transported will exceed the towing capacity of P204, rendering it unfit for purpose.
- Consideration has been given to replacing P204 with another truck within the City's fleet but this would cause similar productivity and compliance issues with the other work teams that would be required to use it.
- P204 is the only single axle truck used for towing.
- Staff are proposing that, rather than change over P204 for a truck of the same specification, it is replaced with a larger truck with greater towing and carrying capacity. This would be at an extra cost of approximately \$60,000.
- With Council approval, the \$60,000 required for the larger truck could be sourced from the unspent funds budgeted for the purchase of the backhoe.

### GOVERNMENT & PUBLIC CONSULTATION

- No government or public consultation is required.

### STATUTORY IMPLICATIONS

- There are no statutory implications related to this item.

### POLICY IMPLICATIONS

- There are no policy implications related to this item.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations, Legal &amp; Compliance.</b></p> <p><i>If P204 is not upgraded, the City Operations team will be unable to legally tow trailers carrying plant which is integral to them carrying out their work.</i></p>	<p><i>Almost Certain</i></p>	<p><i>Moderate</i></p>	<p><i>High</i></p>	<p><i>Upgrading the specification of P204 will ensure legal compliance and prevent disruption to infrastructure operations.</i></p>

### FINANCIAL IMPLICATIONS

- The extra funds required for the replacement of P204 with a larger truck are already contained within the Plant Capital Expenditure budget.
- \$120,000 was budgeted for a new backhoe and is now surplus.

19. To replace P204 with a tandem truck, \$60,000 is required from surplus funds in addition to the \$125,000 that is already budgeted.

**LEGAL IMPLICATIONS**

20. There are no legal implications related to this item.

**ENVIRONMENTAL CONSIDERATIONS**

21. There are no direct environmental considerations related to this item.

**ALTERNATE OPTIONS**

22. Council can decide not to approve the reallocation of funds, however, the Minor Works team would need to find alternative means to transport their equipment to the work site.

**CONCLUSION**

23. To comply with legal towing requirements, the City needs to upgrade the specifications for a single axle truck P204 budgeted for changeover this financial year.
24. An additional \$60,000 is required to purchase the larger truck and it is proposed that surplus funds from the plant replacement budget be used to make up the shortfall.
25. City staff require Council approval for the reallocation of surplus funds.

<b>Consulted References</b>	:	Local Government (Financial Management) Regulations 1996
<b>File Number (Name of Ward)</b>	:	Nil
<b>Previous Reference</b>	:	Nil

**DIS020: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME  
AMENDMENT– LOT 36 CATALINA ROAD, LANGE**

**Land Description** : Lot 36 Catalina Road, Lange  
**Proponent** : Western Power  
**Owner** : Electricity Networks Corporation  
**Business Entity Name** : Electricity Networks Corporation (T/A Western Power)  
**Attachments** : Local Planning Scheme Amendment No. 17  
**Supplementary Information & Councillor Workstation** : Nil  
**Report Prepared by** : Senior Strategic Planning Officer (A Nicoll)  
**Responsible Officer** : Executive Director Development Services (P Camins)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

**Maps and Diagrams**



**In Brief:**

- A request has been submitted for Council to initiate Amendment No. 17 to rezone Lot 36 Catalina Road, from the 'Public Use' reserve to the 'Future Urban' zone.
- The proposed amendment is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposed amendment is also consistent with the Yakamia Structure Plan that has been approved under the scheme.
- Council is requested to adopt the amendment for the purpose of referral to the Commission for final approval.

**RECOMMENDATION**

**DIS020: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to ADOPT Amendment No. 17 to amend *City of Albany Local Planning Scheme No. 1* by:**

1. Rezoning Lot 36 Catalina Road, Lange from 'Public Use' to 'Future Urban'; and
2. Amending the Scheme Maps accordingly.

