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# AGENDA

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

**Wednesday 14 February 2018**

6.00pm

City of Albany Council Chambers

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

**VISION**

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

**VALUES**

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

**Focused: on community outcomes**

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

**United: by working and learning together**

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

**Accountable: for our actions**

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

**Proud: of our people and our community**

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

## TERMS OF REFERENCE

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

Development Services:

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

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

Infrastructure Services:

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

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

(2) **It will achieve this by:**

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

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

(4) **Meeting Schedule:** Monthly

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

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

(7) **Delegated Authority:** None

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**1. DECLARATION OF OPENING**

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

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

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

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

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

Mayor

D Wellington

**Councillors:**

Member

P Terry

Member

J Shanhun (Chair)

Member

S Smith

Member

A Goode JP

Member

A Moir

Member

R Sutton (Deputy Chair)

Member

B Hollingworth

Member

E Doughty

Member

R Hammond

Member

R Stephens

Member

T Sleeman

Member

G Stocks

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Development Services

P Camins

Executive Director Infrastructure & Environment

M Thomson

Meeting Secretary

J Cobbold

**Apologies:**

**4. DISCLOSURES OF INTEREST**

Name	Committee/Report Item Number	Nature of Interest

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

**6. PUBLIC QUESTION TIME**

**7. PETITIONS AND DEPUTATIONS**

**8. CONFIRMATION OF MINUTES**

**DRAFT RESOLUTION**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 6 December 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

Landcorp – Michael Campi and Anna Evangelisti – Middleton Beach Design Guidelines – *After closure of Committee Meeting.*

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

## DIS074: C17030 AWARD OF TENDER FOR MERCER ROAD OFFICE REFURBISHMENT

<b>Land Description</b>	: 39 Mercer Road, Walmsley, WA, 6330.
<b>Proponent / Owner</b>	: City of Albany.
<b>Business Entity Name</b>	: City of Albany.
<b>Supplementary Information &amp; Councillor Workstation</b>	: <i>Confidential Briefing Note has been distributed under separate cover.</i>
<b>Report Prepared By</b>	: Manager City Engineering (D King)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (M Thomson)

*Note: A Confidential Briefing Note has been distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the local government.*

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** 3 - Clean, Green and Sustainable.
  - **Objective:** 3.2 - To build, maintain and renew city assets sustainably.
  - **Community Priority:** 3.3.2 - Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

#### In Brief:

- Tender award for C17030 – Mercer Road Office Refurbishment
- Five (5) complying tenders received with Wauters Enterprises the recommended contractor.
- Construction is scheduled to commence in April 2018 with completion by late August 2018.

### RECOMMENDATION

#### DIS074: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

##### THAT Council:

1. **ACCEPT** the tender from Wauters Enterprises and award Contract C17030 Mercer Road Office Refurbishment.
2. **NOTE** that an allocation of up to \$500,000 will be made in the 2018/2019 draft annual budget to complete the contract in accordance with its terms.

### BACKGROUND

2. In 2011, what is now the Infrastructure and Environment City Engineering teams were relocated from the North Road offices into temporary offices at the Mercer Road depot. The City Engineering teams have been working in these temporary offices since 2011.
3. Working conditions within the temporary offices are less than ideal. IT and connectivity issues, combined with segregated layouts, poor function and poor amenity creates difficult working conditions.
4. With the lease over 39 Mercer Road expiring in January 2018, an opportunity exists to refit this building to replace the temporary offices at 39 Mercer Road.
5. An allocation of \$700,000 is budgeted in 2017/18 with an additional \$500,000 proposed in the current Long Term Financial Plan (LTFP) for 2018/19 to complete stage 2 of the works.

6. The project was separated into 2 stages initially to accommodate the current lessee, South Coast Natural Resource Management (SCNRM), during the works.
7. Since the 2017/18 budget adoption, SCNRM have confirmed that they will be relocating in March 2018 to alternative accommodation allowing the works to be completed in a single stage.
8. By completing the works in a single stage there is no requirement for abortive interim works and a reduction in business interruption for Ranger and Emergency Services teams.
9. The works include a refit of the Ranger and Emergency Services work area who will be accommodated off site for the duration of the works.
10. The works are expected to take 20 weeks and therefore will run into the 2018/2019 financial year.
11. Design and specification documentation was prepared by Roberts Gardiner Architects to the stage of 'Issue for Tender' as a single staged project.

### DISCUSSION

12. A total of 19 tender documents were issued by City of Albany.
13. Five (5) completed tender documents were submitted on or before the stipulated closing date and time.
14. The tenderers were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below.

Criteria	% Weighting
Cost	40%
Relevant Experience	15%
Key Personnel Skills & Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

15. The following table summarises the top tenderers and their weighted scores:

Tenderers	Weighted Score
Wauters Enterprises	574.32
Tenderer B	570.81
Tenderer C	563.53
Tenderer D	475.79
Tenderer E	455.56

## GOVERNMENT & PUBLIC CONSULTATION

16. Ongoing discussions with the current leaseholders SCNRM have occurred to ensure minimal business disruption for SCNRM. A lease termination notice has been issued in accordance with the lease conditions effective from 31<sup>st</sup> March 2018, which is satisfactory for both SCNRM and the City of Albany.
17. A request for tenders was published in the West Australian on 22 November 2017 and the Albany Weekender on 23 November 2017. The closing date of tenders was 13 December 2017.

## STATUTORY IMPLICATIONS

18. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
19. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
20. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

## POLICY IMPLICATIONS

21. Councils Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Finance: Non-compliance with contract.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contractual remedies on the basis of failure to execute works in accordance with contract.</i>
<i>Community: Relationship breakdown between the City of Albany and SCNRM due to non-renewal of lease.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Quality consultation and collaboration with current lease holders</i>
<i>Opportunity: Completion of this contract would negate the requirement for the current temporary offices and provides greater flexibility for the City of Albany's workforce into the future.</i>				

## FINANCIAL IMPLICATIONS

23. The value of this tender is in excess of \$500,000 and therefore the recommended tenderer requires approval from Council.
24. The approved budget for the project in 2017/18 is \$700,000 (ex-GST) to complete stage 1.
25. An additional \$500,000 is scheduled for stage 2 in current LTFP for 2018/19 financial year.
26. The preferred contract tender price to complete both stages 1 and 2 concurrently is \$996,452 which, after Principal supplied items would see the total project cost on budget at \$1,200,000.
27. Contractually splitting the project into two (2) stages would result in significant additional costs to the project, as well as potential additional business disruption. In addition, contractual difficulties are possible in the event that the two (2) stages are awarded to different contractors.

