



AGENDA

Ordinary Meeting of Council

Wednesday 26 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.

NOTICE OF AN ORDINARY COUNCIL MEETING

Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Wednesday 26 April 2017 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.



Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA 26/04/2017

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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:

Breaksea Ward
Frederickstown Ward
Frederickstown Ward
Kalgan Ward
Vancouver Ward
West Ward
West Ward
Yakamia Ward

P Terry
G Stocks
C Dowling
B Hollingworth
J Shanahun
A Goode JP
S Smith
A Moir

Staff:

Chief Executive Officer
Executive Director Corporate Services
Executive Director Development
Services
Executive Director Commercial Services
Executive Director Works and
Services
Executive Manager Community Services

A Sharpe
M Cole
P Camins
C Woods
M Thomson
A Cousins

Meeting Secretary

J Williamson

Apologies:

Kalgan Ward
Yakamia Ward
Breaksea Ward
Vancouver Ward

J Price (Leave of Absence)
R Sutton (Leave of Absence)
R Hammond (Apology)
N Mulcahy (Apology, pending approval of
Leave of Absence)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Smith	DIS022	Impartiality. The nature of the interest being that councillor Smith is the owner of holiday accommodation in the City of Albany.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councillor Mulcahy be GRANTED Leave of Absence from 10 April 2017 to 30 June 2017.

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 28 March 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil.

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCCS018: FINANCIAL ACTIVITY STATEMENT – FEBRUARY 2017

Proponent : City of Albany
Report Prepared by : Manager Finance (D Olde)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CCCS018: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Financial Activity Statement for the period ending 28 February 2017.

CCCS018: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS018: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 28 February 2017.

BACKGROUND

1. The Statement of Financial Activity for the period ending 28 February 2017 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
 - a. annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b. budget estimates to the end of the month to which the statement relates;
 - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e. the net current assets at the end of the month to which the statement relates.
 - II. Each statement of financial activity is to be accompanied by documents containing –
 - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c. such other supporting information as is considered relevant by the local government.
 - III. The information in a statement of financial activity may be shown –
 - a. according to nature and type classification;
 - b. by program; or
 - c. by business unit.
 - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
 - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b. recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

8. The City’s 2016/17 Annual Budget provides a set of parameters that guides the City’s financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 28 February 2017 has been incurred in accordance with the 2016/17 proposed budget parameters.
11. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CCCS019: LIST OF ACCOUNTS FOR PAYMENT – MARCH 2017

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Senior Accounting Officer (P Martin)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:

RECOMMENDATION

**CCCS019: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2017 totalling \$7,037,656.22.

CCCS019: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
 SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS019: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2017 totalling \$7,037,656.22.

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 March 2017. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$61,690.31
Credit Cards	\$20,242.35
Payroll	\$1,221,685.24
Cheques	\$67,321.82
Electronic Funds Transfer	\$5,666,716.50
TOTAL	<u>\$7,037,656.22</u>

3. As at 15 March 2017, the total outstanding creditors, stands at \$740,845.03 and made up as follows:-

Current	\$ 192,289.76
30 Days	\$ 539,472.19
60 Days	\$7,449.97
90 Days	\$1,633.11
TOTAL	<u>\$ 740,845.03</u>

Cancelled cheques – Nil.

STATUTORY IMPLICATIONS

4. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
5. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
6. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

7. Expenditure for the period to 15 March 2017 has been incurred in accordance with the 2016/2017 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 March 2017 has been incurred in accordance with the 2016/2017 budget parameters.

SUMMARY CONCLUSION

9. That list of accounts have been authorised for payment under delegated authority.
10. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCCS020: DELEGATED AUTHORITY REPORTS

Proponent : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared by : Personal Assistant to the ED Corporate Services (H Bell)
Responsible Officer : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



RECOMMENDATION

CCCS020: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Delegated Authority Reports 16 February 2017 to 15 March 2017 be RECEIVED.

CCCS020: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS020: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 February 2017 to 15 March 2017 be RECEIVED.

CCCS021: QUARTERLY REPORT – TENDERS AWARDED – JANUARY TO MARCH 2017

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – January to March 2017
Report Prepared by : Procurement Officer (H Hutchinson)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CCCS021: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Quarterly Report – Tenders Awarded – January to March 2017 be RECEIVED.

CCCS021: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS021: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – January to March 2017 be RECEIVED.

CCCS022: RACEWARS ALBANY 2017 – POST EVENT EVALUATION REPORT

Proponent : City of Albany
Attachments : Racewars Albany 2017 Event Program
Report Prepared By : Manager Tourism Development Services (M Bird)
Responsible Officer(s) : Executive Director Community Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item directly relates to the following elements from the City of Albany Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014-2018.
 - a. **Key Theme: 1.** Smart Prosperous and Growing.
 - b. **Strategic Objective: 1.2** To strengthen our region's economic base.
Strategic Objective 1.3 To develop and promote Albany as a unique and sought after destination.
 - c. **Strategy 1.2.2.** Strengthen our economy by support by supporting business innovation and diversity
Strategy 1.3.1. Encourage, support and deliver significant events that promote our region.
Strategy 1.3.2. Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- Accept the City of Albany Officer post event evaluation report for the 2017 Racewars Albany event.
- The event is estimated to have injected around \$4.42m of new visitor spend into the local economy over the March long weekend.
- City officers are seeking endorsement from Council to enter into negotiations with the event owner and to prepare a host destination business case for Council to further consider.

RECOMMENDATION

CCCS022: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

1. **RECEIVE** the City of Albany post event evaluation report for hosting of the Racewars Albany 2017 event.
2. **AUTHORISE** the Chief Executive Officer to negotiate the host destination rights for the Racewars annual event for the years 2018, 2019 and 2020 and to present a host bid proposal for Council review and approval.

CCCS022: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS022: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. RECEIVE the City of Albany post event evaluation report for hosting of the Racewars Albany 2017 event.
2. AUTHORISE the Chief Executive Officer to negotiate the host destination rights for the Racewars annual event for the years 2018, 2019 and 2020 and to present a host bid proposal for Council review and approval.

BACKGROUND

2. The City of Albany successfully hosted the Racewars Albany 2017 event (the event) over the 4-6 March 2017 long weekend.
3. The City provided event organisers with exclusive use of the Albany Regional Airport for the two days of straight line racing on the 4 and 5 March.
4. 2017 was the inaugural event held in Albany and attracted 230 competitors, 40 event management personnel, and some 5,000 spectators (with 7,000 spectator gate entries recorded over the two days). Children under 12 were free admission and not included in above figures.
5. A post event survey was conducted by the City and event organisers using Survey Monkey. A total of 407 responses were received representing a strong sample size of competitors and spectators.
6. The City is now presented with the opportunity to continue to host the annual event for the years 2018, 2019 and 2020.
7. City officers are seeking endorsement from Council to enter into negotiations with the event owner and to prepare a host port business case for Council to further consider.

DISCUSSION

8. Utilisation of Albany Airport for the Racewars event was an innovative use of City major assets and infrastructure over a historically quiet aviation usage period.
9. Albany Airport was closed to aircraft movements from approximately 830am Saturday morning until 6pm Sunday evening. This resulted in the cancellation of one return flight on Saturday and Sunday by mutual agreement with Regular Passenger Transport service provider Regional Express. Air travel on the Perth to Albany route on long weekends is historically low and it is usual for selected flights to be cancelled due to insufficient demand.
10. The airport remained open for emergency air services such as the Royal Flying Doctor Service (RFDS) and the fire-fighting water bomber aircraft contracted by Department of Parks and Wildlife (DPAW).

11. Albany Airport staff were on duty during the entire Racewars event to ensure safety and operational compliance requirements were adhered to and to respond to any emergency air service needs.
12. Over the closed period the RFDS landed and departed Albany Airport a total of five occasions with four of these requiring suspension of the Racewars event. No issues were reported from either event organisers or the RFDS.
13. Planning for the event was considerable and the City of Albany ensured all emergency agencies were involved in the lead up, during, and post event debrief activities. The Racewars event was reviewed by the Airport Emergency Committee, the Safety Management System, Airport Security Committee, and airport staff operational meetings. A detailed risk assessment was carried out and reviewed by all of the above committees.
14. An event debrief was staged with the event organiser immediately following the conclusion of the event. A number of operational issues were identified and communicated to the event organisers who are open to improvement and agreed all identified issues can be managed and the event model continued to be improved.
15. The Airport Emergency Committee and Safety Management System committees conducted separate post event debriefs and support the hosting of similar events at Albany Airport in the future subject to improvements by the event organiser in identified areas of its operations.
16. The event was well supported by the local community and generated significant positive feedback and goodwill from the local business community. Key local sponsors of the event were Auto One, BTG Mechanical, Woodfired Treats, and Earl of Spencer.
17. A summary of post event survey results includes (407 respondents);
 - 68% of competitors and spectators were from outside the Great Southern region (60% from Perth, 6% from other WA and 2% from out of state). This equates to some 3,500 visitors to the region to attend the Racewars Albany event.
 - 56% attended with friends, 29% with family, 9% as a couple and 6% other.
 - When asked if they would attend the event in 2018 and beyond, a large 98.5% of responded yes.
 - 76.9% of respondents stayed in Albany, 3.1% in Denmark, 2% in Mt Barker and 18% said other.
 - 26.3% stayed in hotel/motel/lodge, 20.9% stayed with friends/family, 19.5% in holiday home, 9.7% in camping/caravan, 1% in backpacker/hostel, and 23% in other. Feedback from the Albany Visitor Centre suggests that local accommodation was at full capacity from Thursday to Monday evenings.
 - 46.8% stayed 3 nights, 13.9% stayed 2 nights, 13.6% stayed 7+ nights, and 12.6% stayed 4 nights. The average night stay was estimated at 3.6 nights.
 - When visitors were asked what their daily spend was during the event the average daily expenditure (travel to Albany excluded) was \$340 per night.
 - When asked if they would visit Albany again other than for Racewars or motorsports events, 88.1% said yes.
 - The event is estimated to have injected approximately \$4.42m of new visitor spend into the local economy over the March long weekend.