**The Amendment is 'basic' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:**

- **The amendment to the scheme map is consistent with the Yakamia Structure Plan that has been approved under the scheme for the land to which the amendment relates. The Yakamia Structure Plan states:**
  - ***If in future the 'Public Use' designated portion of Lot 36 is not required for a substation, residential development at the R30 density may be supported as an alternative.***

**BACKGROUND**

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Western Power advised the City of Albany that Lot 36 Catalina Road is not required for the provision of electrical services to the area. The Amendment No. 17 was therefore submitted in order to seek rezoning of Lot 36 Catalina Road, from 'Public Use' to 'Residential'.
6. The City adopted at the September 2016 OCM and referred the amendment to the Environmental Protection Authority (EPA) and the Department of Planning (DOP).
7. The EPA responded with no issues.
8. The DOP requested that the Council consider rezoning the land to 'Future Urban' (not 'residential') as the residential zoning will be more appropriate following the extension of urban services and resolving any environmental and planning requirements relating to development.
9. In consideration of DOP advice, Amendment No. 17 has been now been changed to seek rezoning from 'Public Use' to 'Future Urban'.

**DISCUSSION**

10. The subject lot lies approximately 4 kilometres north-west of Albany town centre and approximately 1.2 Kilometres east of Chester Pass Road.
11. The land to the north east and west of the subject lot is zoned 'General Agriculture', while the land to the south is zoned 'Future Urban'.

12. The proposed rezoning from the ‘Public use’ reserve to the ‘Future Urban’ zone is consistent with the current strategic direction set by the *Albany Local Planning Strategy* and *Yakamia Structure Plan*. The *Yakamia Structure Plan* states:

- *If in future the 'Public Use' designated portion of Lot 36 is not required for a substation, residential development at the R30 density may be supported as an alternative.*

### GOVERNMENT & PUBLIC CONSULTATION

13. The *Planning and Development (Local Planning Schemes) Regulations 2015* do not require a ‘basic’ amendment to a local planning scheme to be advertised for public comment. Consequently, no consultation has been undertaken.

14. The amendment was referred to the Environmental Protection Authority and no concerns were raised.

### STATUTORY IMPLICATIONS

15. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

16. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.

17. Voting requirement for this item is **SIMPLE MAJORITY**

### POLICY IMPLICATIONS

18. There are no policy implications relating to the proposed amendment to the Local Planning Scheme No.1.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b></p> <p>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Unlikely	Minor	Low	If not supported by the Western Australian Planning Commission or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.

### FINANCIAL IMPLICATIONS

20. There are no financial implications directly relating to this item.

### LEGAL IMPLICATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

22. In accordance with section 81 of the *Planning and Development Act*, the amendment was referred to the Environmental Protection Authority, and no concerns were raised.

### ALTERNATE OPTIONS

23. Council may consider alternate options in relation to this item, such as:

- To resolve to support the scheme amendment with modification; or
- To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

**SUMMARY CONCLUSION**

24. The Amendment No. 17 is proposing to rezone Lot 36 Catalina Road, from the ‘Public Use’ reserve to the ‘Future Urban’ zone.
25. The proposed amendment is consistent with the strategic direction set within the *Albany Local Planning Strategy* and *Yakamia Structure Plan*.
26. It is recommended that Council adopt the local planning scheme Amendment No. 17.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. <i>Yakamia Structure Plan</i>
<b>File Number (Name of Ward)</b>	:	LAMD17 (Yakamia Ward)
<b>Previous Reference</b>	:	PD138 (27/9/2016 OCM)



**DIS021: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO.27 – LOTS 84, 85, 86 AND PORTION OF LOTS 87 & 98 HOME, HARDING & FRENCHMAN BAY ROADS, ROBINSON.**