28. Awarding the contract in its current form would require an approval for a budget allocation in 2018/19 of \$500,000.

**LEGAL IMPLICATIONS**

29. By adopting the recommendation, Council is contractually obliged to honour the contract and therefore an allocation in the 2018/19 budget is necessary.

**ENVIRONMENTAL CONSIDERATIONS**

30. Nil.

**ALTERNATE OPTIONS**

31. Council request that officers negotiate with the top three (3) tenderers to deliver a stage 1 project of \$700,000 with consideration to stage 2 allocation in the normal 2018/19 budget process.

**CONCLUSION**

32. On reviewing the submissions, the evaluation team assessed Wauters Enterprises as being the most suitable tenderer across the evaluation criteria in terms of cost, relevant experience, key personnel and experience, tenderer’s resources, demonstrated understanding and corporate social responsibility. It is recommended that Wauters Enterprises be awarded the Mercer Road office refurbishment contract.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government (Functions and General) Regulations 1995</i></li> <li>• Council Policy – Purchasing</li> <li>• Council Policy – Buy Local (Regional Price Preference)</li> </ul>
<b>File Number (Name of Ward)</b>	:	CP.DEC.33 (Yakamia Ward)
<b>Previous Reference</b>	:	Nil

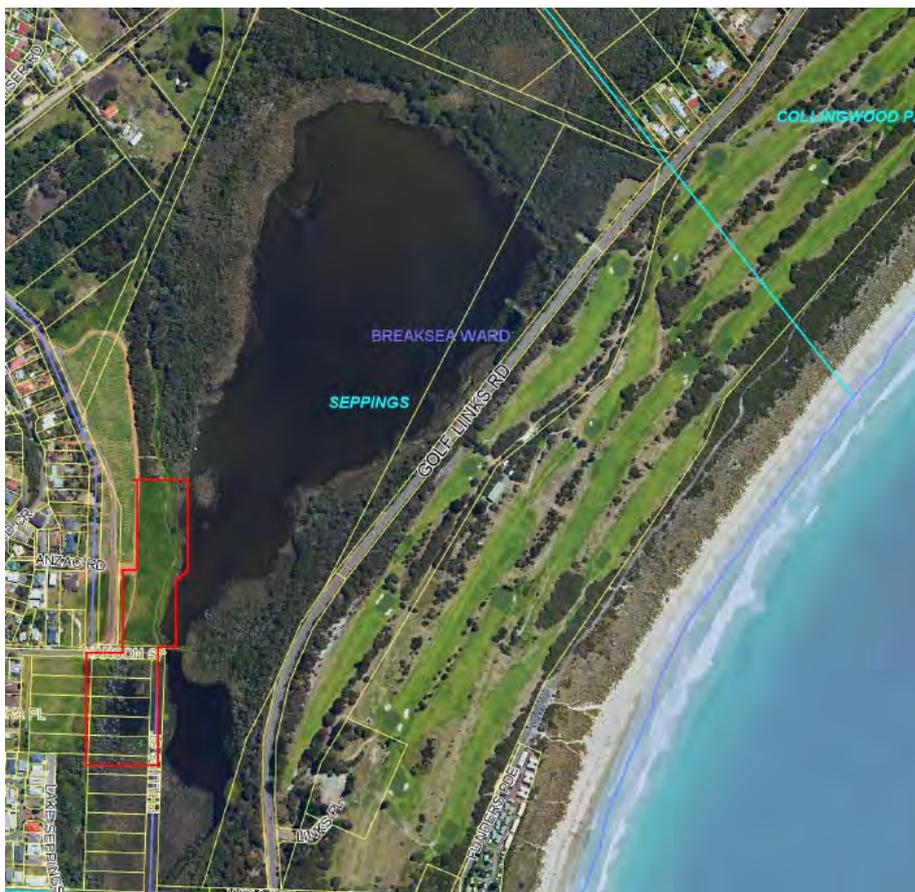
## DIS075: ALBANY BIODIVERSITY URBAN CORRIDORS PROJECT – LAKE SEPPINGS

<b>Land Description</b>	: Lake Seppings (R1299)
<b>Proponent / Owner</b>	: City of Albany
<b>Report Prepared By</b>	: Environmental Sustainability Officer (M Holt)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (M Thomson)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan.
  - **Theme: 3.** - Clean, Green & Sustainable.
  - **Objective: 3.1.** - To protect and enhance our natural and built environment in a changing climate
  - **Community Priority: 3.1.2.**- Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves

### Maps and Diagrams:



*Lake Seppings Revegetation sites*

### In Brief:

- Landcare Program - 20 Million Trees funding application was successful for the nominated amount of \$96,500.
- The Albany Urban Biodiversity Corridors Project at Lake Seppings is 3-year revegetation project to re-establish habitat for Ring Tail Possums.
- This project directly relates to the key objectives of the Urban Tree Strategy (2017) and the Natural Reserves Strategy & Action Plan (2017).

## RECOMMENDATION

### DIS123: RESPONSIBLE OFFICER RECOMMENDATION

**THAT Council ACCEPT the offer of funding for the National Landcare Program – 20 Million Trees Program Round Three 2016-17 of \$96,500 subject to approval of the City’s in-kind support at the mid-year budget review.**

## BACKGROUND

2. In 2017, the Urban Tree Strategy was adopted.
3. Key objectives of the strategy included recognising important biodiversity green links, encouraging biodiversity preservation of threatened fauna and flora, and connecting flora and fauna communities via green links.
4. The City was successful in obtaining grant funding through the National Landcare Program – 20 Million Trees Program Round 3 for the amount of \$96,500.
5. Lake Seppings was nominated as the project site under the funding agreement for revegetation of 1.7 hectares on the western side of the lake.