18. The Racewars Albany 2017 event was considered to be a highly successful tourism event. It is estimated that 3,500 visitors from outside the region participated in the event generating 12,900 additional visitor nights. These are highly significant results and would rank Racewars as one of the best performing tourism events hosted in the region for many years.
19. The major beneficiaries from hosting this type of event are typically local accommodation, hospitality, visitor attractions, tour operators, visitor centres, shopping and general retail.
20. Based on the City's experience from hosting the 2017 Racewars event it is recommended that Albany enters into negotiations to host future events.

GOVERNMENT & PUBLIC CONSULTATION

21. As the owner and operator of Albany Regional Airport significant consultation was undertaken by the City with local airport users and emergency service agencies. These included regular agenda items and review as part of the Airports' Emergency, Security, Safety Management System, and team operational meetings.
22. An information, and question and answer session was presented by the City to airport users including the General Aviation hangar lessees.
23. Consultation between the City and RFDS, St John Ambulance, DPAW, and REX ensured potential risks were identified and strategies implemented to mitigate major issues.
24. As per aviation regulations the City issued all required notifications to airport users regarding the closure of the aerodrome.

STATUTORY IMPLICATIONS

25. The City of Albany operates a certified Code 3C Non Precision Approach aerodrome and complies with the Australian Government Civil Aviation Safety Authority's Manual of Standards Part 139 - Aerodromes.

POLICY IMPLICATIONS

26. There are no policy implication related to this report.

RISK IDENTIFICATION & MITIGATION

27. As this is a post event evaluation report no risks have been identified.

FINANCIAL IMPLICATIONS

28. The hosting of the Racewars Albany 2017 event at Albany Airport incurred a direct cost to the City of Albany totalling \$7,239. This figure includes the City's financial contribution towards the implementation of the event's Traffic Management Plan (\$2,727), additional overnight security (\$932), and additional airport staff wages for the weekend (\$3,580).
29. No event hosting fee was payable however the City of Albany did provide exclusive use of the Albany Aerodrome for the 2 day period.

LEGAL IMPLICATIONS

30. The City operates the Albany Regional Airport and can choose to close the aerodrome.

ENVIRONMENTAL CONSIDERATIONS

31. Nil.

ALTERNATE OPTIONS

32. If the committee does not support the evaluation tool developed for assessing the economic impact of this event other methods can be explored.

SUMMARY CONCLUSION

33. Securing the 2017 Racewars event achieved a City strategic deliverable to identify iconic events that provide community and economic benefits. The Racewars event is considered a strong strategic fit for the Albany destination and offers great opportunity to create a unique car culture event for the region.
34. The event was assessed as delivering a very strong economic benefit from a small direct cost to the City.

Consulted References	:	<ul style="list-style-type: none">• <i>Council Policy Community Funding and Event Sponsorship (2013)</i>• <i>City of Albany Major and Regional Events Strategy 2014-17</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil.

CCCS023: LOWER GREAT SOUTHERN GROWTH PLAN PARTNERSHIP – MEMORANDUM OF UNDERSTANDING AND REGIONAL CENTRE DEVELOPMENT PLAN – LOWER GREAT SOUTHERN ALLIANCE PROJECT MANAGEMENT PLAN - GROWTH PLAN

Proponent / Owner : City of Albany
Attachments : 1.) Lower Great Southern Growth Plan Partnership Memorandum of Understanding (MOU)
2.) Project Management Plan – LGS Alliance
Report Prepared By : Lower Great Southern Alliance - Executive Support Officer (S Shaw)
Responsible Officers: : Chief Executive Officer (A Sharpe)

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:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.2 To provide strong, accountable leadership supported by a skilled and professional workforce
 - c. **Strategy:** 5.2.1 Provider positive leadership that delivers community outcomes.

In Brief:

- It is requested that Council endorse the Lower Great Southern Growth Plan Partnership MOU together with the project management plan.
- Albany has been selected as one of 5 regional cities participating in Stage 2 of the Regional Centres Development Plan (RCDP) process.
- The City has extended an invitation to the Alliance partners (Shires of Denmark and Plantagenet) to participate in the process of 'growing' economic development in the Alliance area.
- To endorse this process, Council is being asked to endorse a Memorandum of Understanding and authorise the Mayor and Chief Executive Officer to execute the relevant documentation, together with noting the Project Management Plan that was lodged with the Department of Regional Development on Wednesday 12 April 2017.

RECOMMENDATION

**CCCS023: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ENDORSE:

1. **The Lower Great Southern Growth Plan Partnership Memorandum of Understanding (MOU) and AUTHORISE the Mayor and Chief Executive Officer to execute the MOU.**
2. **The Project Management Plan that outlines the process for the development of the Lower Great Southern Growth Plan which was lodged with the Department of Regional Development on 12 April 2017.**

BACKGROUND

2. The State Planning Strategy 2050 sets out Western Australia's network of regional centres and sub-regional centres.
3. The RCDP Framework addresses the 20 centres in the network that are recognised and supported through the Regional Centres, Super-Towns and Pilbara Cities initiatives as the most strategically important to the State's economy and regional communities.
4. The RCDP Program was developed by the State Government to realise the economic potential and create a flourishing community in Western Australia's strategic regional centres. The RCDP establishes strategic economic partnerships known as Growth Plan Partnerships (GPP) and supports the preparation of economic development plans known as Growth Plans.
5. The regional centres under the Regional Centres and Pilbara Cities initiatives are **Albany**, Bunbury, Busselton, Broome, Carnarvon, Geraldton, Kalgoorlie, Karratha, Kununurra, Mandurah and Port Hedland. The sub-regional centres under the Super-Towns initiative are Boddington, Collie, Esperance, Jurien Bay, Katanning, Manjimup, Margaret River, Morawa and Northam.
6. Albany has been selected as one of 5 regional cities participating in Stage 2 of the RCDP process. In December 2016, funding of \$8.5 million was announced to commence round two of the RCDP Program, with the allocation being shared between Albany, Busselton, Kununurra, Mandurah and Carnarvon to complete a strategic plan for industry development and investment attraction.

DISCUSSION

7. Albany has extended an invitation to the Alliance partners (Denmark and Plantagenet) to participate in the process of developing and implementing a plan for the Alliance area.
8. A Growth Plan is a regional centre level socio-economic development strategy that aims to:
 - a. Strengthen the strategic position of a centre;
 - b. Enable effective partnerships between the private and public sectors;
 - c. Respond innovatively to challenges; and
 - d. Translate visions and aspirations into investment, jobs and prosperity.
9. Growth Plans are therefore not just a set of documents, but a coordinated set of partnerships, aligned plans and strategic actions that will enable long run development and encourage the attraction of investment.
10. To commence this process, Council is being asked to endorse a Memorandum of Understanding and authorise the Mayor and Chief Executive Officer to execute the relevant documentation. Together with endorsing the Project Management Plan

GOVERNMENT & PUBLIC CONSULTATION

11. Public consultation is not required.
12. The Officer believes that no additional external/internal engagement or consultation is required. Consultation will occur when the plan is being developed.
13. Review and reappointment of the delegated members for the Alliance will be undertaken in November.

STATUTORY IMPLICATIONS

14. There are no statutory obligations associated with this item; however the development of the Growth Plan has a strong relationship with the City’s Strategic Community Plan:

Figure 1 - Key strategies guiding regional development



15. The voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

16. There are no policy implications.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Lack of representation if MOU not supported.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Support the MOU; or ensure that the rationale for not participating is clearly articulated.</i> <i>Note: The MOU is an administrative document that seeks to ensure mutually beneficial working arrangements and to clarify the relationship between the parties to this MOU in view of their responsibilities under the Local Government Act 1995 and other relevant legislation.</i>
Opportunity: Complimentary regional development.				