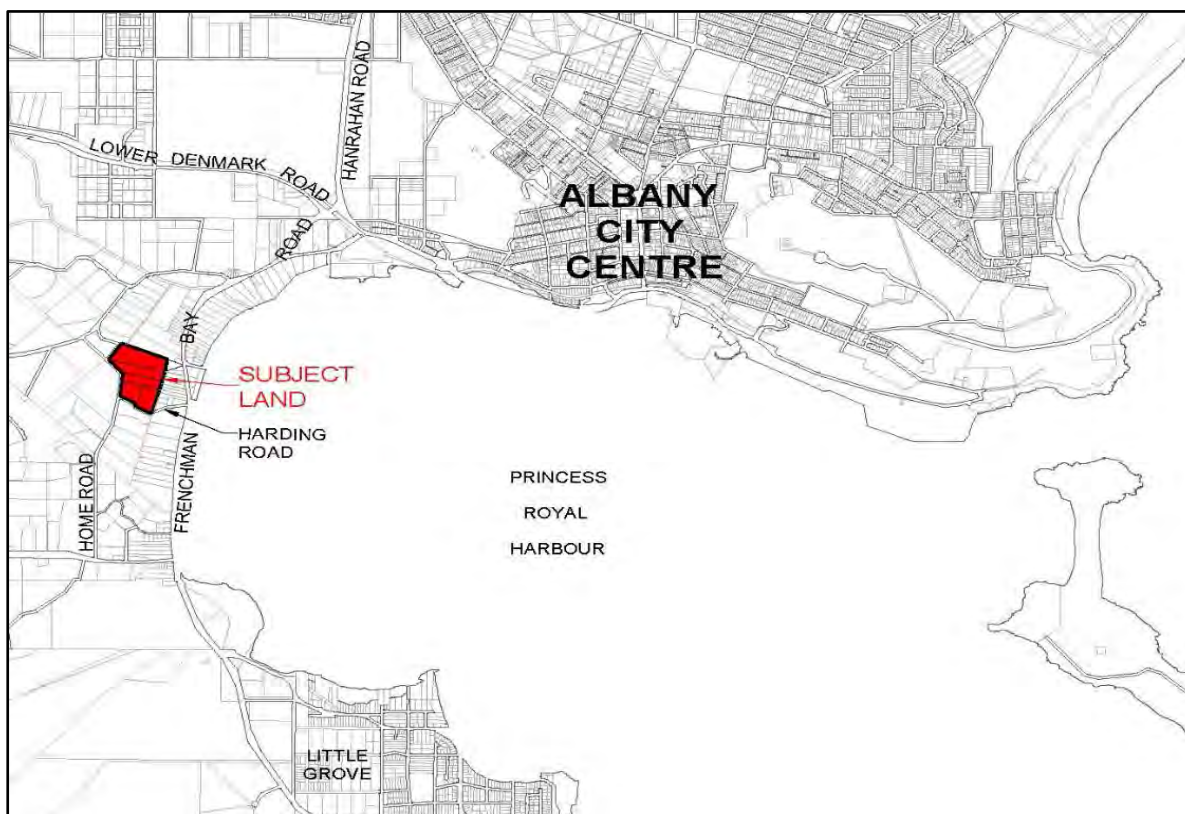
<b>Land Description</b>	: Lots 84, 85, 86 and portion of Lots 87 & 98 Home, Harding & Frenchman Bay Roads Robinson
<b>Proponent</b>	: Ayton Baesjou Planning
<b>Owners</b>	: Various
<b>Business Entity Name</b>	: Nil
<b>Attachments</b>	: Local Planning Scheme Amendment No. 27 Local Structure Plan No. 4
<b>Supplementary Information &amp; Councillor Workstation:</b>	: Nil
<b>Report Prepared by</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

**Responsible Officer's Signature:**

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

**Maps and Diagrams**



**In Brief:**

- A request has been submitted for Council to agree to adopt Amendment No.27 to *Local Planning Scheme No. 1*.
- The Amendment No.27 is proposing to:
  - Consolidate lots within the Rural Residential No.29 zone with the Rural Residential No.43 zone;
  - Introduce additional provisions to the Rural Residential No.43 zone; and
  - Make reference within the scheme, to a Structure Plan, endorsed to guide subdivision and development within the Rural Residential No.43 zone.
- The subject land is zoned Rural Residential and therefore does not conflict with the current moratorium on amendments to rezone agriculture land.
- The proposed amendment and structure plan are consistent with the objectives identified in the *Local Planning Scheme No.1* for the Rural Residential zone and the strategic direction set in the Albany Local Planning Strategy.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