## DISCUSSION

6. The City of Albany applied for the Landcare Program – 20 Million Trees Program Round 3, 2016-17 funding for the amount of \$96,500.
7. The 20 Million Trees project objectives are to:
  - a) Establish 20 million trees and understory by 2020 to improve local environmental outcomes.
  - b) Support local environmental outcomes by improving the extent, connectivity and condition of native vegetation that supports native species (including threatened species and Threatened Ecological Communities).
  - c) Work cooperatively with the community; and
  - d) Reduce Australia’s greenhouse gas emissions.
8. The Albany Urban Corridor Project at Lake Seppings is a key objective of the City of Albany’s Urban Tree Strategy which aims to identify, re-create, conserve and enhance urban and peri-urban environments for greater flora and fauna connectivity.
9. Western Ringtail Possums (WRP) is a declared threatened species under the Environment Protection and Biodiversity Conservation Act 1999. The possums are a key focus of this project as it aims to enhance connectivity between the Mounds and Emu Point. The project will include research and documentation of WRP through various community activities.
10. The project is to be completed by 30 June 2020 which will establish at least 50,000 trees (species above 2 meters when mature) and 20,000 understory plants (species below 2 meters when mature) on 1.7 hectares of degraded land on the western-side of the lake.
11. Project activities will include weed treatment, site preparation, revegetation and site maintenance in accordance with the project plan.
12. Payment of the funds will be paid as per the milestone schedule noted within the funding agreement.

## GOVERNMENT & PUBLIC CONSULTATION

13. South Coast NRM, Albany Bushcarers Group and the Friends of Lake Seppings have been consulted and have committed to in-kind works during the life of the project
14. Indigenous participation requirements will be undertaken in conjunction with the City of Albany and South Coast NRM.

15. Community engagement for this project will included media releases as per the funding agreement specifications, and through a range of planting and busy bee days such as National Tree Day and National Schools Tree Day.

**STATUTORY IMPLICATIONS**

16. As per the conditions of the Australian Government, Department of the Environment and Energy funding agreement.

**POLICY IMPLICATIONS**

17. There are no policy implications.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial:</b> Non-compliance with funding agreement.	Possible	Major	High	To ensure that milestones are achieved as per the project plan.
<b>Organisational Operations:</b> Inconvenient delays in achieving deliverables.	Possible	Minor	Medium	Regular project meetings to ensure that project milestones are achieved.
<b>Opportunity:</b> Project is undertaken as per project plan so that the City will receive the total amount of funding and environmental benefits will be gained for the conservation of Western Ringtail Possums.				

**FINANCIAL IMPLICATIONS**

19. The funding amount for the life of the project is \$96,500 with the first payment of \$22,500 to be paid at acceptance of the draft project plan.
20. The City of Albany has committed \$22,500 as in-kind contribution for the life of the project including a 10-year maintenance period.
21. Budget line included in the February budget review.

**LEGAL IMPLICATIONS**

22. There are no legal implications.

**ENVIRONMENTAL CONSIDERATIONS**

23. All works undertaken will be completed in compliance with the Environmental Code of Conduct.

**ALTERNATE OPTIONS**

24. Council may consider alternative options relating to this project, such as:
- a) Decline the receipt of the funding.
  - b) Increase the scope of works for the project which would incur additional costs to the City and authorised changes to the current funding agreement.

**CONCLUSION**

25. The Albany Urban Corridor Project has been designed to adhere with the National Landcare Funding Agreement.
26. This project will achieve revegetation efforts and Lake Seppings to complement previous revegetation efforts and create green links for the WRP.
27. That Council note the successful funding application.

<b>Consulted References</b>	:	Carbon Footprint Reduction Strategy (2014) Urban Tree Strategy (2017) Natural Reserves Strategy (2017)
<b>File Number (Name of Ward)</b>	:	PR.PJM.1 and GS.APC.349 (All Wards)
<b>Previous Reference</b>	:	Nil

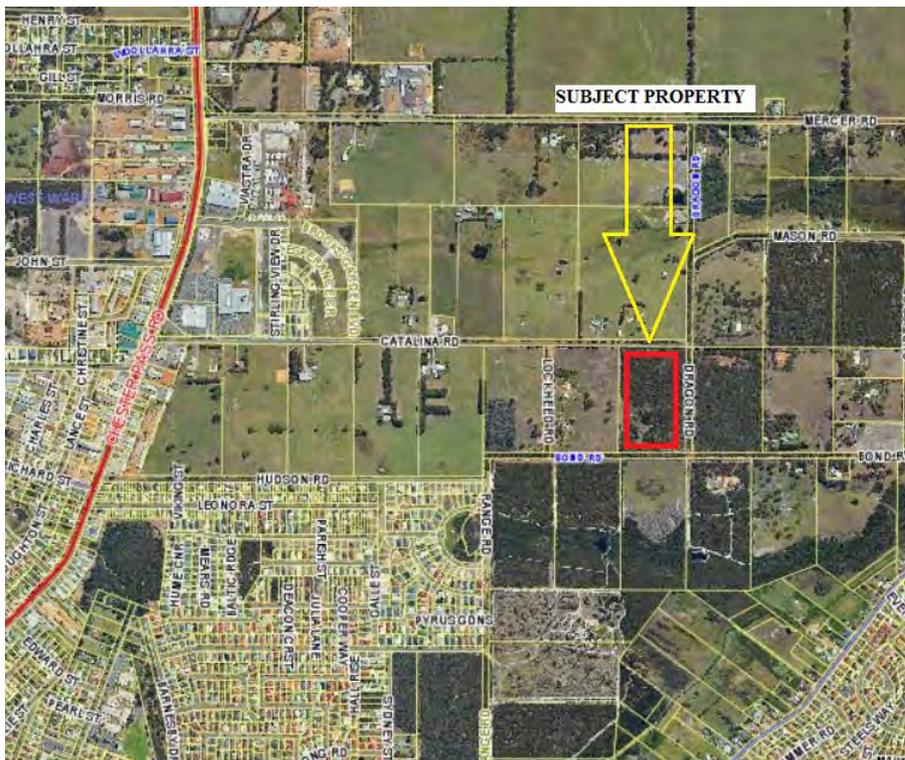
**DIS076: RECOMMEND ADOPTION OF AMENDMENT TO YAKAMIA/LANGE STRUCTURE PLAN**

<b>Land Description</b>	: Lot 1001 Catalina Road, Lange
<b>Proponent / Owner</b>	: Albany Free Reformed Church Education Association Inc
<b>Business Entity Name</b>	: Albany Free Reformed Church Education Association Inc
<b>Attachments</b>	: Report – Amendment to the Yakamia/Lange Structure Plan.
<b>Supplementary Information &amp; Councillor Workstation</b>	: Nil
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

**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*.
4. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Theme: 5** - A connected and safe built environment.
  - **Objective: 5.1** - To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priority: 5.1.2** - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to determine whether to recommend that the Western Australian Planning Commission support an application to amend the endorsed Yakamia/Lange Local Structure Plan.
- The structure plan amendment proposes to facilitate the landowner's long term intention to develop a private school on the southern portion of Lot 1001 Catalina Road.
- The Yakamia/Lange structure plan currently recommends a residential land use over the southern portion of Lot 1001 Catalina Road.
- The subject lot is currently zoned 'General Agriculture' in accordance with the City's *Local Planning Scheme No.1*. The proposed structure plan amendment is consistent with the City's *Local Planning Scheme No.1*, which supports an education establishment in areas identified for 'Residential' or 'General Agriculture'.
- A valid development approval for an 'Education Establishment' presides over the subject Lot 1001.
- City planning Staff support the structure plan amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy* and the statutory controls contained within *Local Planning Scheme No.1*.