FINANCIAL IMPLICATIONS

18. Nil.

LEGAL IMPLICATIONS

19. The MOU is not intended to be a legal document. It is an administrative document that seeks to ensure mutually beneficial working arrangements and to clarify the relationship between the parties to this MOU in view of their responsibilities under the Local Government Act 1995 and other relevant legislation.

ENVIRONMENTAL CONSIDERATIONS

20. Nil

ALTERNATE OPTIONS

21. No alternate options are proposed.

CONCLUSION

22. That the responsible officer's recommendation be supported.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	ED.MEE.13
Previous Reference	:	<i>OCM March 2017 Resolution CCCS015</i>

DIS011: INDUSTRY – EXTRACTIVE (SILICA SAND), LOT 102, MINDIJUP ROAD, PALMDALE

Land Description : Lot 102, Mindijup Road, Palmdale.
Proponent : Great Southern Sands
Owner : Martin Shuttleworth
Business Entity Name : Great Southern Sands
Directors : Martin James Shuttleworth
Attachments : Site Plan
Schedule of Submissions
Supplementary Information & Councillor Workstation: : Copy of submissions
Fact Sheet
Report Prepared by : Planning Officer (J Anderson)
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. The proposal is consistent with the strategic directions identified in the *Albany Local Planning Strategy*.

Maps and Diagrams:



In Brief:

- Council is asked to consider an application for development approval for an Industry – Extractive (Silica Sand), at Lot 102, Mindijup Road, Palmdale.
- The application was advertised for public comment and referred to surrounding residents.
- Eight submissions were received in relation to the proposal. One submission objected to the proposal, and seven submissions did not object, yet raised concerns in respect to the proposal.
- The submissions primarily relate to concerns over traffic conflict, current and proposed road conditions, and the proposed 24 hour 7 day a week operation.
- A number of existing uses already occur on the lot. These include a Tyre Disposal, Compost Manufacturing, Sand, Granite, Clay and Gravel Extractive Industries, Asphalt Plant and a Charcoal Plant.
- Due to the nature of the objections raised, the application is being referred to Council for determination.
- Staff recommend that Council approve the proposed development, subject to conditions, which are considered to mitigate the concerns raised through the public advertising process.

RECOMMENDATION

**DIS011: AMENDED RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Industry – Extractive (Silica) at Lot 102 Mindijup Road, Palmdale.

Conditions:

- (1) **Satisfactory arrangements being made with the City of Albany for the partial cost of upgrading Mindijup and Palmdale Roads.**
- (2) **Any extraordinary damage to roads within the City of Albany, caused by the extraction operations shall be rectified at the full cost of the applicant.**
Advice: In accordance with the Thoroughfares Local Law and Extractive Industry Local Law, the applicant will be responsible for the repair of any extraordinary damage (not normal wear and tear) clearly caused by them to any road within the City of Albany
- (3) **Top soil to a depth of 150mm, unless otherwise approved by the Director of Works and Services, shall be removed from the extraction areas and stored on-site for use in later rehabilitation works.**
- (4) **A minimum of 150mm of top soil shall be left above any hard surface (i.e. clay/gravel) unless a lesser amount is approved by the Director Works and Services.**
- (5) **A Surface Water Management Plan should be prepared demonstrating the measures that will be taken to prevent any run-off from the excavated areas to the satisfaction of the Department of Water. Baseline data should be established to guide the mining operations to ensure the protection of the groundwater.**
- (6) **No direct discharge from the extraction area to any watercourse, without the prior approval of the Department of Water.**
- (7) **A refundable bond/bank guarantee of \$3000.00 per hectare shall be lodged with the City of Albany for remediation work if required.**
- (8) **Truck movements shall be limited to between the hours of 5am and 10pm, unless otherwise agreed in writing by the City of Albany.**

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- (9) The applicant shall liaise with school bus operator to establish a traffic schedule to avoid potential conflicts with school bus operations. No truck movements shall be undertaken during the times that the school bus services the area, being between 8.10am – 8.23am and 3.30pm – 3.45pm unless otherwise agreed in writing by the City of Albany.
- (10) The extraction shall be setback a minimum of 20 metres from the southern boundary, noting:
“The applicant is to prepare a plan for the management of dust emissions during the transport of materials and during excavation. This plan should be to the satisfaction of the City of Albany and should be submitted prior to the start of any extraction.”
- (11) The site shall be suitably rehabilitated and re-contoured on a per hectare basis, including re-battering of banks and reseeded and stabilising of former extraction areas.
- (12) Any off site fill must be clean soil, free of weed material or of non-contaminated inert type 1 waste (as defined by Landfill Waste Classification and Waste Definition 2009).
- (13) The operation of the extraction areas shall be contained within the area nominated on the stamped, approved plans.
- (14) No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Environment Regulation.
- (15) No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
- (16) Only two hectares of the extraction area identified on the stamped, approved plans shall be opened at any one time.
- (17) Development is required to comply with all relevant Health regulations, in particular, regards should be paid to dust management and noise regulations.
- (18) Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environmental Protection’s Dust Control Guidelines and the City of Albany Prevention and Abatement of Sand Drift Local Law 2000.
- (19) 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.

Officer’s Reason (Executive Director Planning and Development):

The applicant requested that condition 1 was revised in respect to a monetary contribution. In consultation with the applicant and the City of Albany Works and Services Directorate, the condition was revised.

Condition 2 was also amended to provide greater clarity on its intent and application.

The applicant also requested that the curfew for truck movements be revised to between 10pm and 4am. The City has proposed the hours of 10pm to 5am given the extended hours required when the product is being exported.

DIS011: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Industry – Extractive (Silica) at Lot 102 Mindijup Road, Palmdale.

Conditions:

- (1) Mindijup and Palmdale Roads are to be widened to a 7 metre seal with 9 metre formation from the site to South Coast Highway. They are to be constructed and drained at the full cost to the Developer, to the specifications and satisfaction of the City of Albany.
- (2) The applicant will be responsible for the repair of any undue damage to any road within the City of Albany, caused by the mining operations.
- (3) Top soil to a depth of 150mm, unless otherwise approved by the Director of Works and Services, shall be removed from the extraction areas and stored on-site for use in later rehabilitation works.
- (4) A minimum of 150mm of top soil shall be left above any hard surface (i.e. clay/gravel) unless a lesser amount is approved by the Director Works and Services.
- (5) A Surface Water Management Plan should be prepared demonstrating the measures that will be taken to prevent any run-off from the excavated areas to the satisfaction of the Department of Water. Baseline data should be established to guide the mining operations to ensure the protection of the groundwater.
- (6) No direct discharge from the extraction area to any watercourse, without the prior approval of the Department of Water.
- (7) A refundable bond/bank guarantee of \$3000.00 per hectare shall be lodged with the City of Albany for remediation work if required.
- (8) Truck movements shall be limited to between the hours of 6am and 6pm, unless otherwise agreed in writing by the City of Albany.
- (9) The applicant shall liaise with school bus operator to establish a traffic schedule to avoid potential conflicts with school bus operations. No truck movements shall be undertaken during the times that the school bus services the area, being between 8.10am – 8.23am and 3.30pm – 3.45pm unless otherwise agreed in writing by the City of Albany.
- (10) The extraction shall be setback a minimum of 20 metres from the southern boundary, noting:
“The applicant is to prepare a plan for the management of dust emissions during the transport of materials and during excavation. This plan should be to the satisfaction of the City of Albany and should be submitted prior to the start of any extraction.”
- (11) The site shall be suitably rehabilitated and re-contoured on a per hectare basis, including re-battering of banks and reseeding and stabilising of former extraction areas.
- (12) Any off site fill must be clean soil, free of weed material or of non-contaminated inert type 1 waste (as defined by Landfill Waste Classification and Waste Definition 2009).
- (13) The operation of the extraction areas shall be contained within the area nominated on the stamped, approved plans.
- (14) No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Environment Regulation.

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- (15) No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
- (16) Only two hectares of the extraction area identified on the stamped, approved plans shall be opened at any one time.
- (17) Development is required to comply with all relevant Health regulations, in particular, regards should be paid to dust management and noise regulations.
- (18) Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environmental Protection's Dust Control Guidelines and the City of Albany Prevention and Abatement of Sand Drift Local Law 2000.
- (19) 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.