**RECOMMENDATION**

**DIS021: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 4 of the *Planning and Development Regulations 2015*, resolves to:**

- 1. ADOPT Amendment No. 27 to amend *City of Albany Local Planning Scheme No. 1* by:**
  - a) Rezoning Lots 84, 85, 86 and portion of Lots 87 & 98 Home, Harding & Frenchman Bay Roads Robinson from Rural Residential Zone 29 within Schedule 14 to Rural Residential Zone 43;**
  - b) Modify existing and introduce new Special Provisions and reference the Frenchman Bay, Harding & Home Roads Local Structure Plan within Schedule 14 Rural Residential Zone 43. and**
  - c) Amending the Scheme Map accordingly.**

**Note: The amendment is a Standard Amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**

- **It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;**
- **It is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
- **It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
- **It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

**BACKGROUND**

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into

zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

5. In order to enable the subdivision of land down to 1 hectare, landholders adjacent to the Princess Royal Harbour and within a Priority 3 Water Source Protection area, attained approval to transfer to the 'Rural Residential No. 43'.
6. The lots 84, 85, 86 and portion of Lots 87 & 98 Home, Harding & Frenchman Bay Roads Robinson, which are zoned Rural Residential No. 29, are also located within the Priority 3 area and would also like to subdivide down to 1 hectare.
7. The Amendment No. 27 has therefore been submitted requesting to transfer the subject lots, located within the Rural Residential No.29 zone, to the Rural Residential No.43 zone.
8. A Local Structure Plan No. 4 has also been submitted as a guide for the subdivision and development of land within the Rural Residential No. 43 zone.

## DISCUSSION

9. The subject land is located 5.5km south west of the Albany City Centre and is accessed via Princess Royal Drive and Frenchman Bay Road. The subject land is zoned Rural Residential and therefore does not conflict with the current moratorium on amendments to rezone agriculture land.
10. The purpose of the amendment is:
  - a) To enable the subdivision of 5 existing lots, into 14 lots, with a minimum lot size of 1 hectare; and
  - b) To consistently reflect land use compatibility within the Priority 3 water source protection area.
11. Water Source Protection areas exist within Albany to establish compatible land uses. Three priority water protection areas exist as follows:
  - a) The Priority 1 area exists to generally not permit development;
  - b) The Priority 2 area exists to support development subject to limitations; and
  - c) The Priority 3 area exists over land where water supply sources need to co-exist with other land uses such as residential and commercial.
12. Priority 2 and 3 areas exist over land within the Rural Residential No. 29 *Local Planning Scheme No. 1* zone. The Rural Residential No. 43 zone is located within the Priority 3 area.
13. To consistently reflect land use compatibility within the City's *Local Planning Scheme No. 1*, it was suggested that land zoned Rural Residential No. 29 and also located within the Priority 3 area, be transferred to the Rural Residential No. 43 zone.
14. In accordance with the Draft Government Sewerage Policy, exemptions to the mandatory requirement for connection to reticulated sewerage, may be considered for subdivision proposals, for the creation of lots greater than one hectare in Priority 3 public drinking water source areas in rural residential/rural living zones.
15. The amendment also proposes to introduce provisions to ensure:
  - a) Appropriate setbacks to a neighbouring horticulture activity;
  - b) Protection of property and life from bushfire hazards; and
  - c) The provision of potable water.

16. The structure plan proposes to act as a supplementary guide to scheme provisions by indicating:
- a) Appropriate lot configurations;
  - b) Locations of building envelopes considerate of bushfire hazards;
  - c) A vegetated buffer area alongside a neighbouring horticulture activity; and
  - d) Effluent exclusion areas.

## GOVERNMENT & PUBLIC CONSULTATION

17. If a local government resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment.
18. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.
19. If supported by Council, both the amendment and structure plan will be advertised concurrently.