**RECOMMENDATION**

**DIS076: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and Regulation 20. (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:**

- 1. Recommend that the Western Australian Planning Commission approve the 'minor' amendment to the Yakamia/Lange Local Structure Plan, which includes:**

**Modification 1 - include under section 3.2 the following subheading and text:**

***DEVELOPMENT OF LOT 1001 CATALINA ROAD***

***"In recognition of the land owner's long term intentions and previous development approval(s) granted by the City of Albany, development of an Education Establishment (private school) may be supported as an alternative land use to Lot 1001, subject to all relevant matters as set out in this structure plan being addressed. All school buildings to be located on the portion of the site identified for residential development. The portion of the site identified as private conservation to be limited to development and activities associated with research and management of bushland conservation."***

**Modification 2 – include reference on the Structure Plan to Modification 1**

**Include "*Refer clause 3.2*" under the existing text "*R25*" noted on the subject site in the Yakamia / Lange Structure Plan Map.**

- 2. Forward structure plan documentation to the Western Australian Planning Commission with a request that the Commission:**
  - a) Treat the amendment as 'minor'; and**

**b) Grant approval to the structure plan amendment.**

**3. Advise the applicant/owner of the Council decision accordingly.**

**BACKGROUND**

5. *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.
6. The Yakamia/Lange Structure Plan was endorsed by the Western Australian Planning Commission in June 2016. The structure plan identifies the southern portion of Lot 1001 Catalina Road as being suitable for residential subdivision. Lot 1001 is currently zoned 'General Agriculture'.
7. In August 2016, the City of Albany approved an 'Education Establishment' on the southern portion of Lot 1001 Catalina Road. If development of the education establishment is not substantially commenced within a period of two years, the approval will lapse and be of no further effect.
8. Substantial commencement of development is not expected by August 2018. Subsequently, the landholder has submitted an application to progress an amendment to the Yakamia/Lange Structure Plan to provide certainty to the owners for the establishment of an education facility on the site in the future.

**DISCUSSION**

9. The subject lot is 6.8265 in size and zoned 'General Agriculture' under *Local Planning Scheme No. 1*.
10. The amendment to the Yakamia/Lange Structure Plan seeks to introduce an additional clause within the Structure Plan noting that an education establishment (private school) may be supported as an alternative land use on the southern portion of Lot 1001 Catalina Road. The lot is currently designated for the purposes of residential within the structure plan.
11. The proposed amendment is justified as follows:
  - a) The subject land is currently zoned General Agriculture, with an Education Establishment being an "A" use under *Local Planning Scheme No. 1*;
  - b) The amendment applies to the southern portion of Lot 1001, which is currently designated for residential subdivision;
  - c) A current planning approval has been granted by the City of Albany for the development of an education establishment on the subject land;
  - d) The amendment will provide increased certainty to the landowner, public authorities, residents and the City of Albany for a private school to be developed on the subject site; and
  - e) The proposal will have minimal ability to generate land use conflicts, given the majority of adjoining land uses are identified for future urban purposes.
12. Council is requested to recommend that the Western Australian Planning Commission support the minor amendment to the Yakamia/Lange Local Structure Plan.

**GOVERNMENT & PUBLIC CONSULTATION**

13. The Western Australian Planning Commission provided preliminary comment on the proposed amendment to the structure plan and agreed that the proposal can be considered as a 'minor' amendment. The 'minor' classification means that the proposed amendment does not need to be advertised.

14. The *Planning and Development (Local Planning Schemes) Regulations 2015* states at schedule 2, part 4, cl.29(3):

*“Despite subclause (2), the local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.”*

### STATUTORY IMPLICATIONS

15. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
16. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
17. Voting requirement for this item is **SIMPLE MAJORITY**

### POLICY IMPLICATIONS

18. There are no policy implications pertaining to the proposed structure plan amendment.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Operations and Reputation.</b> The proposal may not be accepted by the Western Australian Planning Commission.</p>	<i>Possible</i>	<i>Minor</i>	Medium	If not supported by the WAPC, the structure plan amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.
<p><b>Opportunity:</b> <i>Change the City’s structure plan to clarify the opportunity for development of an ‘Education Establishment’.</i></p>				

### FINANCIAL IMPLICATIONS

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

### LEGAL IMPLICATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

22. There are no environmental implications pertaining to the proposed amendment. The Environmental Protection Authority previously advised that the vegetation on the northern half of the subject lot should be protected. The proposed structure plan amendment applies to the southern half of the subject lot and is therefore consistent with the Environmental Protection Authority advice.

**ALTERNATE OPTIONS**

23. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend that the Western Australian Planning Commission not approve the proposed amendment to the Yakamia/Lange structure plan; or
  - b) Recommend the Western Australian Planning Commission approve the proposed structure plan amendment subject to additional modifications.

**CONCLUSION**

24. The amendment to the Yakamia/Lange Local Structure Plan is proposing to facilitate and cater for landowner’s long term vision for the development of an Education Establishment (private school) at Lot 1001.
25. The proposed amendment is consistent with the current strategic direction set within the *Albany Local Planning Strategy (2010)* and the statutory controls contained within *Local Planning Scheme No.1*.
26. Council is requested to recommend that the Western Australian Planning Commission approve the structure plan amendment.