BACKGROUND

4. The City of Albany has received an application for development approval for an Industry – Extractive (Silica Sand), at Lot 102, Mindijup Road, Palmdale.
5. The subject lot lies to the north of Mindijup Road, approximately 30km north-east of the Albany City centre. The lot has an area of approximately 584 hectares and is zoned 'Priority Agriculture' under City of Albany *Local Planning Scheme No. 1*.
6. The subject lot is bounded by 'Priority Agriculture' zoned land to the north, east and south. The western side of the site adjoins a 'Parks and Recreation' reserve, being the Kalgan River.
7. There are a number of existing uses currently being undertaken on the lot. These include;
 - Tyre Disposal (P985168);
 - Compost Manufacturing (P295102);
 - Extractive Industry – Sand (P2115193);
 - Extractive Industry – Granite (P2140482); and
 - Charcoal Plant (P2150274)
 - Extractive Industry – Gravel and Clay (P2150438)
 - Extractive Industry – Processing – Mobile Asphalt Plant (P2150459)
 - An extension to the existing Tyre Disposal site is currently being considered (P2160509)
8. The application was advertised for public comment for a period of 31 days (16 November 2016 to 16 December 2016). Eight submissions were received in relation to the proposal. One submission objected to the proposal, seven submissions did not object, yet raised concerns in respect to the proposal.
9. Council is requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

DISCUSSION

10. The proposal seeks to extract high grade silica sand from the subject site and transport the material off site to the Port of Albany for export.
11. The application was originally submitted as Industry – Mining on the basis that Silica Sand is classified as a mineral. **The Department of Mines originally advised the City of Albany that they would not be able to support a mining lease as it was second in time to another mining tenement. At the applicant's request, the proposal was changed to an Extractive Industry. The Department of Mines have since revised their original comments, and have confirmed that as Silica is not a mineral by definition, that the proposal is to be classified as an Extractive Industry under *Local Planning Scheme No. 1*.**

12. The revised classification means the proposal no longer requires approval under the *Mining Act* through the Department of Mines and Petroleum.
13. The application is consistent with the general development requirements of the City of Albany Extractive Industry and Mining local planning policy (“the policy”). Compliance with the policy is discussed in below.
14. The proposed extraction area is situated within a previously cleared portion of land which formed part of a blue gum plantation.
15. The proposed (approximate) setbacks are as follows:
 - 70m from the eastern boundary
 - 420m from the western boundary
 - 1900m from the northern boundary and
 - 20m from the southern boundary (adjoining the existing silica mine).
16. The proposed mining area is located approximately 930m from the Kalgan River (situated to the west).
17. The lot to the immediate north and east are currently used as blue gum plantations, with the exception of a portion of the eastern boundary, which is mostly pasture.
18. The lot immediately to the south of the subject lot is the current operational Mineral Sands (Exploration) Mine.
19. The closest residence is located to the west, approximately 1.125 kilometres away, which exceeds the required 300-500 metres specified within the ‘Guidance for the Assessment of Environmental Factors Western Australia 2005 – Separation Distance between Industrial and Sensitive Land Uses’.
20. Access to and from the site will be from the existing crossover which is located on the unsealed section of Mindijup Road. It is anticipated that this section will be sealed within the next six months at the cost of the developer.
21. The basic overview of the proposed operations is as follows;
 - Estimated total resource available is 3,125,000 tonnes of high grade silica sand.
 - The total proposed mining area is 60ha in area, with an estimated production rate being 40,000 to 50,000 tonnes per month, resulting in 1-2 hectares being stripped, mined and topsoil re-spread on a monthly basis;
 - The depth of the resource varies from 0.5m to 11m;
 - The applicant seeks to operate 24 hours per day, seven days per week;
 - At the proposed 24 hour/seven day per week operation, it is estimated that the lifespan of the pit is 3-5 years;
 - It is anticipated that the maximum stockpile onsite will be 5000-6000 tonnes (2-3 days stockpile), as the main stockpile will be at the Port of Albany;
 - At the anticipated production rate, it is estimated that there will 23 return trips per day (46 truck movements), via RAV7 ‘C-trains’;
 - The material will be excavated with front end loaders (CAT 980/988 size machines) and loaded into articulated dump-trucks (CAT740) for transport to the wash plant onsite;
 - The material will then be loaded into the plant and washed, screened and stockpiled for transport to the Albany Port; and
 - The topsoil will be progressively re-spread on a monthly basis, recontoured and returned to pasture.

22. Extraction will commence from the existing mining voids towards the east (uphill). Any surface water therefore flows down towards the existing blue gum plantations which will be retained for visual amenity and water management and amelioration. Any ponding will drain away naturally under these plantations and small areas of native vegetation.
23. A total of eight submissions representing six properties were received in relation to the proposal. One submission objected to the proposal, and seven submissions did not object, yet raised concerns to the proposal.
24. The submissions primarily relate to the following concerns;
- Increased heavy haulage traffic;
 - Current width and condition of Mindijup and Palmdale Road and the lack of centre line marking on these roads;
 - Current speed limit;
 - Trucks operating during times that the school bus route services this area;
 - Impact heavy vehicles will have on infrastructure;
 - Burden of maintenance on road infrastructure; and
 - Noise and volume of traffic resulting from the proposed 24 hour 7 day a week operation.
25. The main concerns raised and the proposed mitigation measures will be addressed via the heading below.

Infrastructure: The impact heavy haulage traffic will have on the safety of road users, condition of the infrastructure, the school bus route and the ongoing maintenance burden of the infrastructure

26. Six submissions indicated that Mindijup and Palmdale Roads were not adequately constructed to cater for an increase in heavy traffic. The submissions requested that these roads are widened, marked with centre line markings and signage installed and a maximum speed limit imposed.
27. Within these submissions, safety concerns with the following intersections were raised
- Mindijup/Palmdale Road intersection;
 - Palmdale Road/South Coast Highway intersection;
 - Palmdale Road at Moirs, Fishtrack and James Road; and
 - The blind corner at the Palmdale and Moirs Road.
28. There is also a further concern in regards to the ongoing maintenance of these roads and requests were made that the proponent contributes to the cost of these upgrades.
29. Requests were also made that roadside vegetation be consistently pruned to establish and maintain improved lines of sight.
30. Four submissions raised safety concerns with the school bus route operating along this road and requested that a curfew on truck movements was placed on during the times that the school bus services this area (8.10am to 8.23am and 3.30pm to 3.45pm).
31. Main Roads WA provided the following advice:

'As the proposal will necessitate the extension of the existing RAV 7 network to service the mining operations Main Roads recommends that the sealed extension of Mindijup Road be built to a minimum width of 7 metre seal with 9 metre formation.

Main Roads has applied for funding to undertake intersection improvement works for the Palmdale Rd and South Coast Hwy intersection in the 2017/2018 financial year. The current extent of proposed works is for a left turn pocket from SCH to Palmdale Rd, sight distance improvement works and widening of the Palmdale Road intersection fishtails.'

32. In consultation with the City of Albany Engineering Department, officers recommend a condition of approval requiring that Palmdale and Mindijup Roads be widened to a 7 metre seal with 9 metre formation from the site to South Coast Highway. The works are to be constructed and drained at the full cost to the Developer, to the specifications and satisfaction of the City of Albany.
33. Officers recommend that a truck movement curfew is placed on the times that the school bus services the area, being 8.10am-8.23am and 3.30pm-3.45pm.
34. Officers recommend that a standard condition requiring the proponent to rectify any damage to any road as a result of the operation within the City of Albany should be applied.
35. The City of Albany will investigate opportunities to improve signage and line marking.
36. It is considered that the proposed conditions mitigate and manage concerns raised in respect to road use and infrastructure.

Noise and volume of traffic with 24 hour/7 day operation

37. Four submissions raised concerns with the noise and volume of traffic as a result of the proposed 24 hour/ 7 days per week operation and also the proximity of dwellings to the transport corridor.
38. One submission requested that the applicant construct earth banks between the dwellings and the road to act as a sound barrier. Given the compliant buffer distances, this has not been recommended as a condition of approval.
39. A submission requested that that a curfew was placed on truck movements from 6.00am to 6.00pm.
40. One submission requested that the truck movements are spread between 5.00am to 6.00am and 3.30pm to 8.30pm to limit the interactions between passenger and heavy vehicles. One submission requested that a curfew is observed on all public holidays.
41. One submission raised concerns that an increase in heavy vehicle movements would impede any future business developments for their existing winery.
42. The proponents have stated that the estimated number of truck movements associated with this use would be 23 trucks (or 46 movements) per day, which would be spaced out over 24 hours / 7 days per week, therefore equating to approximately one return trip per hour (two movements).
43. Should truck movements be restricted to between the hours of 6am to 6pm then the estimated truck movements would increase to approximately two return trips per hour (four movements).
44. The vehicles would exit the site and travel south onto Mindijup Road then south-west along Palmdale Road to reach South Coast Highway.
45. Due to the compliant buffers, officers consider that the operations onsite can be undertaken 24/7 with minimal impact on adjoining properties. **However, officers recommend that the truck movements be limited to between the hours of 5am and 10pm.**
46. Due to the limited lifespan of the proposal, in conjunction with the distance from the existing winery, officers consider that the proposal will have minimal impact on any future business developments for the established winery.

Non-adherence to road rules

47. Two submissions raised concerns that there would be non-adherence to the prescribed speed limits and requested that the speed limit be reduced to 70/80km/h.
48. RAV 7 'C-trains' are vehicles which are permitted to travel on this network and are subject to adhering to the designated road rules and speed limits.