## STATUTORY IMPLICATIONS

20. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
22. The Council could previously determine whether a Structure Plan was consistent with 'orderly and proper planning' prior to advertising and, if fundamentally inconsistent, could determine that consultation will not be initiated. The new Regulations remove the ability of Council to exercise discretion and refuse advertising of structure plans.
23. If a structure plan is lodged and contains all the relevant information, the City has a statutory obligation to advertise the structure plan, regardless of whether the Council has determined whether it complies with the relevant planning criteria.
24. The structure plan complies with clause 16(1) of the *Planning and Development Regulations 2015*, as follows;
- a) 16.(1)(a): the structure plan is prepared in a manner and form sanctioned by the Commission;
  - b) 16.(1)(b): the structure plan includes maps, information or other material required by the Commission; and
  - c) 16.(1)(c): the structure plan sets out the following information:
    - i. the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
    - ii. the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;
    - iii. any major land uses, zoning or reserves proposed by the plan;
    - iv. estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings or other land uses;
    - v. population impacts that are expected to result from the implementation of the plan;
    - vi. the extent to which the plan provides for the coordination of key transport and other infrastructure;
    - vii. staging of the subdivision or development covered by the plan.
25. Should Council resolve to initiate Amendment No.27, officers will arrange for proposed Structure Plan No. 4 to be advertised. Council retains the opportunity to comment on and provide a recommendation to the Commission following advertising.
26. Voting requirement for this item is **SIMPLE MAJORITY**

## POLICY IMPLICATIONS

27. There are no policy implications relating to the proposed amendment and structure plan. The amendment and structure plan are attentive to the following policies:
- State Planning Policy 3.7, Planning in Bushfire Prone Areas;*
  - State Planning Policy 2.7, Public Drinking Water Source;*
  - State Planning Policy 2.5, Rural Planning; and*
  - Government Sewerage Policy (Draft 2016).*

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b> The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Medium	If not supported by the WAPC or Minister, the amendment and structure plan will not be progressed and the City will advise the proponent that they may submit a modified proposal.

## FINANCIAL IMPLICATIONS

29. There are no financial implications relating to the proposal to amend the *Local Planning Scheme No. 1*.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

31. The minimum 1 hectare lot size proposed by the amendment and structure plan is consistent with the South Coast Groundwater Reserve Priority 3 coding and the Draft Government Sewerage Policy.
32. The Draft Government Sewerage Policy defines the subject land as being within a 'sewerage sensitive area', which includes areas within 10 kilometres of Princess Royal Harbour. The Draft Government Sewerage Policy states: *Consideration may be given to an exemption from the provision of reticulated sewerage...for the creation of lots greater than...one hectare in sewerage sensitive areas.*
33. The referral of Amendment No.27 to the EPA will further clarify if environmental implications apply.

## ALTERNATE OPTIONS

34. Council may consider alternate options in relation to this item, such as resolving:
- To adopt the amendment subject to modifications; and
  - Not to adopt the amendment to the local planning scheme.

## SUMMARY CONCLUSION


35. Amendment No.27 proposes to consolidate lots within the Rural Residential No.29 zone with the Rural Residential No.43 zone and to introduce additional provisions.
36. Structure Plan No. 4 has been developed to act as a supplementary guide, for development and subdivision, within the Rural Residential No. 43 zone.

37. The proposed Amendment No. 27 and Structure Plan No. 4 are consistent with the current strategic direction set within the *Albany Local Planning Strategy* and objectives identified for the Rural Residential zone in accordance with the *Local Planning Scheme No.1*.
38. The amendment and structure plan have been developed in accordance with the State Planning Policy, including the need to limit contamination to groundwater and to protect building and property from potential bushfire.
39. Council is requested to agree to adopt the Amendment No.27.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Albany Local Planning Strategy 2010</i></li> <li>3. <i>City of Albany Strategic Community Plan 2023</i></li> <li>4. <i>City of Albany Corporate Business Plan 2013-2017</i></li> <li>5. Bushfire Attack Level Contour Pan Report</li> <li>6. Land Capability Assessment Investigation</li> <li>7. <i>State Planning Policy 3.7, Planning in Bushfire Prone Areas</i></li> <li>8. <i>State Planning Policy 2.7, Public Drinking Water Source</i></li> <li>9. <i>State Planning Policy 2.5, Rural Planning</i></li> <li>10. <i>Government Sewerage Policy (Draft 2016)</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LAMD27 (Vancouver Ward) LSP4 (Vancouver Ward)
<b>Previous Reference</b>	:	Nil