<b>Consulted References</b>	:	1. <i>Local Planning Strategy (2010)</i> . 2. <i>Local Planning Scheme No.1</i> . 3. <i>City of Albany Strategic Community Plan 2023</i> .
<b>File Number (Name of Ward)</b>	:	LP.PLA.1 (Yakamia)
<b>Previous Reference</b>	:	Nil

## DIS077: MIDDLETON BEACH ACTIVITY CENTRE- CONSIDERATION OF DESIGN GUIDELINES

<b>Land Description</b>	: Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton beach
<b>Proponent / Owner</b>	: Western Australian Land Authority.
<b>Business Entity Name</b>	: LandCorp
<b>Attachments</b>	: <i>CONFIDENTIAL - Draft Design Guidelines – To be published post LandCorp Presentation.</i>
<b>Report Prepared By</b>	: Manager Planning and Land information Services (Jan v.d. Mescht)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. When exercising discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
2. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy (2010)*. The Albany Local Planning Strategy seeks to encourage the development of tourism uses that integrate with the City's unique natural landscape.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Theme: 5** - A connected and safe built environment.
  - **Objective: 5.1** - To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priority: 5.1.2** - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

### Maps and Diagrams: Subject Site – Middleton Beach Activity Centre SU25



**In Brief:**

- The draft Middleton Beach Activity Centre Design Guidelines (the Design Guidelines) have been prepared by LandCorp for initial endorsement by the City of Albany for the purpose of advertising.
- The Design Guidelines have been prepared to guide development and built form within the Middleton Beach Activity Centre (MBAC).
- The Design Guidelines apply to all residential and mixed-use development within the Middleton Beach Activity Centre.
- The purpose of the Design Guidelines is to ensure the delivery of high quality design outcomes that respond to the landform and enhance the overall character of the area.
- The Design Guidelines are required by *Local Planning Scheme No.1* to be adopted by the City of Albany prior to development of any buildings on the site.
- The MBAC Structure Plan approved by the WAPC in January 2017 further expands and reiterates the requirement and role of the Design Guidelines.
- It is considered that the Design Guidelines should be adopted as a Local Planning Policy in order to be a proper planning instrument and have a statutory affect.
- Should Council endorse the guidelines for advertising, public consultation will occur in accordance with the deemed provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**RECOMMENDATION**

**DIS077: RESPONSIBLE OFFICER RECOMMENDATION 1**

**THAT the Committee NOTE the Responsible Officer Report and Recommendation 2 that will be presented for Council consideration at the Ordinary Meeting of Council to be held on Tuesday 27 February 2018.**

**DIS077: RESPONSIBLE OFFICER RECOMMENDATION 2**

- (1) THAT Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare the Middleton Beach Activity Centre Design Guidelines *Policy* (as set out as an attachment to this item),
- (2) APPROVES giving notice through the placement of a notice of the proposed policy in a newspaper circulating in the Scheme area, in order to seek public comment.

## BACKGROUND

4. The Middleton Beach Activity Centre Amendment to LPS 1 was gazetted on 24 January, 2017.
5. The Middleton Beach Activity Centre Design Guidelines (the Design Guidelines) have been prepared by Hames Sharley on behalf of LandCorp.
6. The LPS1, via “Special Use area 25” now includes a number of relevant provisions, of which the following is the most pertinent to the design guidelines (emphasis added);

*“3. Development will be compliant with **design guidelines** that have been **prepared, referred to the State Design Review Panel for its advice and recommendations, and adopted by the City of Albany prior to development of the site.**”*

### “Development Requirements

*8. Before commencing or carrying out any development on land within the Special Use zone, the developer must:*

- *demonstrate that the proposal aligns with the principles of any relevant State Planning Policy for design of the built environment;*
  - *comply with the requirements of the **design guidelines** referred to in Condition (3) above; and*
  - *Incorporate the recommendations of an appointed design review panel, where available.”*
- The MBAC Structure Plan approved by the WAPC in January 2017 includes the following sections that are relevant to the Design Guidelines ;

### *“4.2. DEVELOPMENT CONTROLS*

*Design guidelines guide the detailed design of proposed Development.*

*Development controls outlined in this Structure Plan will provide the foundation for detailed design guidelines for MBAC.*

*More specific site and building design consideration will be provided through the MBAC Design Guidelines”*

### *“5.2. DEVELOPMENT PRINCIPLES*

*...More specific site and building design consideration will be provided through the MBAC Design Guidelines and any relevant State policy and WAPC guidelines for design of the built environment.”*

7. Draft *State Planning Policy No. 7: Design of the Built Environment* (SPP 7) has been drafted to address the design quality of the built environment within Western Australia.
8. SPP7 includes Design Principles that provide a consistent framework to guide the design, review and decision making process for planning proposals. These design principles were also referred to in the MBAC structure plan.
9. The Design Guidelines are now ready to proceed through the process of adoption as a Local Planning Policy, with the next stage of the process being community consultation.

## DISCUSSION

10. The Design Guidelines have been prepared in consultation with Office of the Government Architect (in lieu of a State Design Review Panel that is yet to be set up) and are generally in accordance with the Draft (October 2016) *WA Apartment Design Guide: Volume 2 State Planning Policy 7.3 Residential Design Codes (SPP 7.3)*.
11. The principles of SPP 7.3 provides the foundation for the objectives and controls contained within the MBAC guidelines.
12. The core principles derived from SPP 7.3 include the following elements:
  - i. Context and character;
  - ii. Landscape quality;
  - iii. Built form and scale;
  - iv. Functionality and build quality;
  - v. Sustainability;
  - vi. Amenity;
  - vii. Legibility;
  - viii. Safety;
  - ix. Community; and
  - x. Aesthetics
13. The Design Guidelines are designed to provide a flexible and innovative approach to the delivery of high quality developments that meet the MBAC objectives.
14. The guidelines also advocate for early engagement with the City of Albany and set out requirements for development proposals.
15. The Design Guidelines are structured as follows:

Part 1

  - i. Introduction, including the project vision and objective;
  - ii. Structure and purpose of the design guidelines;
  - iii. Development assessment and approval process in conjunction with background information related to the site and surrounding context;

Part 2- 4 of the Design Guidelines provides more detailed information regarding the desired development outcomes including the neighbourhood character and design intent under the headings of;

  - iv. Part 2 –‘Primary Controls’,
  - v. Part 3 –‘Siting the Development’ and
  - vi. Part 4 – ‘Designing the Building’.
16. Each chapter of the Design Guidelines sets out provisions in the following manner to assist proponents in preparing their development applications:
  - i. Objectives;

The Objectives outline the overall design intent or philosophy underpinning the best practice criteria and explain the desired outcome achieved by them.
  - ii. Development controls

The Development Controls are mandatory criteria which must be met in all development proposals. They will collectively ensure that the Objectives are achieved.

Applicants may provide alternative design solutions if it can be demonstrated to the satisfaction of the relevant decision-maker that the Objectives are clearly met or exceeded.