Impact on South Coast Highway

49. Concerns were raised that the additional traffic resulting from the proposal would cause a bank up of traffic on South Coast Highway heading into Albany, due the road being a tourist route with a lack of passing opportunities.
50. Concerns were also raised in regards to the extra pressure the heavy traffic would place on the Upper Kalgan Bridge and the North Road roundabout as a result of the additional truck movements.
51. The proposal was referred to Main Roads WA, who provided no objections.
52. The vehicle movements associated with the proposal would be undertaken by RAV7 'C-trains'. This classification of vehicle is currently approved on this part of the road network.
53. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

GOVERNMENT & PUBLIC CONSULTATION

54. The proposal was advertised for public comment for a period of 31 days, in accordance with clause 9.4 – *Advertising of Applications of Local Planning Scheme No. 1*. A sign was placed on site, surrounding landowners were directly notified in writing and a copy of the proposal and Fact Sheet was placed on the City of Albany's website.
55. In addition to the above, the City prepared and distributed a fact sheet for the proposal to all landowners within a 3 kilometre radius of the site, and all landowners that adjoined the subject haul route, being Palmdale and Mindijup Road.
56. Eight submissions representing six properties were received in relation to the proposal. One submission objected to the proposal, and seven submissions did not object however raised concerns to the proposal. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed above.
57. In addition to the public consultation, the proposal was also referred to the Department of Water, the Department of Mines and Petroleum, Department of Environment Regulation, Main Roads WA, Department of Parks and Wildlife (South Coast Region), the Public Transport Authority, the Albany Port Authority, the Oyster Harbour Catchment Group and the Department of Agriculture and Food.
58. Advice was received from the Department of Water stating that they had no objections to the proposal. However, it was recommended that baseline data be established to guide the mining operations to ensure the protection of the groundwater. In addition to this, a Surface Water Management Plan should be prepared, demonstrating the measures that will be taken to prevent any run-off from the excavated areas. It was also requested that the site be recontoured to provide a stable site and avoid ponding of surface water or steep slopes.
59. Main Roads WA recommend that the sealed extension of Mindijup Road be built to a minimum width of 7m seal with 9m formation, which is consistent with the City of Albany Engineering recommendation.
60. The Department of Mines and Petroleum have revised their original comments and have now advised that as Silica is not defined as a mineral under the *Mining Act*, the proposal is now classified as an Extractive Industry.
61. Department of Environment Regulation advised that the applicant will need to lodge an application for a works approval. It is the applicant's obligation to obtain any permits or approvals from the Department of Environment Regulation as required.
62. The Department of Agriculture and Food recommend that if the proposal is supported, that a notification be sent to the Office of the Commissioner for Soil and Land Conservation.
63. The Public Transport Authority have not provided a response. However, a submission was received directly from the school bus operator, requesting a curfew for truck movements during the times that they service these roads, being 8.10am-8.23am and 3.30pm-3.45pm. The restriction on truck movements form a recommended condition of approval.

STATUTORY IMPLICATIONS

- 64. Industry - Extractive is classified as an ‘A’ use within the ‘Priority Agriculture’ zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.
- 65. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

- 66. The primary assessment criteria for the application are set out in the City of Albany *Extractive Industry and Mining* local planning policy.
- 67. The application is generally consistent with the City of Albany *Extractive Industry And Mining* policy. Compliance with the Policy has been discussed and addressed in the preceding discussion section of the report.
 - a. The proposal is classified as a class 3 extractive industry under the policy. Class 3 extractive industries have site extraction areas exceeding 3 hectares and depths in excess of 10-15 metres.
 - b. The Policy requires that buffer distances are to be in accordance with the setbacks outlined within the Environmental Protection Authority requirements. The Environmental Protection Authority’s *Separation Distances between Industrial and Sensitive Land Uses* guidelines state a buffer between 300-500 metres should apply for large scale sand extraction and 500m for screening. Although this buffer is not contained within the lot boundaries, the closest dwelling is approximately 1.125 kilometres from the nominated extraction area, and is therefore compliant with the intent of the *Separation Distances between Industrial and Sensitive Land Uses* guidelines and Policy.
 - c. The proposed pit is compliant with the setback provisions of the policy, which requires extraction to be located 30m from any public road.
 - d. The proposed pit area complies with the requirement of being set back a minimum of 50 meters from a watercourse or body. The proposed setback from the Kalgan River is approximately 930 meters.
 - e. The Extractive Industry and Mining Policy and Local Planning Scheme No. 1 states that a separation distance of 200 meters should be achieved between dwellings not on the subject property. The closest dwelling is 369 metres away from the nominated extraction area, and is therefore compliant with the *Extractive Industry and Mining Policy*.
 - f. The operations will not result in the removal of remnant vegetation

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation If the conditions are not met, the proposed use could give rise to unacceptable detrimental impacts on the amenity of the area.</p>	Possible	Moderate	Medium	Mitigation of impacts to be achieved through adoption and enforcement of conditions.

FINANCIAL IMPLICATIONS

- 69. All costs associated with the development will be borne by the proponent.
- 70. 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

- 71. Council can use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
- 72. 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

- 73. The extraction area is situated in the west of the subject lot. The proposed extraction area is located in a cleared portion of land which was previously used as a blue gum plantation. The Kalgan River is located approximately 930 metres from the proposed site (to the west).

ALTERNATE OPTIONS

- 74. Council has the following alternate options in relation to this item, which are:
 - To determine that the proposed use is unacceptable and to resolve to refuse the application; or
 - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

- 75. The proposal is considered to be consistent with the objectives of the zone and the requirements of the City of Albany's *Extractive Industry and Mining* local planning policy.
- 76. The matters raised in the public submissions received during the advertising period have also been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions.
- 77. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Extractive Industries and Mining local planning policy</i> 4. <i>Environmental Protection (Noise) Regulations 1997</i> 5. <i>Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses</i>
File Number (Name of Ward)	:	A215306(Kalgan Ward)
Previous Reference	:	Nil

DIS012: INDUSTRY – EXTRACTIVE (GRAVEL), 45720 SOUTH COAST HIGHWAY, KALGAN

Land Description : 45720 South Coast Highway, Kalgan.
Proponent : A.D. Contractors Pty Ltd
Owner : I Attwell
Business Entity Name : A.D. Contractors Pty Ltd
Directors : Ian Attwell
Attachments : Site Plan
: Schedule of Submissions
Supplementary Information & Councillor Workstation: : Copy of submissions
Report Prepared by : Planning Officer (J Anderson)
Responsible Officer : Executive Director Development Services (P Camins)

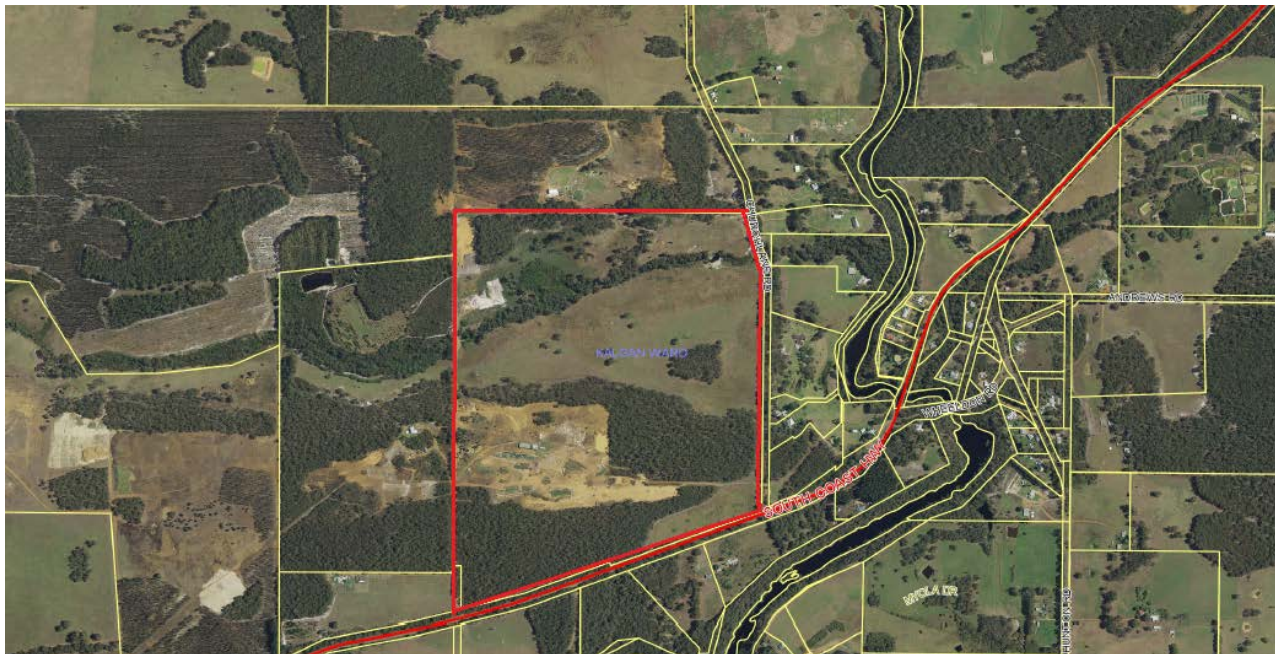
Responsible Officer's Signature:



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. The proposal is consistent with the strategic directions identified in the *Albany Local Planning Strategy*.