**DIS022: UNAUTHORISED HOLIDAY ACCOMMODATION AND BED AND BREAKFAST COMPLIANCE DIRECTION**

**Proponent / Owner** : City of Albany  
**Attachments** : City of Albany Policy “Holiday Accommodation”  
City of Albany Policy “Bed and Breakfast Accommodation”  
**Report Prepared By** : Development Compliance Officer (R Sutton)  
**Responsible Officers:** : Executive Director Development Services (P Camins)

<b>Responsible Officer’s Signature:</b>	
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**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
  - a. Key Themes:
    - 1: Smart, Prosperous and Growing
    - 3: A Connected Built Environment
    - 4: A Sense of Community
  - b. Strategic Objectives:
    - 1.2 To strengthen our region’s economic base
    - 1.3 To develop and promote Albany as a unique and sought after visitor location
    - 3.3: To develop vibrant neighbourhoods which retain local character and heritage
    - 4.1: To build resilient and cohesive communities with a strong sense of community spirit.
  - c. Strategies:
    - 1.2.2: Strengthen our economy by supporting business innovation and diversity.
    - 1.3.2: Promote the Albany region as a sought after and iconic tourism destination
    - 3.3.2: Provide proactive planning and building services
    - 4.1.2: Promote and develop an authentic sense of community

**In Brief:**

- The City of Albany Holiday Accommodation Policy and the City of Albany Bed and Breakfast Accommodation Policy set out the minimum requirements for an operator to obtain development approval from the city to operate Tourism Accommodation premises. This ensures that well managed tourism accommodation in the most appropriate locations to enhance the tourism experience while minimising potential impact on neighbouring residents are available in Albany.
- The City of Albany is aware of an increasing trend of private residences being offered as Bed and Breakfast and Holiday Accommodation, without the appropriate approvals, on internet sites such as Air BnB and Stayz.
- Development Services Compliance has developed a proactive and educational strategy to combat this issue.

**RECOMMENDATION**

**DIS022: RESPONSIBLE OFFICER RECOMMENDATION**

**ENDORSE the Unauthorised Holiday Accommodation and Bed and Breakfast Compliance Direction, which will guide the management of Unauthorised Holiday Accommodation in the City of Albany. This will include:**

- **A two (2) month information and amnesty period that will commence on the 1<sup>st</sup> May 2017, where penalties will not apply.**
- **A proactive compliance approach from the 1<sup>st</sup> July 2017.**

2. In order to combat the increasing issue of Albany residents providing private properties for tourism accommodation without the appropriate City of Albany development approval, the following actions are proposed from a Development Services Compliance perspective;
3. Education and Amnesty
  - Commence an advertising campaign to educate Albany residents of their obligations in regards to operating holiday accommodation.
  - The advertising campaign will be coordinated with the Media Team to ensure the most effective communication methods are employed.
  - The advertising campaign will highlight;
    - The requirement to obtain Development Approval from the City of Albany *prior* to providing holiday accommodation.
    - Operating holiday accommodation and Bed and Breakfast without the appropriate approvals may void the homeowner's public liability insurance for their property.
    - There may further implication regarding taxing bodies, such as the office of State Revenue and the ATO.
    - Development Approval ensures that the impact on neighbouring properties is managed and minimal.
    - Obtaining Development Approval ensures Albany's reputation for providing only high quality holiday accommodation is maintained.
  - As a part of an educational and collaborative approach and to promote voluntary compliance within the community, allow a defined amnesty period to encourage persons currently operating without the appropriate approvals to lodge Development Approval applications with the City without incurring penalties.
  - The amnesty period will commence on the 1st May 2017.
  - The amnesty period will run for a period of 61 days and cease on 30 June 2017 at 5.00pm.
4. Compliance
  - Once the amnesty period has expired, the City will take a proactive approach to compliance regarding this issue from 1 July 2017 for any persons operating holiday accommodation without appropriate approvals.
  - Internet sites used for the advertising of holiday accommodation, such as Air BnB, Stayz, Holidayhomes.com, Gumtree etc. will be researched.