For further design guidance, applicants are referred back to the Apartment Design Policy SPP 7.3

17. The Design Guidelines also includes an appendices section which includes the information requirements for development applications.
18. A development application checklist is also provided to assist with the preparation and assessment of any development application.
19. The Middleton Beach Working Group comprising of LandCorp, DPLH, CoA Officers, and GSDC have also reviewed and provided input into the draft document.
20. It is considered that the guidelines adequately addresses all the relevant matters required by LPS1, the MBAC structure plan and SPP7.3.
21. The Design Guidelines are now able to progress to the stage of community consultation. Therefore, it is recommended Council endorse the guidelines to be formally released for public comment.

### **GOVERNMENT & PUBLIC CONSULTATION**

22. The Middleton Beach Working Group, comprising of LandCorp, DPLH, City of Albany, and GSDC have reviewed and provided input into the draft document.
23. The Office of the Government Architect (in lieu of the yet to be established State design panel) has also reviewed and provided comment on the guidelines.
24. Should Council endorse the guidelines for advertising, the subsequent public consultation will occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **STATUTORY IMPLICATIONS**

25. The Western Australian Planning Commission's draft *State Planning Policy No. 7: Design of the Built Environment* has been drafted to address the design quality of the built environment within Western Australia.
26. The LPS1, under "Special Use Area 25" and the MBAC Structure Plan both include provisions requiring the preparation of the design guidelines, and all subsequent development to be in compliance with the design guidelines.
27. In order to be classified as a proper planning instrument, the design guidelines should be adopted as a Local Planning Policy. On this basis, the guidelines are required to be processed in accordance with procedure detailed in part 2 clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
28. Voting requirement for this item is **SIMPLE MAJORITY**.

### **POLICY IMPLICATIONS**

29. Nil

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Reputation</b></p> <p><i>Risk: There is a risk that the Guidelines will not adequately deal with all the required matters to ensure the desired outcome for the MBAC area. This may then reflect negatively on the City.</i></p>	Likely	Moderate	High	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be requested and provided prior to final adoption.
<p><i>Opportunity: widely consulting on the content will add further value to the expert and professional advice and knowledge that has already been harnessed in the preparation of the Design Guidelines.</i></p>				

**FINANCIAL IMPLICATIONS**

31. There are no financial implications beyond what has already been budgeted for advertising.

**LEGAL IMPLICATIONS**

32. There are no legal implications relating to resolving to advertise a draft policy

**ENVIRONMENTAL CONSIDERATIONS**

33. There are no environmental implications relating to resolving to advertise a draft policy

**ALTERNATE OPTIONS**

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

- a) To adopt the guidelines subject to modifications; and
- b) Refuse to adopt the guidelines for advertising.

**CONCLUSION**

35. The design guidelines have been prepared in accordance with the requirements of LPS1 and the MBAC structure plan.

36. A considerable amount of expert advice and knowledge has been input into the preparation of the Design Guidelines.

37. The guidelines adequately addresses all the relevant matters required by LPS1, the MBAC structure plan and SPP7.3.

38. It is considered the guidelines have reached a stage whereby preparatory stakeholders are satisfied that the document is ready for community consultation.

39. Council is therefore requested to “resolve to prepare” the Middleton Beach Activity Centre Design Guidelines Policy and to support the advertising thereof.

<b>Consulted References</b>	:	<i>Draft State Planning Policy No. 7 Planning and Development (Local Planning Schemes) Regulations 2015. Local Planning Scheme Number 1</i>
<b>File Number (Name of Ward)</b>	:	Fredericktown
<b>Previous Reference</b>	:	Nil

## DIS078: ADOPTION OF WASTE LOCAL LAW 2017

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Proposed Waste Local Law 2017 (including letter of consent and public submissions)
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (M Thomson)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 1. Leadership & 3. Clean, Green & Sustainable**
  - **Objectives:**
    - **1.1** To establish and maintain sound business and governance structures.
    - **3.3** To identify and deliver improvements in sustainability within the City and wider community.
  - **Community Priorities:**
    - **1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
    - **3.3.2** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

### In Brief:

- Council is requested to resolve to adopt the *City of Albany Waste Local Law 2017* that is not significantly different from what was proposed.
- The proposed local law developed under the WARR Act 2007 provides a framework for the City to manage its waste collection and disposal services to benefit community health and the environment.
- Council is also requested to make a determination under the proposed local law to allow the kerbside scavenging.

### RECOMMENDATION

#### DIS078: RESPONSIBLE OFFICER RECOMMENDATION 1

#### THAT:

#### (1) Council:

- (a) **ENDORSES** the Department of Local Government, Sport and Cultural Industries suggested amendments;
- (b) **RECEIVE** the public submission, staff recommendations and **ENDORSES** those recommendations; and
- (c) **NOTE** the purpose and effect of the City of Albany Waste Local Law 2017, being:
  - **Purpose:** The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the City of Albany.
  - **Effect:** The effect of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district of the City of Albany.

- (2) Council in accordance with section 3.12 of the *Local Government Act 1995* **AGREES** to **ADOPT** the City of Albany Waste Local Law 2017 (as detailed in the attachments) that is not significantly different from what was proposed.

**DIS078: RESPONSIBLE OFFICER RECOMMENDATION 2**

**THAT Council ADOPT the following determination in accordance the *City of Albany Waste Local Law 2017*:**

**DETERMINATION: VERGE COLLECTION FOR COMMERCIAL PURPOSE**

**Clause 2.10 (2) of the *City of Albany Waste Local Law 2017* is suspended to allow for the lawful collection of waste deposited on the verge for commercial purposes.**

***The removal of the waste must be conducted in accordance with clause 2.10(3), which states in part:***

***“a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.”.***

**This determination will come into effect 14 days after the day on which the *City of Albany Waste Local Law 2017* is published in the *Government Gazette*.**

**BACKGROUND**

2. At the Ordinary Council meeting held on 15 March 2017, Council resolved to make the City of Albany Waste Local Law 2017. Extract of resolution:

1. *NOTE that the Local Law procedures must be restarted to ensure legal validity and compliance with the prescribed process.*
2. *APPROVES the recommended amendments to the proposed Local Law for the purpose of advertising.*
3. *AGREES to restart the procedure for making the Local Law.*
4. *In accordance with section 3.12 of the Local Government Act 1995, agrees to GIVE PUBLIC NOTICE of its intention to MAKE the City of Albany Waste Local Law 2017.*

5. Consent had to be given by the Department of Water and Environmental Regulation prior to presentation for Council to consider adopting the local law.