Maps and Diagrams:



In Brief:

- Council is asked to consider an application for development approval for an Industry – Extractive (Gravel), at 45720 South Coast Highway, Kalgan.
- The application was advertised for public comment and referred to surrounding residents.
- Nine submissions were received in relation to the proposal, representing six properties. Eight submissions objected to the proposal and one submission had no objections but provided comment.
- The submissions primarily relate to the proposed access route, noise, dust, proximity to dwellings, health issues, proximity to the Kalgan Rural Village zone, operation of existing pit and property value.
- One submission received from the adjoining landowners had no objections to the proposal, however requested that Churchlane Road was not used as an access route.
- The applicant has since agreed to use the existing access route via South Coast Highway, therefore mitigating the concerns raised in regards to the industry using Churchlane Road to access the property.
- There is an existing extractive industry on this site which predates 1999. The resource has now been exhausted and the applicant is currently rehabilitating the area.
- Due to the number of concerns raised, the application is being referred to Council for determination.
- Staff recommend that Council approve the proposed development, subject to conditions, which are considered to mitigate the concerns raised through the public advertising process.

RECOMMENDATION

**DIS012: AMENDED OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to ISSUE a notice of determination granting temporary development approval with conditions for Industry – Extractive (Gravel) at 45720 South Coast Highway, Kalgan.

Conditions:

- (1) This consent is valid until **26/04/2022**, after which an application for renewal will be required to be lodged with the City of Albany.
- (2) An earth bund shall be designed, constructed and landscaped to screen the operation from Churchlane Road (in the area indicated in red to the north-west of the extraction area on the plan hereby approved) to the satisfaction of the City.
- (3) Access shall be in accordance with the plan hereby approved. No access is permitted via Churchlane Road, unless otherwise agreed in writing by the City of Albany.
- (4) A surface water management plan shall be prepared and implemented in consultation with the Department of Water to the satisfaction of the City.
- (5) The pit shall be suitably drained. No direct discharge shall occur from the pit into a watercourse without the prior approval of the Department of Water.
- (6) The crossover shall be constructed to Main Roads WA specifications, levels and satisfaction.

Advice: A permit from the City of Albany is required prior to any work or clearing being carried out within the road reserve.

(continued on next page)

- (7) Top soil to a depth of 150mm, unless otherwise approved by the Director Works and Services, shall be removed from the extraction areas and stored on-site for use in later rehabilitation works.
- (8) A minimum of 150mm of top soil shall be left above any hard surface (i.e. clay/gravel) unless a lesser amount is approved by the Director Works and Services.
- (9) Any extraordinary damage to roads within the City of Albany, caused by the extraction operations shall be rectified at the full cost of the applicant.
Advice: In accordance with the Thoroughfares Local Law and Extractive Industry Local Law, the applicant will be responsible for the repair of any extraordinary damage (not normal wear and tear) clearly caused by them to any road within the City of Albany.
- (10) A refundable bond/bank guarantee of \$3000.00 per hectare shall be lodged with the City of Albany for remediation work if required.
- (11) Operation of the extraction areas shall be restricted to the hours of 7.30am – 4.30pm Monday to Friday, unless otherwise agreed in writing by the City of Albany.
- (12) The site shall be suitably rehabilitated and re-contoured on a per hectare basis, including re-battering of banks and reseeded and stabilising of former extraction areas.
- (13) Any off site fill must be clean soil, free of weed material or of non-contaminated inert type 1 waste (as defined by Landfill Waste Classification and Waste Definition 2009).
- (14) The operation of the extraction areas shall be contained within the area nominated on the stamped, approved plans.
- (15) No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Environment Regulation.
- (16) No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
- (17) Only one hectare of the extraction area identified on the stamped, approved plans shall be opened at any one time.
- (18) Development is required to comply with all relevant Health regulations, in particular, regards should be paid to dust management and noise regulations.
- (19) Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environmental Protection's Dust Control Guidelines and the City of Albany Prevention and Abatement of Sand Drift Local Law 2000.
- (20) 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.
- (21) Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating the Extractive Industries.

Officer's Reason (Executive Director Planning and Development):

Due to the item being deferred, the expiry date was revised to reflect five years from the date of determination.

Condition 9 was also amended to provide greater clarity on its intent and application.

DIS012: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting temporary development approval with conditions for Industry – Extractive (Gravel) at 45720 South Coast Highway, Kalgan.

Conditions:

- (1) This consent is valid until 31/03/2022, after which an application for renewal will be required to be lodged with the City of Albany.
- (2) An earth bund shall be designed, constructed and landscaped to screen the operation from Churchlane Road (in the area indicated in red to the north-west of the extraction area on the plan hereby approved) to the satisfaction of the City.
- (3) Access shall be in accordance with the plan hereby approved. No access is permitted via Churchlane Road, unless otherwise agreed in writing by the City of Albany.
- (4) A surface water management plan shall be prepared and implemented in consultation with the Department of Water to the satisfaction of the City.
- (5) The pit shall be suitably drained. No direct discharge shall occur from the pit into a watercourse without the prior approval of the Department of Water.
- (6) The crossover shall be constructed to Main Roads WA specifications, levels and satisfaction.
Advice: A permit from the City of Albany is required prior to any work or clearing being carried out within the road reserve.
- (7) Top soil to a depth of 150mm, unless otherwise approved by the Director Works and Services, shall be removed from the extraction areas and stored on-site for use in later rehabilitation works.
- (8) A minimum of 150mm of top soil shall be left above any hard surface (i.e. clay/gravel) unless a lesser amount is approved by the Director Works and Services.
- (9) The applicant will be responsible for the repair of any damage to any road within the City of Albany, caused by the extraction operations.
- (10) A refundable bond/bank guarantee of \$3000.00 per hectare shall be lodged with the City of Albany for remediation work if required.
- (11) Operation of the extraction areas shall be restricted to the hours of 7.30am – 4.30pm Monday to Friday, unless otherwise agreed in writing by the City of Albany.
- (12) The site shall be suitably rehabilitated and re-contoured on a per hectare basis, including re-battering of banks and reseeding and stabilising of former extraction areas.
- (13) Any off site fill must be clean soil, free of weed material or of non contaminated inert type 1 waste (as defined by Landfill Waste Classification and Waste Definition 2009).
- (14) The operation of the extraction areas shall be contained within the area nominated on the stamped, approved plans.
- (15) No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Environment Regulation.
- (16) No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
- (17) Only one hectare of the extraction area identified on the stamped, approved plans shall be opened at any one time.
- (18) Development is required to comply with all relevant Health regulations, in particular, regards should be paid to dust management and noise regulations.
- (19) Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environmental Protection's Dust Control Guidelines and the City of Albany Prevention and Abatement of Sand Drift Local Law 2000.
- (20) 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.

(21) Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating the Extractive Industries.

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. The subject lot lies to the northern side of South Coast Highway and to the western side of Churchlane Road, approximately 16km north-east of the Albany City centre. The lot has an area of approximately 87 hectares and is zoned 'Priority Agriculture' under City of Albany *Local Planning Scheme No. 1*.
6. The subject lot is bounded by 'Priority Agriculture' zoned land to the north and west. The land to the east on the opposite side of Churchlane Road is zoned Rural Village, being the Kalgan Rural Village.
7. There is an existing extractive industry on this site which predates 1999. The resource has been exhausted and the licence holder is currently rehabilitating this area.
8. Under provision 9.4.3 of Local Planning Scheme 1, the proposal was required to be advertised for a period of 21 days, however to take into consideration the holiday period, the proposal was advertised for public comment for a period of 32 days (15 December 2016 till 27 January 2017). Nearby landowners were directly notified by letter and a sign was placed onsite.