- Properties advertised in the Albany area will be cross referenced with the City’s records to ascertain if the appropriate approvals have been obtained.
- If necessary, further action will be taken to assist persons in obtaining the appropriate approvals or ceasing operations.
- If warranted, legal action may be taken.
- Penalty rates on retrospective applications will apply.

**GOVERNMENT & PUBLIC CONSULTATION**

5. There has been no Government or Public Consultation in regard to this issue as it is not warranted.

**STATUTORY IMPLICATIONS**

6. There are no statutory obligations related to this report.  
7. Voting requirement for this item is **SIMPLE MAJORITY**

**POLICY IMPLICATIONS**

8. All properties subject to this strategy fall within the City of Albany Local Planning Scheme 1 and therefore the *City of Albany Policies “Holiday Accommodation and Bed and Breakfast Accommodation”*.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> <i>Unauthorised holiday accommodation may damage Albany’s reputation for providing quality accommodation for visitors that enhances the tourism experience while minimising the potential impact on neighbouring residents</i>	<i>Medium</i>	<i>Moderate</i>	<i>Medium</i>	<i>Educate homeowner’s of their obligations to obtain Development Approval prior to offering private residences as holiday accommodation and promote the benefits of doing so.</i>
<b>Legal and Compliance.</b> <i>Proactive compliance will use directorate resources to research and enforce</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Amnesty promoting voluntary compliance will reduce the need for proactive compliance therefore reducing the use of directorate resources.</i>

**FINANCIAL IMPLICATIONS**

10. There are no financial implications associated with noting this report.

**LEGAL IMPLICATIONS**

11. There are no legal implications related to this report.

**ENVIRONMENTAL CONSIDERATIONS**

12. There are no environmental considerations related to this report.

**ALTERNATE OPTIONS**

13. At the conclusion of the amnesty period, compliance action regarding Unauthorised Holiday Accommodation will only be undertaken as a result of a complaint.

**CONCLUSION**

14. Homeowner’s operating holiday accommodation within the Albany area require Development Approval from the City of Albany prior to commencement of operations.
15. Development Approval for holiday accommodation and Bed and Breakfast accommodation ensures reputable, well managed tourism accommodation is available within Albany and minimises the impact on neighbouring properties.
16. Development Services will initially undertake an educational approach promoting voluntary compliance within the community by allowing an amnesty period for lodgement of Development Applications without applying penalties.
17. Once the amnesty period has expired, a proactive approach to compliance will apply.
18. It is recommended that the Unauthorised Holiday Accommodation Compliance Direction be endorsed.

<b>Consulted References</b>	:	<i>1. The City of Albany Local Planning Scheme 1 2. City of Albany Policy “Holiday Accommodation” 3. City of Albany Policy “Bed and Breakfast Accommodation</i>
<b>File Number (Name of Ward)</b>	:	
<b>Previous Reference</b>	:	

**DIS023: PLANNING AND BUILDING REPORTS MARCH 2017**

**Proponent** : City of Albany  
**Attachment** : Planning and Building Reports February 2017  
**Report Prepared By** : Administration Officer-Planning (Z Sewell)  
Administration Officer-Development Services (J Corcoran)  
Administration Officer-Planning (K Smith)  
**Responsible Officer(s):** : Executive Director Development Services (P Camins)

**Responsible Officer's Signature**



**RECOMMENDATION**

**DIS015: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council NOTE the Planning and Building Reports for March 2017.**

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil.**

**12. MEETING CLOSED TO THE PUBLIC Nil.**

**13. CLOSURE**