**DISCUSSION**

6. The preparation of this local law was based on comparable local laws that have passed the scrutiny of the Joint Standing Committee on Delegated Legislation (JSCDL).
7. Administrative changes and feedback from the community have been consolidated for Council's consideration, as is detailed in the Schedule of Submission (attached).
8. All submissions referenced the following clause:

***“ Clause 2.10: Verge collections***

*(1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—*

- (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and*
- (b) must otherwise comply with those terms and conditions.*

*(2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.*

(3) *Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.*

(4) *Clause 2.10 (2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.*

9. It is not the intent of this clause to apply to residents who are seeking to re-use, recycle or upcycle items placed for collection on the roadside.
10. This section of the proposed local law would be applied to commercial operators who would seek to profit by collecting for example, scrap metal, from the roadside during the period before collection by the City's authorised service provider, noting funds received for scrap metal are used to offset removal costs.
11. In accordance with the Council's Regulatory Compliance Policy:
  - a. Enforcement:
    - (i) Enforcement options may only be exercised by officers with relevant delegated authority or authorisation relating to enforcement action or otherwise by Council resolution.
    - (ii) The City of Albany may, where appropriate, favour education over other enforcement options but only where this is in the public interest and appears likely to achieve compliance.
  - b. Public Interest:
    - (i) The public interest dictates that prosecutions are initiated, or continued, only in circumstances where it is apparent that the offence, or the circumstances of its commission, are of such a nature that a prosecution is in the public interest.
    - (ii) The factors to be taken into account when deciding whether or not the public interest requires prosecution will vary from case to case.

## GOVERNMENT & PUBLIC CONSULTATION

12. Council and Public: See Public submissions attached. .
13. State Government. See Recommendations attached.

Note: On 22 November 2017, the Department of Water and Environmental Regulation confirmed consent to the *City of Albany Waste Local Law 2017*.

## STATUTORY IMPLICATIONS

### **Making Local Law Process:**

14. In making a local law, a local government is to follow the procedure described in section 3.12 of the *Local Government Act 1995*.
15. After the last day for submissions the local government is to consider any submissions made and make the local as proposed or make a local law that is not significantly different from what was proposed.
16. Resolution of Council to make the local law must be carried by **Absolute Majority**.
17. After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister for Local Government and a copy to the Minister for the Department of Water and Environmental Regulation.

18. After the local law has been published in the Gazette the local government is to give local public notice.
19. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed local law.

**Determination Process:**

20. The determination process is defined in the subject local law:

**“Clause 1.6. Local public notice of determinations:** *Where, under this local law, the local government has a power to determine a matter –*

- (a) *local public notice, under section 1.7 of the LG Act, must be given of the matter determined;*
- (b) *the determination becomes effective only after local public notice has been given;*
- (c) *the determination remains in force for the period of one year after the date that local public notice has been given under paragraph (a);*
- (d) *after the period referred to in paragraph (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and*
- (e) *the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.”*

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. If the need for the proposed local law is not articulated and justified, negative community feedback may result.</i>	<i>Possible</i>	<i>Major</i>	<i>Medium</i>	<i>Communicate and justify rationale.</i>

**FINANCIAL IMPLICATIONS**

23. An appropriate budget line exists for the cost of giving public notice and advertising.

**LEGAL IMPLICATIONS**

24. Section 3.12 of the Act prescribes the procedures for making Local Laws.
25. Whilst the Act does expressly prescribe a time frame in which the procedural requirements for making Local Laws are to be completed, the procedures should be undertaken with “all convenient speed’ in line with the *Interpretations Act 1984*.

## ENVIRONMENTAL CONSIDERATIONS

26. Provisions have been transferred from the *Health Act 1911*, concerning health and environmental issues related to the waste management services provided by Local Government, to the WARR Act 2007.
27. The proposed local law developed under the WARR Act 2007 provides a framework for the City to manage its waste collection and disposal services to benefit community health and the environment.

## OPTIONS

28. Amendments can only be made to the local law that is not significantly different from what was proposed (minor administrative amendments).
29. If the Council choose to:
  - a. Make significant amendments, the local law process must be restarted.
  - b. Minor amendments (changes to a clause or sub-clause) the local law will have to be referred to the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER) for consent and re-presented to Council for adoption.
  - c. Minor amendments (no change to clause or sub-clause), can be adopted by Council.

## CONCLUSION

30. It is recommended that Council ADOPT the *City of Albany Waste Local Law 2017* without modification.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions &amp; General) Regulations 1996</i></li> <li>• <i>Waste Avoidance and Resource Recovery Act 2007</i></li> <li>• <i>City of Albany Health Local Laws 2001</i></li> <li>• <i>Local Government Operational Guidelines – Number 16 November 2011</i></li> <li>• <a href="http://www.wastenet.net.au/Assets/Template_Waste_LL_-_December_2014.docx">http://www.wastenet.net.au/Assets/Template_Waste_LL_-_December_2014.docx</a></li> <li>• <a href="http://www.wastenet.net.au/Assets/Template_Waste_Local_Law_Guidance_Note.pdf">http://www.wastenet.net.au/Assets/Template_Waste_Local_Law_Guidance_Note.pdf</a></li> <li>• <a href="#">Report 77 – Joint Standing Committee on Delegated Legislation – Inquiry into a Proposed Template Waste Local Law – November 2014</a></li> <li>• <a href="#">Council Policy: Regulatory Compliance</a></li> </ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• OCM 28/07/2015 Resolution WS080</li> <li>• OCM 28/03/2017 Resolution DIS014</li> </ul>

**DIS079: APPROVAL OF LOCAL DEVELOPMENT PLAN NO. 5, LOT 500 and  
LOT 501 (117 – 121) , SERPENTINE ROAD, ALBANY**

<b>Land Description</b>	: Lot 500 And Lot 501 Serpentine Road, Albany
<b>Proponent</b>	: Edge Planning
<b>Owner</b>	: Crown (Vested with Minister for Education)
<b>Business Entity Name</b>	: Nil
<b>Attachments</b>	: 1. Site plan 2. Local Development Plan No. 5
<b>Supplementary Information &amp; Councillor Workstation</b>	: Submissions Received
<b>Report Prepared by</b>	: Coordinator Planning Services (Alex Bott)
<b>Responsible Officer</b>	: Executive Director Development Services (P Camins)

**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 direction set in the *Albany Local Planning Strategy*.

**Maps and Diagrams:**



**In Brief:**

- The City of Albany has received a Local Development Plan to facilitate the future development of the site for the purposes of student housing.
- The proposal has been referred to surrounding and owners and the Heritage Council for comment.
- Once adopted, the plan will allow for a development application for student housing to be lodged for consideration.
- Council is requested to approve the Local Development Plan, subject to one modification.