DISCUSSION

9. The proposal seeks to extract gravel from the subject site and truck the material off site for use within the Albany area.
10. The total proposed extraction area is approximately 2ha in area. The total area open at any time would not exceed one hectare.
11. The estimated lifespan of the pit is 5 years, however this will depend on demand.
12. The proposed operation times are 7.30am to 4.30pm on weekdays only (Monday to Friday).
13. The proposed extraction area is situated to the north-east of the existing extraction area within a cleared portion of land.
14. The proposed (approximate) setbacks are as follows:
 - 400m from the northern boundary
 - 260m from the western boundary and
 - 450m from both the southern and eastern boundaries.
15. The proposed extraction area is located approximately 130m from a waterway on the site (situated to the north).
16. The closest residence is located to the east, approximately 369 metres away, which exceeds the required 200 meters specified within the Extractive Industry and Mining Policy.
17. Access was initially proposed to be via a new access track on Churchlane Road. The applicant has since agreed to use the existing access track to the south directly onto South Coast Highway. The relocation mitigates any concerns raised in regards to the use of Churchlane Road and the location of the crossover.
18. The proponents have provided the following (summarised) outline of how the proposed extractive industry will operate:

- Mobile plant will be used to extract, push up and stockpile the gravel to a depth of 2 metres.
 - Topsoil will be windrowed and stored onsite and ready to be used in the rehabilitation process. Windrows shall be 5-8 metres wide and stored parallel to the borders of the extraction area.
 - The number of truck movements will vary dependant on demand, however when demand is high it is estimated that three to four trucks making six to seven trips per day would be normal. During low demand times, it is likely that one truck will be entering the site several times per day.
 - Operations generally cease during high wind, and water trucks shall be available to suppress dust.
 - No vegetation will be removed as the pit is within a cleared area.
 - The pit will be rehabilitated after completion of extraction and returned to pasture for cattle grazing.
19. The application is generally consistent with the City of Albany Extractive Industry and Mining local planning policy. Compliance with the policy is further discussed in paragraph 62 below.
20. A total of nine submissions were received in relation to the proposal representing six properties. Eight submissions objected to the proposal and one submission had no objections but requested that Churchlane Road was not used as a means of access.
21. The submissions raised a number of concerns. These concerns and the proposed mitigation measures are addressed in more detail in the following paragraphs
- Noise, dust, vibration, proximity to existing dwellings resulting in health issues:**
22. Seven of the submissions received raised concerns with noise, dust, vibration and proximity to existing dwellings and the impact it will have on the residents adjacent to the subject site. Four of these submissions raised concerns that the dust and noise will result in health issues.
23. The *Extractive Industry and Mining Policy* requires that buffer distances are to be in accordance with the setbacks outlines within the Environmental Protection Authority requirements. The Environmental Protection Authority's Separation Distances between Industrial and Sensitive Land Uses guidelines do not set out a specific buffer for this type of extraction, however the policy states 200 metres should be achieved between dwellings not on the subject property. With the closest boundary being approximately 260m away, this buffer has been achieved onsite. The closest dwelling is approximately 369m from the nominated extraction area, and is therefore compliant with the policy.
24. Concerns were raised that the screening and crushing machinery was not included in the noise calculations. The Department of Environment Regulation is the responsible body for the assessment of the emissions and buffers for screening and crushing plants. The applicant is responsible for ensuring that they have the required licences from DER prior to undertaking this activity onsite.
25. The proposal was referred to the Department of Environment Regulation. The advice provided was that they have no comment on the matter in reference to regulatory responsibilities under the Environmental Protection Act 1986 and the Contaminated Sites Act 2003.
26. Staff have recently attended the site. While the majority of the proposed pit area is currently well screened by a cluster of vegetation approximately 1ha in area, staff recommend that the topsoil is placed to the north-east of the proposed pit to further screen the pit area from Churchlane Road. It is further recommended that a smaller earth bund be created directly to the east of the proposed pit area, in between the two areas of vegetation.

Use of Churchlane Road and location of crossover:

27. Seven of the submissions received raised concerns with the use of Churchlane Road and the location of the crossover. The applicant has since agreed to use the existing access track which exits to the south of the lot, directly onto South Coast Highway. Given the modified access it is considered that the concerns raised in relation to Churchlane Road have been mitigated. The use of the existing access track will be applied as a condition of approval.

Adjacent to the Kalgan Rural Village Zone:

28. Five of the submissions received raised concerns in relation to the potentially detrimental effect the proposal will have on the amenity of the Kalgan Rural Village zone, which is located directly to the east, on the opposite side of Churchlane Road. The submissions claim that this use should not be permitted as it will destroy the peaceful residential lifestyle and is not in keeping with the objectives for the Kalgan Rural Village.
29. The subject site is zoned Priority Agriculture. Local Planning Scheme No. 1 classifies an extractive industry as a use which can be considered within this zone. An extractive industry is a common use on Priority and General Agriculture zoned land. An extractive industry will not be a new land use on the property, with an existing extractive industry operating on the subject site prior to 1999. Furthermore, in terms of compliance, the proposal meets the requirements of the Extractive Industry and Mining Local Planning Policy.
30. To mitigate any potential impact on amenity, it is recommended that additional earth bunds be implemented as a condition of approval.

Rehabilitation of existing and proposed pit areas:

31. Five of the submissions received raised a concern that the existing extractive industry on the site has not been rehabilitated and a new licence should not be granted until it has been fully rehabilitated.
32. The existing extractive industry is subject to a separate licence and rehabilitation bond. During the last extractive industry inspection on 15/12/2014, rehabilitation had commenced and the applicant advised that the rehabilitation will be completed during winter 2017.

Lack of screening and clearing of vegetation:

33. Two of the submissions received raised concerns with the lack of screening and clearing of vegetation.
34. The proposed extraction area is within a cleared portion of land, and if approved, extraction must be contained within this area. The applicant does not propose to clear any vegetation. Should the applicant seek to clear the vegetation, they must gain approval from the Department of Environment Regulation.
35. To further screen the proposal, it is recommended that additional earth bunds be implemented as a condition of approval.

Operation outside of normal hours, and concerns that the operations will not run in accordance with the approvals:

36. Two of the submissions received raised concerns with the operation of the proposed extractive industry outside of normal hours and that the operation will not be run in accordance with the approval.
37. One submission also raised concerns regarding the current operation running outside of normal hours and clearing of vegetation. After a site inspection and discussion with the landowner, staff were satisfied that the works were short term and were in relation to firebreaks, internal tracks and fencing and not associated with the extractive industry onsite. It should be noted that these works are exempt from requiring development approval.
38. In terms of operating outside of normal hours, the applicant did confirm that the site was subject to vandalism on one occasion when machinery was broken into and started in the early hours of the morning. This was not associated with the operation of the extractive industry.

39. Extractive industries are subject to an annual inspection prior to the licence renewal. The inspection process ensures work is being undertaken in accordance with the approved plan and planning conditions, and that rehabilitation work is correctly carried out. If a breach is found, the licence is not renewed until such a time as the breach has been rectified.
40. The applicant is proposing to operate Monday to Friday between the hours of 7.30am and 4.30pm, which is less than the normal permitted hours for an extractive industry, being 6.00am – 6pm (Monday to Friday) and 8.00am to 5pm (Saturday).

Advertising:

41. One of the submissions received claimed that the advertising was received prior to Christmas and fortuitous for the applicant due to many people being away.
42. Under provision 9.4.3 of Local Planning Scheme 1, the proposal was required to be advertised for a period of 21 days. Taking the holiday period into consideration, the proposal was advertised for a period of 32 days.

Impact of property value:

43. One of the submissions received claimed property value will be affected.
44. Property value is not a matter to be considered under the *Planning regulations 2015*.

Drainage concerns – Impact on the Kalgan River:

45. One of the submissions received raised concerns with the drainage of the works and that the Kalgan River would consequently be affected.
46. The setback from the waterway is approximately 130 metres, such a setback meets the required 50 metres under the Extractive Industry and Mining Local Planning Policy.
47. The proposal was also referred to the Department of Water. It was advised that they have no objections to the proposal, however, have requested the preparation and implementation of a surface water management plan. A surface water management plan is recommended as a condition of approval.

Landfill contains plastic:

48. One of the submissions received claimed that the landfill used to construct access ways onsite was contaminated with small bits of plastic.
49. A site inspection was conducted on the 15 February 2017 and the fill was inspected. Although small bits of plastic were found, it was in staff's opinion that this was negligible.

Discrepancies within application:

50. One of the submission claimed that there is a number of discrepancies within the application, including the size and location of the pit based on the coordinates supplied - resulting in vegetation removal, the topography, setback from dwellings and that they had not mentioned the use of a screener or crusher onsite.
51. The size of the pit is approximately two hectares, however only one hectare will be open at any one time.
52. The closest dwelling not on the site is approximately 369 metres.
53. The location of the pit will not result in any vegetation removal.
54. The applicant has confirmed that there will be a screener and crusher onsite, however this is subject to gaining a licence from the Department of Environment who are the responsible body for the assessment and licencing of screening and crushing plants.

Life of pit

55. One submission raised concerns that the life of the pit will be extended or new pits will be opened on the site once this area has been exhausted.
56. The applicant is applying for a 5 year temporary approval. All extraction must be contained within the approved area indicated on the site plan. New areas outside of the approved area, or an extension beyond the 5 year period will be subject to a new approval.
57. The proposed conditions of approval, mitigate and manage the issues raised during the public consultation process.
58. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

GOVERNMENT & PUBLIC CONSULTATION

59. The proposal was advertised for public comment for a period of 32 days, in accordance with clause 9.4 – *Advertising of Applications of Local Planning Scheme No. 1*. A sign was placed on site and surrounding landowners were directly notified in writing.
60. A total of nine submissions were received during the advertising period representing six properties. Eight submissions objected to the proposal and one submission had no objections however requested that Churchlane Road was not used as a means of access. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed in paragraphs 20 – 54 above.
61. In addition to the public consultation, the proposal was also referred to the Department of Water due to the proximity to a waterway.
62. Advice was received from the Department of Water stating that they had no objections however requested the preparation and implementation of a surface water management plan.
63. The proposal was referred to the Department of Environment Regulation. The advice received was that they had no comment on this matter. It should be noted that screening and crushing are subject to a separate licence and assessment through Department of Environment Regulation.

STATUTORY IMPLICATIONS

64. Extractive Industry is classified as an 'A' use within the 'Priority Agriculture' zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.
65. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

66. The primary assessment criteria for the application are set out in the City of Albany *Extractive Industry and Mining* local planning policy.
 - a. The proposal is classified as a class 2 extractive industry under the policy. Class 2 extractive industries have site extraction areas of between 0.75 and 3 hectares with a maximum depth of 3 metres.
 - b. The Policy requires that buffer distances are to be in accordance with the setbacks outlined within the Environmental Protection Authority requirements. The Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses* guidelines do not set out a specific buffer for this type of extraction and therefore the proposal was referred to the Department of Environment Regulation who have advised that they have no comments on the proposal. It should be noted that a separate licence through DER is required to be obtained for screening and crushing plants and therefore a full assessment by DER will be undertaken at this time.

- c. The Extractive Industry and Mining Policy and Local Planning Scheme No. 1 states 200 meters should be achieved between dwellings not on the subject property. The closest dwelling is 369 metres away from the nominated extraction area, and is therefore compliant with the *Extractive Industry and Mining Policy*.
- d. The proposed pit is compliant with the provision of the policy that requires pits be located 30m from any public road.
- e. The proposed pit area complies with the requirement of being set back a minimum of 50 meters from a watercourse or body. The proposed setback from the waterway is approximately 130 meters.
- f. The operations will not result in the removal of remnant vegetation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation <i>If the conditions are not met, the proposed use could give rise to unacceptable detrimental impacts on the amenity of the area.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation of impacts to be achieved through adoption and enforcement of conditions.</i>

FINANCIAL IMPLICATIONS

- 68. All costs associated with the development will be borne by the proponent.
- 69. 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

- 70. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
- 71. 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

- 72. The extraction area is situated centrally within the subject lot. The extraction area is approximately 130 metres from a waterway onsite. Their proposed extraction area is located in a cleared portion of land.

ALTERNATE OPTIONS

- 73. Council has the following alternate options in relation to this item, which are:
 - To determine that the proposed use is unacceptable and to resolve to refuse the application; or
 - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

SUMMARY CONCLUSION

74. The proposal is considered to be consistent with the objectives of the zone and the requirements of the City of Albany’s *Extractive Industry and Mining* local planning policy. The matters raised in the public submissions have also been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions. On this basis, it is considered the proposal can be approved and appropriately managed through ongoing conditions and the yearly licence renewal process.
75. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Extractive Industries and Mining local planning policy</i> 4. <i>Environmental Protection (Noise) Regulations 1997</i> 5. <i>Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses</i>
File Number (Name of Ward)	:	A72855(Kalgan Ward)
Previous Reference	:	Nil

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: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

DIS017: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

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

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	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: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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.

DIS019: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

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.
5. 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

6. 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.
7. 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.
8. 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.
9. 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.
10. P204 is the only single axle truck used for towing.
11. 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.
12. 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

13. No government or public consultation is required.

STATUTORY IMPLICATIONS

14. There are no statutory implications related to this item.

POLICY IMPLICATIONS

15. There are no policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations, Legal & Compliance. 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.</p>	<p>Almost Certain</p>	<p>Moderate</p>	<p>High</p>	<p>Upgrading the specification of P204 will ensure legal compliance and prevent disruption to infrastructure operations.</p>

FINANCIAL IMPLICATIONS

17. The extra funds required for the replacement of P204 with a larger truck are already contained within the Plant Capital Expenditure budget.
18. \$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.

Consulted References	:	Local Government (Financial Management) Regulations 1996
File Number (Name of Ward)	:	Nil
Previous Reference	:	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: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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.***

DIS020: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR SMITH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

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 & Opportunity Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation</p> <p><i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i></p>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>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.</i>

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.

Consulted References	:	<ol style="list-style-type: none"> 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>
File Number (Name of Ward)	:	LAMD17 (Yakamia Ward)
Previous Reference	:	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.

Land Description : Lots 84, 85, 86 and portion of Lots 87 & 98 Home, Harding & Frenchman Bay Roads Robinson

Proponent : Ayton Baesjou Planning

Owners : Jen & Anthony Steele, Greg Hunter, Margerita Smith
Paul & Christine Hunter
Erin Denize & Kylie Lewis
Colin Bales
Desmond Nelson

Business Entity Name : Nil

Attachments : Local Planning Scheme Amendment No. 27
Local Structure Plan No. 4

Supplementary Information & Councillor Workstation: Nil

Report Prepared by : Senior Planning Officer – Strategic Planning (A Nicoll)

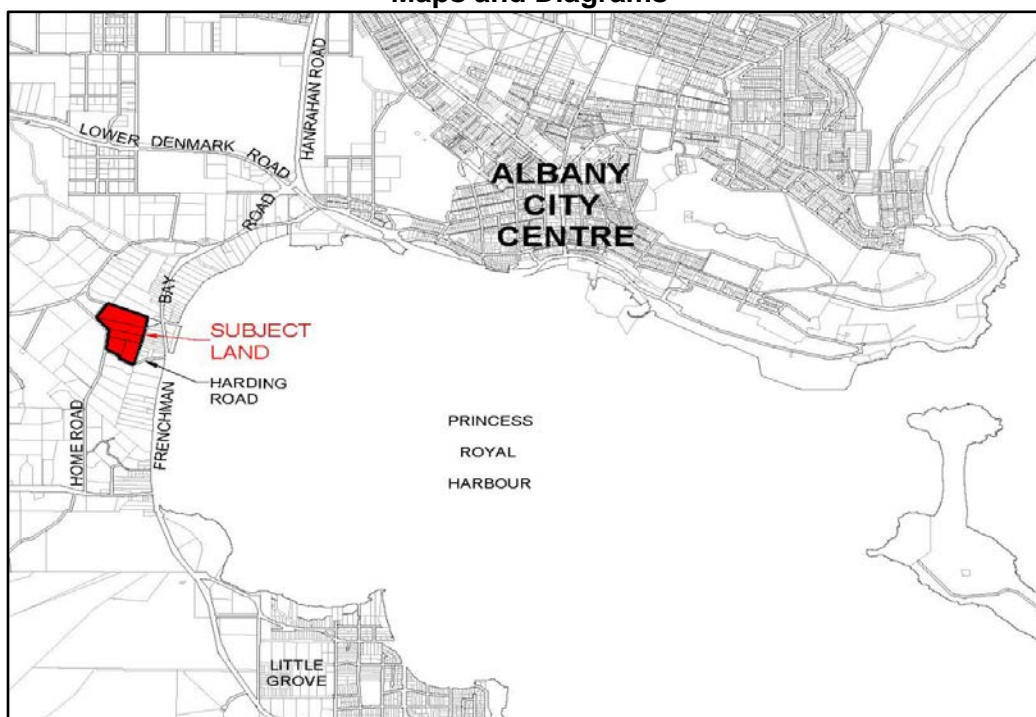
Responsible Officer : Executive Director Development Services (P Camins)

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 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: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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.**

DIS021: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

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:
 - a) *State Planning Policy 3.7, Planning in Bushfire Prone Areas*;
 - b) *State Planning Policy 2.7, Public Drinking Water Source*;
 - c) *State Planning Policy 2.5, Rural Planning*; and
 - d) *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>Organisational Operations and Reputation 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.

Consulted References	:	<ol style="list-style-type: none"> 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>Bushfire Attack Level Contour Pan Report</i> 6. <i>Land Capability Assessment Investigation</i> 7. <i>State Planning Policy 3.7, Planning in Bushfire Prone Areas</i> 8. <i>State Planning Policy 2.7, Public Drinking Water Source</i> 9. <i>State Planning Policy 2.5, Rural Planning</i> 10. <i>Government Sewerage Policy (Draft 2016)</i>
File Number (Name of Ward)	:	<p>LAMD27 (Vancouver Ward) LSP4 (Vancouver Ward)</p>
Previous Reference	:	<p>Nil</p>

**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)

Responsible Officer’s Signature:	
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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: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council 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 1st May 2017, where penalties will not apply.**
- **A proactive compliance approach from the 1st July 2017.**

DIS022: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-2

Record of Vote

Against the Motion: Councillors Hammond and Dowling

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 1st May 2017, where penalties will not apply.
- A proactive compliance approach from the 1st 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
<p>Reputation. <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></p>	<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>
<p>Legal and Compliance. <i>Proactive compliance will use directorate resources to research and enforce</i></p>	<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.

Consulted References	:	<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>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Ni.

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

DIS023: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

DIS023: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS023: RESPONSIBLE OFFICER RECOMMENDATION

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

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**