**RECOMMENDATION**

**DIS079: RESOLUTION**

**THAT Council resolves to APPROVE Local Development Plan No.5 subject to the following modification;**

**Adding condition:**

**“A Heritage Interpretation Plan is required as a condition of development approval”.**

**BACKGROUND**

4. The City of Albany has received an application for a Local Development Plan to facilitate the development of Lot 500 and Lot 501 Serpentine Road, Albany for the purposes of student housing.
5. The subject lot is located within the Albany town centre and located on the corner of Serpentine Road and Collie Street.
6. The site has been utilised previously by the Department of Education. In mid-2016, the State Government announced funds for the construction of student housing on the site.
7. Given the current zoning and heritage considerations of the properties, a Local Development Plan is required to set appropriate development controls over the site.
8. The land to the south and east of the subject lot is zoned ‘Regional centre, while the land to the west is designated as a ‘Regional centre mixed use’. North of the subject site is zoned “Regional centre mixed use” and Regional centre.
9. Adoption of a Local Development Plan over the site will allow a development application to be prepared and lodged over the property.

**DISCUSSION**

10. The City planning Staff support the Local Development Plan as it is consistent with the current strategic direction set in the *Albany Local Planning Strategy* and the relevant provisions of *Local Planning Scheme No. 1*.
11. While the site has a zoning and density to allow a higher density development, *Local Planning Scheme No.1* requires a Local Development Plan to be prepared prior to consideration of a development application.

12. The subject site has a heritage listing and is also on the interim register for inclusion on the State Register of heritage Places. Given the heritage considerations of the site, the proposal was referred to the State Heritage Office for comment.
13. Subsequently, the development committee of the Heritage Council advised that they had considered the local development plan. Comments were provided that the plan could be approved subject to the preparation of an interpretation plan being added as a condition to the proposed Local Development Plan.
14. The key elements of the Local Development Plan are to provide guidance on the following matters when considering a subsequent development application;
  - Reiterating heritage importance;
  - Maintaining view corridors;
  - Establishing heights;
  - Landscaping requirements;
  - Setbacks;
  - Vehicular access;
  - Parking options; and
  - Servicing requirements (sewer, stormwater, rubbish).
15. In respect to car parking, the Local Development Plan proposes that generally all non-visitor parking is to be located on the subject site or through upgraded on street car parking.
16. The plan also makes provisions for a potential 10% reduction in car parking through either contributions or reciprocal arrangements being in place.
17. Future development of the site will require the lodgement of a development application. The development application would be assessed against the City of Albany Planning framework and the adopted Local Development Plan for the site.

#### **GOVERNMENT & PUBLIC CONSULTATION**

18. The proposal was advertised directly to adjoining landowners for comment.
19. Comments were received in respect to the potential bulk and scale of the future building.
20. One submission advises support of the development and requests the possibility of Collie Street becoming one way from Serpentine Road to Grey Street West. It is considered that at this stage the road network would remain unchanged.
21. The proposal was referred to the Heritage Council for comment on the basis of the site currently being under consideration for inclusion on the State Register of Heritage Places.
22. A second submission raised concerns in respect to the Collie Street frontage of the development and the potential negative effects of bulking and lack of fenestration on the streetscape.
23. In respect to the above, the plans sent out for public comment were essentially massing drawings, with the purpose of providing a general indication of a future development size and scale. Subsequent to the Local Development Plan process, a development application will be required to be lodged. The development application will provide far more detailed elevations and details of treatments and finishes. At this stage concerns in respect to the elevations can be addressed in far more detail.

24. The proposal was referred to the Heritage Council for comment on the basis of the site currently being under consideration for inclusion on the State Register of Heritage Places.
25. The development committee of the Heritage Council advises that the proposal can be supported and recommend an interpretation plan be prepared for the site.
26. It is recommended the requirement for the preparation of an interpretation plan be applied as a condition on the Local Development Plan and applied to any subsequent development application.
27. It is noted that the comments provided are informal, and are not made under the authority of the *Heritage of Western Australia Act*.

### STATUTORY IMPLICATIONS

28. Local Development Plans undergo a statutory process in accordance with Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
29. Clause 52 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to approve the Local Development Plan with or without conditions.
30. The approval of a Local Development Plan has effect for a period of 10 years commencing on the day on which the local government approves the plan
31. Voting requirement for this item is **SIMPLE MAJORITY**

### POLICY IMPLICATIONS

32. The proposed Local Development Plan is generally in accordance with the City of Albany *Town Centre Policy Area* local planning policy. The subject policy sets out a number of built form provisions and considerations for development within the central area.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b> Noting that Local Development Plans are no longer binding, the plan may not be given due regard by developers during the development application process.</p>	Possible	Minor	Medium	The Local Development Plan is based on sound planning principles. Any further variation or request to deviate from the plan would be assessed against its intent and the full statutory framework pertaining to the site
<p><b>Community, Organisational Operations and Reputation</b> The proposal may attract objections</p>	Possible	Minor	Medium	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be

from members of the public or other public authorities.				requested from the proponent as part of the amendment process.
<b>Opportunity:</b> <i>Potential to further City of Albany educational resources and capabilities.</i>				

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

36. There are no environmental implications pertaining to this item.

**ALTERNATE OPTIONS**

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

- To resolve to approve the local development plan subject to further conditions; or
- Not to approve the local development plan.

**SUMMARY CONCLUSION**

38. The City has been asked to consider the local development plan over the subject site to facilitate the development of a student housing facility.
39. The proposal was advertised for public comment, with a total of two submissions received.
40. It is recommended a condition be added to the Local Development Plan for any subsequent development approval to require an interpretation plan as a condition of development approval.
41. Future development of the site will require the lodgement of a development application. The development application would be assessed against the City of Albany Planning framework and the adopted local development plan for the site.
42. It is recommended that Council approve Local Development Plan No.5 subject to the proposed modification.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 5. <i>AS3959 – Construction of Buildings in Bushfire Prone Areas.</i>
<b>File Number (Name of Ward)</b>	:	LDP5 (Frederickstown)
<b>Previous Reference</b>	:	Nil

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 13. CLOSURE**